



# Minnesota Judicial Branch Policy and Procedures

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## Bail Bond Procedures

The Bail Bond Procedures implement [Judicial Council Policy 504](#): Bail Bonds, authorizing the State Court Administrator to establish procedures for the approval or denial of applications, and the suspension, revocation and renewal of bonding privileges statewide.

**I. Applicability.** These procedures apply to the State Court Administrator’s Office (SCAO), district and county court administration and applicants, agents, bonding agencies and sureties. The procedures affect court and jail operations by authorizing agents, bonding agencies and sureties to write appearance bonds in Minnesota’s courts.

### II. Definitions

- A. Appeal: As used in the context of these procedures, appeal is defined as “a formal request to a higher authority requesting a change in or confirmation of a decision”. It is not intended to confer the application of court rules or other legal authority and precedence.
- B. Appointment: Authorization of agent by surety company in licensing system to issue bonds on behalf of surety.
- C. Approval: SCAO authorization of an agent, agency, or surety to issue bonds in Minnesota District Courts.
- D. Licensing System: Online application used by the Minnesota Department of Commerce to provide verification of licensure and surety appointment.
- E. QPOA: Qualified Power of Attorney
- F. Statewide List of Approved Bail Bond Agents (Approved List): The list maintained by SCAO containing the name, bonding agency and surety affiliation, status and approval/expiration date for bail bond agents.
- G. Surety Affiliation: Surety company for which an agent or agency is approved to issue bonds.

### **III. Qualifications**

Agents, bonding agencies, and sureties are required to have an active license with the Minnesota Department of Commerce and ensure they have valid mailing and email addresses on file with SCAO in order to issue bail bonds in Minnesota District Courts. Agents bonding agencies, and sureties must meet the following additional qualifications:

#### **A. Agent Qualifications:**

1. Valid contact information on file with SCAO (name, address, phone, and email).
2. Active license with the Minnesota Department of Commerce.
3. A valid agency or surety affiliation.
4. At least one valid Qualifying Power of Attorney from an appointing surety . and
5. At least one corresponding surety appointment(s) in Sircon.

#### **B. Bonding Agency Qualifications**

1. Valid contact information on file with SCAO (authorized contact name, address, phone, and email).
2. Active license with the Minnesota Department of Commerce.
3. One active surety relationship.
4. Valid Qualifying Power(s) of Attorney form affiliated surety companies.
5. Valid registration with the Minnesota Secretary of State's Office.

#### **C. Surety Qualifications**

1. Valid contact information on file with SCAO (authorized contact name, address, phone, and email).
2. Registered with the Minnesota Secretary of State's Office to do business in the State of Minnesota.

### **IV. Duties, Roles, and Responsibilities**

The business activities permitted under SCAO approval for bail bond agents, agencies, and sureties are listed below.

#### **A. Activities.**

1. Agent. Under SCAO approval, bail bond agents are permitted to engage in the business of procuring bail bonds as follows:
  - a. Solicit, negotiate, and sell bail bonds as defined in Minn. Stat. §60K.31, subd. 12,14,15, subject to these Procedures and the terms of the 2016 Commerce Consent Order.
  - b. Sign and submit CRM 702 Forms and bond instruments for district court cases.
2. Authorized contact. Bail Bond Agency. Under SCAO approval, bail bond agencies are permitted to engage in bail bond business with Minnesota District Courts as follows:
  - a. Authorize bail bond agents to conduct business on their behalf in MN District Courts. Oversee agency and agent application process by ensuring all application information is accurate and all application materials are submitted to SCAO.
  - b. Promptly respond to court notices regarding bond payments, forfeitures, and deadlines.

3. Surety Company. Under SCAO approval, surety companies are permitted to:
  - a. Insure bail bonds in Minnesota District Courts.
  - b. Maintain current contact information.
  - c. Appoint bail bond agents to conduct business on their behalf.
  - d. Promptly respond to court notices regarding bond payments, forfeitures, and deadlines.

#### B. Responsibilities.

1. Agent. A bonding agent is responsible for their professional conduct.
  - a. It is expected that agents conduct themselves according to the Individual Standards of Conduct at all times.
  - b. Is responsible for forfeited bonds.
2. Bonding Agency. A bonding agency is responsible for the professional conduct of their agents and agency operations.
  - a. It is expected that agencies understand and advise their agents on professional conduct as a bail bond agent.
  - b. It is expected that bonding agencies are compliant with the Agency & Surety Standards of Conduct at all times.
  - c. Is responsible for forfeited bonds.
  - d. It is expected that agencies proactively manage forfeiture process by tracking bond payment deadlines set by the court and responding to forfeiture and pre-suspension notices through timely filing of payment, motions, or petitions.
3. Surety Company. Surety companies are responsible for the professional conduct of their agents and agencies.
  - a. It is expected that sureties understand and advise their agencies and agents on professional conduct, so surety agents are better able to comply with the Individual Standards of Conduct (including reporting of criminal charges and convictions.)
  - b. It is expected that surety companies are compliant with the Agency & Surety Standards of Conduct at all times.
  - c. Is responsible for forfeited bonds.
  - d. It is expected surety companies proactively manage the forfeiture process by monitoring the operations of agencies and tracking bond payment deadlines set by the court and responding to forfeiture and pre-suspension notices through prompt and timely filing of payments, motions, and petitions.

#### V. Applications

The procedures in this section apply to:

- Initial and renewal bail bond agent applications,
- Initial and renewal agency and surety applications,
- Change of status applications, and
- Requests to update contact information.

#### A. Bail Bond Agents.

Individuals who seek approval from the Judicial Branch to issue appearance bonds within the State of Minnesota, and approved agents who are renewing their approval or changing bonding companies, ~~or~~ sureties, or contact information, must complete and submit the

appropriate application or change of information request to SCAO. All application forms and requests are approved by the State Court Administrator's Office.

1. Initial Application Requirements.

First time applicants or whose approval status has expired or been inactive for more than 6 months must submit the following documentation:

- a. Completed New Bonding Agent Application;
- b. Qualifying Power of Attorney (QPOA) from all appointing sureties;
- c. Complete Bureau of Criminal Apprehension (BCA) background check;
- d. Copy of the individual's driver's license or ID from state of residence; and
- e. Current passport quality photograph.

2. Initial Application Process. Upon receipt SCAO staff shall review an application and MNCIS court records, and determine whether the application should be approved or denied based on the Standards for Denying Application (*See* Section V.A.4.a.(4)(a-c).

a. Approval. SCAO staff shall approve an application that does not require denial under the Standards for Denying Application. An approved applicant shall be added to the Approved List. SCAO staff shall notify the applicant of the decision by first class mail, or email communication, and the communication shall include notice of the following:

- 1) That the approval is subject to renewal, suspension and revocation;
- 2) The grounds for removal from the Approved List; and
- 3) The date the agent is due to renew her or his approval.

b. Conditional Approval. SCAO staff may conditionally approve an application that does not require denial under the Standards for Denying Application if the applicant has:

- 1) a pattern of repeated criminal convictions;
- 2) failed to disclose criminal convictions on their application;
- 3) a conditional license issued by the Department of Commerce; or
- 4) reapplied with SCAO permission following a denied application.

c. Denial. SCAO staff shall deny an application that meets one or more of the Standards for Denying Application. SCAO staff shall notify the applicant of the denial decision by certified mail and the letter shall include the following:

- 1) The grounds for denial; and
- 2) The procedure for requesting review by the State Court Administrator as provided in Section IX.

d. Denial on Criminal History Basis. When an application is denied due to a current felony, gross misdemeanor, or misdemeanor criminal charge or a conviction, the denial letter must also include:

- 1) The statement that evidence of rehabilitation will be considered upon request for review; and
- 2) The statutory definition of evidence of rehabilitation.

3. Standards for Deferring Application.

a. An application may be deferred if:

- 1) the applicant, his or her affiliated agency or surety company has any past due forfeited bonds in any county, state or federal court in Minnesota;
  - 2) the applicant's affiliated bonding agency or surety is currently suspended for failure to pay on a forfeited bond in Minnesota or violation(s) of the Standards of Conduct;
  - 3) the applicant has any pending felony, gross misdemeanor, or misdemeanor criminal charges set forth in Section V.A.4.a.(4)(a-c);
  - 4) the applicant is not currently authorized by the Minnesota Department of Commerce to provide bail bonds; or
  - 5) the applicant has an outstanding warrant(s).
- b. Determinations on deferred applications will be decided upon notification from agent or applicant to SCAO of resolved matters.
  - c. In the event of deferral, SCAO notice of deferral must include conditions that must be met before the application is re-considered.
  - d. Applicants with a deferred application that is not resolved within a 3 month timeframe will be required to submit a New Bail Bond Agent Application.

#### 4. Standards for Denying Application

- a. An application, whether initial or renewal shall be denied if:
  - 1) The applicant is not currently authorized by the Minnesota Department of Commerce to provide bail bonds;
  - 2) The applicant's surety is not currently authorized to do business in Minnesota by the Minnesota Department of Commerce;
  - 3) The applicant is currently otherwise prohibited from issuing bonds in Minnesota District Courts or has been issued a permanent revocation of their approval.
  - 4) The applicant has been convicted of:
    - a) a felony;
    - b) a gross misdemeanor or misdemeanor crime involving theft, fraud, misappropriation or conversion of funds, and other crimes of dishonesty; or
    - c) any other crime at the gross misdemeanor or misdemeanor level that calls into question the applicant's ability, capacity and fitness to perform the duties and to discharge the responsibilities of a bail bond agent (*See* section IV.) This may include, but is not limited to:
      - i. assault and weapons related crimes,
      - ii. restraining order violations; or
      - iii. crimes relating to the obstruction of the legal process such as fleeing a peace officer or giving a false name to a peace officer, or perjury.
- b. Applications may be denied if:
  - 1) the applicant is currently charged with any of the offenses listed in Section V.A.4.a.(4)(a-c);
  - 2) the applicant has a pattern of repeated criminal convictions. A pattern may be demonstrated by convictions in three or more cases within a ten year period;

- 3) the applicant has a pattern of crimes involving the use of alcohol, controlled substances or hazardous substances. A pattern may be demonstrated by convictions in three or more cases within a ten year period; or
  - 4) the applicant has failed to appear in their own court case(s) that resulted in a bond forfeiture two or more times.
- c. Applicants who have been denied because they do not have a license or surety appointment may reapply at any time with proof of licensure and/or surety appointment. Applicants who have been denied for any other reason may not apply sooner than two years from the denial letter unless otherwise determined by the State Court Administrator, her/his designee, or the Review Panel.
  - d. In the event that an applicant has been convicted of any of the above crimes, State Court Administration staff shall apply the standards of rehabilitation as set forth in Minn. Stat. § 364.03, subd. 3, *Evidence of Rehabilitation*, in determining whether the application should be denied.
  - e. If the SCAO denies an application and the applicant seeks review by the State Court Administrator as provided in Section IX, nothing in these standards shall limit the State Court Administrator from granting approval of a denied application.

## 5. Change of Information Requests

- a. Change of Agency. If an active agent chooses to change bonding agency affiliation, the agent must obtain approval from the SCAO to issue bonds for the new bonding agency and its surety(ies) by submitting the following a:
  - 1) Completed Change of Information Request form; and
  - 2) QPOA for all sureties.

Prior to approving a request to change bonding agencies, SCAO may contact the agent's prior employing bonding agency to confirm that the prior employment relationship has been terminated.

Agents that are terminating their business relationship with agencies and/or sureties are responsible for their joint financial obligations to the court on any bonds that were previously written.

- b. Change of Agent Name and/or Contact Information Requests. Bail bond agents are responsible for promptly notifying SCAO of changes of name and contact information. This information must be submitted to SCAO using the Change of Information request form.

## 6. Agent Renewal Process

Approval to issue bail bonds is subject to renewal every two years.

- a. Notification. No later than 60 days before the expiration of an agent's approval, SCAO shall send a written notice to each bail bond agent in the renewal group advising them of:

- 1) The expiration of his or her approval on June 30 of that calendar year;
  - 2) The renewal application procedures; and
  - 3) The consequences of failure to submit a timely renewal application.
- b. Requirements. Agents renewing their approval under Section IV must submit the following documentation, a:
- 1) Completed Agent Renewal Application;
  - 2) Copy of the individual's driver's license or ID from state of residence; and
  - 3) Current passport quality photograph.
- c. Expiration Date. Agents who receive approval to issue bonds in even numbered years will have their expiration date set for June 30<sup>th</sup> in the subsequent even numbered year. Agents who receive approval to issue bonds in odd numbered years will have their expiration set for June 30<sup>th</sup> in the subsequent odd numbered year.
- d. Renewal Application Procedure  
 Upon receipt SCAO staff shall review a renewal application and determine whether the application should be approved or denied based on the Standards for Denying Application in Section V.A.4.a.(4). Approved agents seeking renewal of their approval to issue bail bonds must submit a Renewal Application and required documentation on or before June 1 of the renewal year.
- Renewal applications received on or before June 1 shall be processed as soon as possible but not later than June 30 of that year. In the event that a renewal application is not received by June 30, the agent's status will change to *expired*. The agent will be required to submit a New Agent Application form, including a full BCA criminal background check for re-approval. Expired agents shall remain on the Approved List showing an *expired* status for 1 month. Thereafter the agent's name shall be removed from the Approved List.
- e. Standards for Deferring Renewal Application. Renewal application decisions may be deferred if the:
- 1) Application meets the Standards for deferring applications listed above in section in V.A.3.; or
  - 2) Applicant has a SCAO complaint investigation(s) in progress.
- f. Standards for Denying Renewal Applications. Upon receipt SCAO staff shall review a renewal application and determine whether the application should be approved or denied. Bases for denial include:
- 1) Standards for Denying Application set forth in section V.A.4.a.(4);
  - 2) Failure to report felony, gross misdemeanor, or misdemeanor criminal charges and/or convictions during an approval period; or
  - 3) Agent is currently under suspension for non-payment of forfeitures or violation(s) of the Standards of Conduct.
- g. Applications may be denied if the applicant has incurred multiple sanctions from SCAO for violations of the Standards of Conduct. Mutiple sanctions

means three or more sanctions within a six year period.

- h. Review and Appeal Process. In the event an agent's renewal application is denied by the SCAO staff, the review and appeal procedures in Sections IX and X shall apply.

## B. Agency & Surety Applications

Bonding agencies and sureties who seek approval from the State Court Administrator's Office to issue appearance bonds in Minnesota District Courts, are renewing their approval, changing a surety affiliation, or changing their contact information, must submit the appropriate application or change of information request to the Bail Bond Program. All application forms and requests are approved by the State Court Administrator's Office.

### 1. Initial Application Requirements

- a. First time bonding agency applicants or a agency whose approval status has been inactive for more than 6 months must submit the following application documents:
  - 1) New Bonding Agency Application;
  - 2) Copy of current certificate of registration from the Minnesota Secretary of State's Office; and
  - 3) Qualified Power of Attorney from surety company(ies) or other documentation of business affiliation (bonding agencies only).
- b. First time surety applicants or surety whose approval status has been inactive for more than 6 months must submit a New Surety Company Application.

### 2. Renewal Applications. Every other year agencies and sureties will renew their approval status with SCAO. Agencies and sureties who receive approval to issue bonds in even numbered years will have their expiration set for June 30<sup>th</sup> in the subsequent even numbered year. Agencies and sureties who receive approval to issue bonds in odd numbered years will have their expiration set for June 30<sup>th</sup> in the subsequent odd numbered year. Applicants must submit the following application documents:

- a. Agency applicants must submit an Agency Renewal Application and a copy of current certificate of registration from the Minnesota Secretary of State's Office.
- b. Surety applicants must submit a Surety Renewal Application.

### 3. Standards for Denying Applications. An application, whether initial or renewal shall be denied if the:

- a. Applicant is not currently authorized by the Minnesota Department of Commerce to provide bail bonds;
- b. Applicant is not currently registered to do business with the MN Secretary of State's Office;
- c. Applicant is currently suspended for failure to pay on a forfeited bond in Minnesota;
- d. Applicant is currently under suspension for violation of the Standards of Conduct; or
- e. Applicant has been prohibited by SCAO from issuing bail bonds in Minnesota District Courts.



An application may be denied if the applicant has incurred repeated sanctions from SCAO for violations of the Standards of Conduct. Multiple sanctions means three or more sanctions within a six year period.

4. Changes to Agency's Surety(ies) Affiliation

Agencies seeking to add or remove their agency's and/or agents' surety affiliation(s) must submit a request to SCAO to make the changes to their approval status.

a. Adding Surety Affiliation. To add a surety affiliation, a bonding agency must submit the following documentation, a(n):

- 1) Agency Change of Surety Affiliation Form;
- 2) List of agents who will be issuing bonds for the new surety; and
- 3) New QPOA documents for agency and its agents (if applicable).

b. Removing Surety Affiliation. Agency's seeking to remove a surety affiliation(s) for the agency and/or its agents, must submit the following documentation a(n):

- 1) Agency Change of Surety Affiliation Form; and
- 2) List of agents who will no longer be issuing bonds for the surety.

c. Agencies and sureties that are terminating their business relationship are responsible for their joint financial obligations to the court on any bonds that were previously written.

5. Change of Information Request. Agencies and sureties must report changes to their authorized contact person(s) and contact information for their organizations within 7 days of the date of change. Agencies and sureties must report the changes using the Change of Information request.

## **VI. Standards of Conduct**

Bonding agencies, agents and surety companies are expected to behave ethically and professionally while conducting business in the Minnesota Courts. Each has a responsibility not only to the defendants, defendant's families and the courts, but also to the continuing improvement of bail bond services. Bonding agents, agencies, and sureties are responsible for their personal conduct or the conduct of their agents while conducting bail bond business with and in the courts.

### **A. Individual Professional and Ethical Conduct**

1. Responsibility to Comply with Court Policies and Procedures. It is imperative to be knowledgeable of and comply with all applicable statutes, court rules, Judicial Branch and State Court Administrator policies and bail bond program standards and notice requirements.

Actions that may be considered a violation of this standard include, but are not limited to the following:

- a. Engaging in bail bond business without approval from the SCAO; for example: writing bonds for an agency or surety for which the agent has not been approved.
  - b. Failure to promptly provide all necessary information to the court upon receipt of notice of forfeiture, or upon personal knowledge of forfeiture;
  - c. Failure to promptly notify the SCAO in writing of changes in contact information or any felony, gross misdemeanor, or misdemeanor criminal charges or convictions;
  - d. Failure to use proper forms and provide accurate, pertinent, and required information to the court.
  - e. Soliciting business in the courtroom and court affiliated areas of the courthouse. Bail bond professionals are prohibited from soliciting business in the courtroom and other court affiliated areas of the courthouse. (See Department of Commerce Consent Order Definition of Solicitation).
  - f. An agent presents his or herself in an official legal capacity with badges, law enforcement colored uniforms in violation of Minn. Stat. 169.98 subd. 3a (Bondsman or bail enforcement agent vehicle); 169.64 (prohibited lights); 626.88 subd. 2 (uniforms); or 299C.37 (possess or use equipment intended for use by law enforcement, such as police communication equipment).
2. Responsibility to Uphold Professional Behavior. All individuals engaged in bail bond business shall conduct themselves consistent with the dignity of the court while interacting with the court and while present in court premises.

Actions that may be considered a violation of this standard include, but are not limited to the following:

- a. Failure to observe local court protocols, rules and procedures.
  - b. Engaging in behavior that does not comport with the dignity and decorum of the court.
  - c. Engaging in activity that calls attention inappropriately to the agent in the courthouse. For example:
    - 1) Distributing business cards or other marketing materials;
    - 2) Negotiating bail bond rates;
    - 3) Failure to dress professionally and in appropriate courtroom attire;
    - 4) Engaging in any kind of distracting activity in the courtroom, including but not limited to having unnecessary conversations, loud whispering, reading newspapers and magazines.
  - d. Demonstrating abusive, threatening, or violent behavior toward judges, court staff, law enforcement, or other individuals involved in the bail bonding process while representing oneself as bail bond agent.
3. Responsibility to the Court. Bonding agencies, agents and surety companies shall be honest with the court in all matters and shall always strive to provide complete and accurate information to court administration, judges, attorneys in the court, bailiffs and the SCAO.

Actions that may be considered a violation of this standard include, but are not limited to the following:

- a. Intentional misrepresentation of a fact to court administration, judges, attorneys in the court, bailiffs or the SCAO; for example: submitting forged documents, falsifying applications, submitting false complaint, or filing fraudulent bond documents.
  - b. Providing information to the court without verifying it with law enforcement or defendants as appropriate.
  - c. Engaging in conduct that is not within the best interest of the court and court users.
4. Responsibility to Court Users. Because agents are responsible only for providing bail bond services to defendants and defendants' families, they should limit themselves to the activities required to provide such services.

Actions that may be considered a violation of this standard include, but are not limited to the following:

- a. Engaging in activities that could be construed as legal practice;
  - b. Personally performing official acts that are the official responsibility of court officials including, but not limited to, court clerks, attorneys and judges; and
  - c. Making comments and representations which may lead the public to believe that the agent is practicing law, is a member of the court staff or is affiliated with law enforcement.
5. Responsibility to comply with state and federal laws or licensing or approval authorities. It is expected that bail bond agents comply with the law at all times.

Actions that may be considered a violation of this standard include, but are not limited to the following:

- a. Failure to self-report state or federal criminal felony, gross misdemeanor, or misdemeanor charges within 30 days;
- b. Failure to self-report state or federal felony, gross misdemeanor, or misdemeanor convictions within 30 days; and
- c. Failure to self-report investigations, sanctions, or revocation of license by the Minnesota Department of Commerce.

## B. Agency & Surety Standards of Conduct

Bonding agencies and surety companies conducting business in Minnesota District Courts are directly responsible for the conduct of their agencies and agents.

### 1. Responsibility to Court Obligations

Agencies and sureties are expected to respond in a timely manner to Notices and Orders issued by the district courts or SCAO. This includes, but is not limited to:

- a. Forfeitures  
Bonding agencies and sureties are responsible for tracking and responding to the following:
  - 1) forfeiture payment deadlines as set by the Order of Forfeiture;

- 2) motions, petitions, and appeals under consideration by the courts and their subsequent judicial orders or directives; and
- 3) pre-suspension and other forfeiture related notices sent by SCAO.

Failure to timely respond to any of the actions above is considered a violation of these standards of conduct.

b. Suspensions

When an agency or surety is suspended, agencies and sureties and their agents are not allowed to:

- 1) negotiate, solicit or write bail bonds (including website solicitation, distributing business cards, person to person solicitation, or any other form of solicitation).
- 2) continue operations by redirecting business from a suspended agency to a newly established business.

c. Standards for Monitoring Clients

Agents, bonding agencies, and sureties monitoring clients must use standards that comply with state and federal law to ensure their clients appear in court.

Unreasonable standards include, but are not limited to:

- 1) harassment, stalking, assault, or privacy violations; and
- 2) non-financial premium agreements or other forbidden premium payments as defined by the Minnesota Department of Commerce.

2. Financial/Contractual Obligations

Agencies and sureties are expected to ensure all documents and payments submitted to the court by the surety, agency, or their agents are accurate, appropriate, and honorable payments.

a. Dishonored Checks and Charge Backs

In the event payment of a forfeited bond is made with a with a dishonored (NSF) check or there is a credit card charge back:

- 1) SCAO may limit form and amount of payment to certified payments or cash if a pattern of conduct develops.
- 2) in the event a dishonored check is issued in response to a *Notice of Impending Suspension and Opportunity to Remedy*, an extension will not be granted on suspension deadlines.
- 3) the surety, agency, and agent will be notified of a dishonored payment in the form of a reissued Notice of Forfeiture and forfeiture payment deadline will not be extended.
- 4) in the event that a pattern of dishonored payments are received by the courts, the Department of Commerce may also be notified.

b. Issuing expired powers or 702 Documents.

c. Issuing criminal appearance bonds for non-criminal appearance reasons.

d. Intentional misrepresentation of a fact to court administration, judges, attorneys in the court, bailiffs or the SCAO. For example: submitting forged documents, falsifying applications, submitting false complaint, or filing fraudulent bond documents.

3. Administrative Practices & Responsibilities

Bonding agencies are responsible for ensuring their administrative representatives and agents are supplying appropriate and accurate information on court forms, documents, and applications. Bonding agencies may be held accountable for the following, but not limited to:

- a. Fraudulent or erroneous information on bail bond or administrative documents submitted to the courts or SCAO. Violation examples include: forgery, falsifying applications, and fraudulent bond documents.
- b. Unapproved personnel signing agency or court documents on behalf of the agency.
- c. Perjury.
- d. Agencies or sureties are expected to have their agents comply with SCAO Standards of Conduct (see section VI) during the course of their work as an appointed bail bond agents. Agencies may also be held accountable for the conduct of their agents if it is determined the agency played a supporting role or failed to prevent inappropriate conduct by its agents. Failure to do so will result in sanctions up to and including suspension.

4. Responsibility to comply with state and federal laws or licensing or approval authorities. It is expected that bail bond agencies and sureties comply with the law at all times.

Actions that may be considered a violation of this standard include, but are not limited to the following:

- a. Failure to self-report state or federal criminal charges within 30 days;
- b. Failure to self-report state or federal convictions within 30 days; and
- c. Failure to self-report investigations, sanctions, or revocation of license by the Minnesota Department of Commerce.

5. Solicitation Practices

- a. It is the responsibility of the sureties and bonding agencies to be knowledgeable in and monitor the soliciting and marketing practices of its agents.
- b. It is the responsibility of the bonding agencies to be aware of any local orders or ordinances pertaining to solicitation or other behaviors in the courthouse.

6. Sanctions. A failure to comply with, or a direct violation of, any provision in the Individual or Agency and Surety Standards of Conduct may be the basis for temporary or permanent removal from the Statewide List of Approved Bail Bond Agents or other sanctions as provided in Section VIII. When appropriate, SCAO may refer an investigation or file a complaint with the Minnesota Department of Commerce in situations where a violation of law or the surety consent agreement is possible.

**VII. Complaint and Investigation Process.** Bail bond applicants, agents and agencies are subject to the procedures in this section. Any person who believes an applicant, agent or bonding agency has violated the *Standards of Conduct* may initiate a complaint by filing it in

accordance with this provision. Complainants may include, but are not limited to; defendants and principals, other court users, court personnel, judges and judicial officers, other agents and members of the public.

A. Grounds for Discipline. Complaints against agents may be filed for alleged violations of the Standards of Conduct.

B. Filing of a Complaint.

1. A complaint must be submitted in writing, signed by the complainant and mailed or delivered to the following address: Bail Bond Program, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., Suite 105, St. Paul, Minnesota 55155-1500.
2. The complaint must state the date, time, place and nature of the alleged improper conduct. When possible, the complaint should also include the name, title and telephone number of possible witnesses. Finally, the complaint shall state why the complainant believes the alleged improper activity should be sanctioned.
3. If the complainant is unable to communicate in written English, s/he may contact the SCAO to determine an acceptable alternative format for the complaint.

C. Evaluation of Complaint.

1. Acceptance of Complaint. SCAO staff shall review the complaint and determine whether the allegations, if true, would constitute grounds for discipline. If staff determines that the complaint alleges conduct that would be grounds for discipline, an investigation shall proceed according to Section D below.
2. Dismissal of Complaint. If SCAO staff determines that the complaint does not allege conduct that would be grounds for discipline, staff shall dismiss the complaint and notify the complainant via first class mail, or email communication. The notification shall include an explanation of the reason(s) for the determination.
3. Review of Dismissal. If the complainant disagrees with ~~the~~ staff's determination to dismiss the complaint, the complainant may request a review of the dismissal decision by the State Court Administrator.
  - a. The complainant's request must be in writing and submitted within 15 days of date of the notification.
  - b. The State Court Administrator shall review the written submissions and make a decision within 15 days of receipt of the request.
  - c. If the State Court Administrator determines that the complaint does allege conduct that would be grounds for discipline, staff shall proceed to investigate the complaint as provided in Section D below.
  - d. If the State Court Administrator determines that the complaint does not allege conduct that would be grounds for discipline, the State Court Administrator shall dismiss the complaint and notify the complainant via first class mail, or email

communication. The notification shall include an explanation of the reason(s) for the State Court Administrator's determination. Such a determination by the State Court Administrator shall be final.

- D. Investigation. When a complaint is determined to allege conduct that violates the Standards of Conduct herein, SCAO staff shall investigate or refer the complaint to a qualified agency or individual as appropriate given the nature of the complaint.
1. Notice to Agent. As part of the investigation, staff shall notify the agent and inform him or her of the complainant's allegations via first class mail, or email communication. The agent shall be given 20 days to respond and the response shall be included in the staff's investigative report. Except for good cause shown, the investigation process shall continue without the agent's response if the agent fails to respond in writing to the notice within 20 days.
  2. Process. SCAO staff will conduct a thorough examination of the violations alleged in the complaint. Upon review of the written complaint staff will determine what additional actions are necessary to complete the investigation. Additional actions may include, but are not limited to:
    - a. Contact the complainant;
    - b. Contact the applicant/agent;
    - c. Contact witnesses, if identified in complaint, and obtain a statement;
    - d. Contact court staff or law enforcement that may have knowledge of the situation; and
    - e. Review applicable statutes, rules, policies and procedures.
  3. Report of Findings. At the conclusion of the investigation, SCAO staff shall make a determination of the need for discipline. A written report of findings shall be submitted to the State Court Administrator for review. The report of findings shall at a minimum, include the following information:
    - a. The written complaint;
    - b. The response submitted by the applicant/agent;
    - c. A list of witnesses and other individuals consulted during the investigation;
    - d. Written notes memorializing conversations with above individuals;
    - e. Any formal witness statements received; and
    - f. A detailed summary of the investigation, including a recommendation for dismissal or discipline and sanctions.
- E. Determination of Need for Discipline. Upon completion of the investigation by SCAO staff, the report of findings and recommendation shall be provided to the State Court Administrator for a determination of need for discipline.
1. Dismissal. If the State Court Administrator determines that disciplinary action is not warranted, the complaint shall be dismissed and the respondent and the complainant shall be notified of the decision by first class mail, or email communication. The notification shall include an explanation of the reason(s) for the determination. Such a determination by the State Court Administrator shall be final.
  2. Acceptance. If the State Court Administrator determines that disciplinary action is warranted, the State Court Administrator may impose the sanctions as recommended

in the report of findings and/or any additional sanctions s/he deems appropriate. The respondent shall receive written notification of the decision via first class mail, or email communication.

- a. If the State Court Administrator determines that one or more of the sanctions provided in sections F(1)-(4) below are appropriate, then the decision is final and the respondent may not request a review of the decision.
- b. If the State Court Administrator determines that any of the other sanctions set forth in section F below are appropriate, then the respondent is entitled to a hearing as provided in Section IX.

F. Sanctions. If the State Court Administrator finds that the respondent has engaged in conduct which violates Section V of these procedures, s/he shall impose such discipline or sanctions as deemed appropriate. In determining the type of sanction, the State Court Administrator shall consider the recommendation in the report of findings, the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the bail bond industry and/or the complainant, and any other mitigating or aggravating information presented.

Sanctions that may be imposed include, but are not limited to:

1. Issuing a private reprimand;
2. Issuing a corrective order with which the respondent must comply in order to remain on the Approved List;
3. Requiring that restitution be paid;
4. Requiring that certain education courses be taken;
5. Prohibiting the respondent from entering the courtroom or court affiliated areas for a specified amount of time;
6. Issuing a public reprimand;
7. Imposing costs and expenses incurred by the State Court Administrator and/or Review Panel in connection with the proceeding, including investigative costs, if any;
8. Requiring that the respondent work with a mentor, or that the respondent's work be supervised;
9. Suspension of the respondent for a designated period of time; or
10. Permanent Revocation of Approval.

If the sanction(s) include suspension or revocation of the respondent's approval, the State Court Administrator shall specify the conditions and timeframe, if any, within which the respondent may be reinstated.

- G. Review of Decision. A respondent may request a review of the State Court Administrator's disciplinary decision and recommended sanction(s) if:
1. The recommended sanctions are other than those referenced in section E(2)(a) above; and
  2. The respondent submits a timely request for review as provided in Section IX. When a review of the decision by the State Court Administrator is requested Section IX shall apply.
- H. Appeal to Review Panel. An respondent may appeal a Review decision only if:
1. The recommended sanction(s) are those listed in sections F(5)-(10); and



2. The respondent submits a timely appeal request as provided in Section X.

When an appeal to the Review Panel is requested Section X shall apply.

- I. Designee. The State Court Administrator may appoint another individual to act on her/his behalf in carrying out any of the duties in this section.
- J. Publication of Disciplinary Actions
  1. If a complaint and investigation results in a disciplinary action and the sanction(s) imposed results in a change to the respondent's approval status, the status change will be available to judicial officers, court administrators, corrections staff and the Minnesota Department of Commerce via email notice, and to the public via the court's public website.
  2. If a complaint and investigation results in a disciplinary action and the sanction imposed does not result in a change to the respondent's approval status, the decision will not be disseminated but shall remain accessible to the public upon request as provided in Section XIII, *Confidentiality*.

### **VIII. Removal from the Statewide List of Approved Bail Bond Agents (Approved List).**

- A. Grounds for Removal from Approved List. The following are grounds for removal from the Approved List:
  1. Failure to comply with qualifications for approval listed in Section III, are grounds for removal of agents, agencies, or sureties from the Approved List.
  2. Immediately upon receipt by SCAO of:
    - a. Agent or agency's written notice of termination by a sole surety;
    - b. Agent's written notice of termination by employing bonding agency;
    - c. Written request from an agent, agency, or surety to be removed from the Approved List; or
    - d. Written notice of an agent's death.
  3. The agent's or agency's sole surety is no longer authorized to do business in Minnesota by the Minnesota Department of Commerce.
  4. An agent is charged with or convicted of any of the crimes as outlined in Section V.A.4.a.(4) under the Standards for Denying Application;
  5. An agent fails to report to SCAO in writing that s/he has been charged with or convicted of a crime.
  6. An agent is found to have violated the provisions in Section VI.
  7. An agent, agency, or surety made a misrepresentation as to a material fact on his/her application and but for this misrepresentation, the application would have been denied.
  8. Any other conduct that calls into question the agent's ability, capacity and fitness required to perform the duties and to discharge the responsibilities of a bail bond agent.
- B. Notice. If SCAO staff determines that one or more grounds exist to remove an agent, agency, and/or surety from the approved list then:
  1. Notice of Removal. Upon the occurrence of any of the grounds enumerated in sections A(1)-(3) above, or when there is a reasonable basis to believe that there is a threat of immediate and/or grave harm if the agent were allowed to continue to write

bonds, the agent shall immediately be removed from the Approved List. Written Notice of Removal shall be sent via first class mail, or email communication, to the agent, bonding agency and surety.

- a. The review and appeal procedures do not apply when an agent, agency, and/or surety is removed from the list on the grounds identified in sections A(1)-(3).
  - b. When an agent is removed from the Approved List due to a threat of immediate and/or grave harm, the Notice of Removal shall include:
    - 1) the grounds for removal;
    - 2) the nature of threat of immediate and/or grave harm;
    - 3) the Notice of the Review and Appeal procedures;
    - 4) the timeframe, as provided in Sections IX and X, within which a request for review must be received; and
    - 5) the statement that all relevant evidence will be considered upon request for review.
2. Notice of Intent to Remove. Upon the occurrence of any of the grounds enumerated in sections A(4)-(8) above, the agent, agency, and/or surety shall be sent written notice of SCAO's intent to remove the agent, agency, and/or surety from the Approved List.
- a. The Notice of Intent to Remove shall be sent via first class mail, or email communication, to the agent, bonding agency and surety, and shall include:
    - 1) the grounds for removal;
    - 2) Notice of the Review and Appeal procedures;
    - 3) the timeframe, as provided in Sections IX and X, within which a request for review must be received; and
    - 4) the statement that all relevant evidence of will be considered upon request for review.

#### C. Removal Process

1. In the event an agent, agency, and/or surety is given a Notice of Removal or a Notice of Intent to Remove as provided in sections B(1) and (2), the review procedures in Section IX apply.
2. If the agent, agency, and/or surety fails to submit a timely request for review, as provided in Section IX the agent's, agency, and/or surety name shall immediately be removed from the Approved List.

#### D. Appeal Process

1. If an agent receives an unfavorable review decision, the agent may appeal the decision as provided in Section X.
2. If the agent fails to submit a timely appeal request to the Review Panel, the Review decision becomes final and the agent's name shall immediately be removed from the Approved List. The condition(s) and timeframe determined by the State Court Administrator shall be imposed.

## IX. Review by State Court Administrator

- A. Applicability. The procedures in this section apply to the following bail bond program actions:
1. An initial renewal, or change of agency application is denied by SCAO staff;
  2. An applicant or agent is found to have engaged in conduct that warrants discipline provided in Section VII.F.; and
  3. An agent receives a Notice of Removal or Notice of Intent to Remove as provided in Section VIII.B.

### B. Request for Review

1. Request. Any applicant or agent whose application or approval status falls into one of the categories listed above may request that the State Court Administrator review the underlying facts that led to the proposed action by filing a written request for review within 30 days from the date of the notice.
2. Form of Request. The request for review may be filed via first class mail, e-mail, or hand-delivery. Filing is complete upon receipt by SCAO.

The request must be in writing and signed by the applicant or agent. The request must include:

- a. The reason(s) the applicant or agent disagrees with the proposed action;
  - b. A description of any rehabilitative evidence an applicant wishes to have considered if the proposed action is a denial of approval;
  - c. Any other information or documentation not previously provided in support of his or her position; and
  - d. A written request for an informal hearing if so desired.
3. Stay of Proposed Action. The imposition of the proposed action may be stayed pending a final decision in the following instances:
    - a. The proposed action is the result of a violation of the Section VI;
    - b. The proposed action is authorized under Section VIII(A)(4)-(8) except when there is a reasonable basis to believe that there is a threat of immediate and/or grave harm if the agent is allowed to continue to write bonds.

- C. SCAO Staff Response. The SCAO staff shall submit a response to the Request for Review to the State Court Administrator within 20 days after receipt of the Request. The response should set forth the reason(s) for the proposed action and address any legal arguments raised in the request. A copy of the response must be provided to the applicant or agent.

### D. Review by State Court Administrator

1. If an informal hearing is requested, then Section E below is applicable.
2. If an informal hearing is not requested, then the State Court Administrator shall conduct the review based on written submissions only.
3. If an application is denied due to a current criminal charge or conviction then the State Court Administrator shall consider evidence of rehabilitation (*See [Minn. Stat. § 364](#)*) in reaching a decision.

- E. Informal Hearing. If an informal hearing is requested, SCAO staff shall schedule the hearing and send notice of the informal hearing date to the applicant/agent via first class mail or email communication. The informal hearing should be held as soon as possible, but not later than 45 days after receipt of the Request, unless otherwise requested or agreed to by the applicant/agent.
1. The following shall apply to the administration of an informal hearing:
    - a. Discovery shall not be permitted unless expressly authorized by the State Court Administrator in response to a written request;
    - b. The applicant may be represented by counsel;
    - c. All informal hearings will be held at the Minnesota Judicial Center, shall be recorded electronically and shall be private and confidential, except upon request of the applicant/agent;
    - d. Strict rules of evidence shall not apply. The State Court Administrator may, in his or her discretion, consider any evidence presented, including affidavits, giving such evidence the weight s/he deems appropriate;
    - e. SCAO staff and the applicant/agent shall be afforded the opportunity to introduce documents and other relevant evidence, and to elicit sworn testimony;
    - f. If the proposed action is due to a current criminal charge or conviction, the State Court Administrator shall apply the guidelines set forth in [Minn. Stat. § 364, Criminal Offenders, Rehabilitation](#) in reaching his or her decision; and
    - g. The State Court Administrator may, in his or her discretion call witnesses and consider or clarify any evidence presented, giving such evidence the weight s/he deems appropriate.
    - h. The respondent and SCAO each may only request the hearing be scheduled one time after the original hearing date is set. A rescheduled hearing may not be rescheduled any later than 30 days after the initial 45 day deadline. If the respondent is unable to attend a rescheduled hearing, it constitutes a waiver of the request for a hearing and the review will be based on written submissions only.
- F. State Court Administrator's Decision.
1. The State Court Administrator shall notify the applicant/agent by first class mail, or email communication, of the decision on the Request for Review within:
    - a. 30 days after the receipt of the SCAO response to the request for review when no informal hearing is requested; or
    - b. 20 days after the informal hearing.
  2. The decision shall specify the basis for approving or dismissing the proposed action. In the event that the proposed action is confirmed, the decision shall also include:
    - a. The sanction(s) to be applied to the applicant/agent and the condition(s) and timeframe for reinstatement if the decision includes suspension or revocation of an agent's approval status;
    - b. The conditions and timeframe within which an applicant may reapply; and
    - c. Notice of the opportunity to appeal the decision to the Review Panel as provided for in Section ~~IX~~.
- G. Delegation. The State Court Administrator may appoint a designated officer to act on his or her behalf in carrying out any of the aforementioned duties in this section.

## **X. Appeal to Bail Bond Review Panel**

- A. **Applicability.** The procedures in this section apply in the event that an applicant/agent receives an unfavorable decision under Section IX.
- B. **Bail Bond Review Panel.** The Bail Bond Review Panel shall be composed of two district court judges and one court administrator appointed by the Chief Justice. Members of the panel shall serve for a period to also be determined by the Chief Justice. Any Review Panel member who has a conflict of interest shall recuse her/himself from the proceedings.
- C. **Appeal Process.** A written appeal request must be received no later than 20 days after the date of the State Court Administrator's Review decision.
1. **Statement of Appeal.** The Statement of Appeal shall include the applicant's specific written objections to the decision. The appeal may be filed via first class mail, e-mail or hand-delivery. Filing is complete upon receipt in SCAO.
  2. **Response.** The State Court Administrator, or designee, shall submit a written response to the Statement of Appeal to the Review Panel within 10 days after receipt of a copy of the Statement of Appeal. A copy of the response must be provided to the applicant/agent.
  3. **Record for Appeal.** An appeal of a Review decision shall be a paper process based only on the record of the Review, the applicant's/agent's statement of appeal and the SCAO response. The record of the Review shall include all documents and evidence presented during the Review process. A transcript of an informal hearing may also be provided upon written request and at the expense of the applicant/agent.
  4. **Stay.** The imposition of the proposed action may be stayed pending a final decision except when there is a reasonable basis to believe that there is a threat of immediate and/or grave harm if the agent is allowed to continue to write bonds.
  5. **Designee.** The State Court Administrator may appoint a designated officer to act on behalf of the State Court Administrator in the appeal process.
- D. **Review by Bail Bond Review Panel.** Within 60 days after receipt of the State Court Administrator's submission, the Review Panel shall review the record and reach a conclusion about whether or not the decision reached by the State Court Administrator and the sanctions imposed are appropriate.
1. When the appeal is from the denial of an application, nothing in Section V, shall limit the Review Panel from granting approval on the application.
  2. When the appeal is from the denial of an application due to a current criminal charge or conviction, the Review Panel shall apply the guidelines set forth in [Minn. Stat. § 364](#), *Criminal Offenders, Rehabilitation*, in reaching its decision.
- E. **Review Panel's Decision.**

1. Notice of Decision. The Review Panel shall notify the applicant/agent and SCAO by first class mail or email communication of the decision on the appeal within 30 days after reaching a conclusion.
2. Form of Decision. The decision shall include findings, and if it confirms the Review decision, it shall also include sanctions. If the sanctions include a suspension or revocation of an agent's approval, the Review Panel shall specify the conditions and timeframe under which the applicant may reapply or be reinstated on the Approved List.
3. The decision of the Review Panel is final.

## **XI. Reinstatement of Bonding Privileges**

- A. The bonding privileges of an agent who was removed from the Approved List as the result of the procedures in Sections VII - X, shall be reinstated as follows:
  1. Remedy. The agent remedies the ground(s) for removal in sections VIII(A)(1)-(3).
  2. State Court Administrator Dismissal. The agent was removed from the Approved List under the authority of section VIII(A)(4-8) or because s/he posed an immediate threat of harm and the State Court Administrator determines in the Review process that such grounds for removal do not exist.
  3. Review Panel Dismissal. The agent was removed from the Approved List under the authority of sections IX(A)(1)-(3) or because s/he posed an immediate threat of harm and the Review Panel determines in the Appeal process that such grounds for removal do not exist.
  4. Time Expiration. Upon expiration of a disciplinary action which includes suspension from the Approved List where a timeframe is the only condition imposed, the agent's suspension will end automatically on the first business day following the expiration of the time.
  5. Conditions Met. Upon completion of a disciplinary action where imposed sanctions include suspension from the Approved List for a specified timeframe and additional conditions, the agent shall submit written proof of completion of the conditions within the timeframe established in the suspension decision or order issued by the State Court Administrator or Review Panel. The State Court Administrator, or his or her designated officer, shall have sole discretion in determining whether the conditions for reinstatement have been satisfied.
- B. The bonding privileges of an agent and surety removed from the Approved List as the result of a forfeiture and suspension action under Section XII shall be reinstated upon the first of the following events to occur:
  1. Reinstatement of the Bond by the Court;
  2. 30 days after payment of the bond; or
  3. Entry of a court order under Minn. R. Gen. Pract. 1.02

- C. Notification of Reinstatement. Upon reinstatement of bonding privileges SCAO staff shall:
1. Send written notice of reinstatement to the agent, bonding agency and surety;
  2. Email notice of the reinstatement to sheriffs and court administration; and
  3. Change the status of the agent and surety on the Approved List to "Active."

**XII. Forfeiture and Suspension Procedures.** The procedures in this section are applicable in the event of a non-appearance by the defendant and non-payment of a forfeited bond.

- A. Forfeiture Procedures. When a defendant fails to appear for a court hearing as secured by the surety bond posted with the court, the court administrator shall promptly serve upon the agent, bonding agency and surety:
1. Written notice of the forfeiture; and
  2. A copy of the order of forfeiture.
- B. Suspension Procedures.
1. Determination of Delinquency by SCAO Staff. When payment on a forfeited bond has not been received or the bond has not been reinstated within the ninety (90) days, a determination of delinquency is made by SCAO. The following facts must exist in order to make a determination of delinquency:
    - a. An order forfeiting the bond was issued by the court;
    - b. Written notice of the order forfeiting bond was sent to the last known address for the agent, the bonding agency, and the surety;
    - c. Payment of the forfeited bond was not received by the court administrator's office;
    - d. More than ninety (90) days have elapsed since the order forfeiting bond was issued; and
    - e. The forfeited bond has not been reinstated by the court.
  2. Pre-Suspension Notice by SCAO Staff. If a determination of delinquency can be made based on the information provided by the court administrator's office, then SCAO staff must make a reasonable effort to contact the bail bond agent, bonding agency or surety to determine if payment has been made. Contact may be made by telephone, email or first class mail.
    - a. In the event payment has not been made at the time of contact, SCAO staff has the authority to extend a reasonable grace period, up to 3 business days, during which the forfeited bond may be paid or a petition for reinstatement filed before a suspension is implemented.
    - b. In the event there is a dispute as to whether payment has been made, and the bonding agency makes a good faith showing that payment was sent, then reasonable attempts to locate the payment should be made before a suspension is issued. If the payment is not located within three (3) business days, then the bonding agency shall be given a reasonable grace period, up to three (3) business days, to re-submit payment of the bond to the court administrator's office. If payment is not received within the grace period, then SCAO may implement the suspension.
  3. Notification of Suspension. If a determination of delinquency is made and payment has not been received or a motion for reinstatement filed prior to the expiration of a

grace period, then SCAO staff shall promptly send notice of suspension as provided in paragraph b.:

- a. If a determination of delinquency is made and a motion for reinstatement is filed prior to the expiration of the 3 day period, then SCAO staff shall promptly send notice of suspension as provided in paragraph b. below, 60 days after the date of service of an order or the time set by the judge in a court order if:
    - 1) the motion is denied and the forfeited bond has not been paid; or
    - 2) the motion for reinstatement is granted on condition of payment of a penalty, the penalty has not been paid, and the bond has not been reinstated.
  - b. Under the circumstances described in the Section 3, SCAO staff shall:
    - 1) send written notice of suspension, by first class mail, or email communication, to the agent, bonding agency and surety;
    - 2) send written notice of the suspension action to the bonding agencies and agents who are also authorized to write bonds for the suspended surety company;
    - 3) email notice of the suspension to sheriffs and court administration; and
    - 4) change the status of the agent and surety to "Suspended" on the Approved List.
4. End of Suspension. Bonding privileges will be returned to active status upon any of the following circumstances:
- a. Expiration of 30 days from the date the principal amount of the bond is deposited in the case with the court administrator;
  - b. Filing of a Court order under Minn. R. Gen. Prac. 1.02; or
  - c. Filing of a supersedeas bond or other approved security upon appeal of an order denying reinstatement of a forfeited bail bond or an extension of time to pay, pending the appeal. The suspension may commence or resume for 30 days from the date the principal amount of the bond is deposited with the court administrator, if the disposition of appeal affirms the district court decision. If bonding privileges were suspended before the supersedeas bond or other approved security was filed, that time shall be counted when determining the period of suspension after the appeal.

### **XIII. Confidentiality**

- A. Denials and Removals. All actions related to the denial of an application and a removal from the Approved List shall be confidential, except that when a final determination is made to deny an application or remove an agent from the Approved List. In this event, the final determination, including the grounds for the decision and the facts cited in support of the decision, shall be accessible to the public.

For purposes of this section, a final determination occurs at the conclusion of an appeal before the Review Panel under Section X; upon failure of the applicant or agent to appeal the State Court Administrator's decision under Section IX; or upon the failure of the applicant or agent to request review by the State Court Administrator.

- B. Violations of Standards of Conduct. All complaints and investigations shall be confidential, except that when a final determination is made to impose any of the sanctions



listed in Section VI, the final determination, including the grounds for the sanction(s) and the facts cited in support of the decision, shall be accessible to the public.

For purposes of this section a final determination occurs at the conclusion of the appeal proceedings before the Review Panel under Section X, or upon failure of the agent to appeal the State Court Administrator's decision to impose sanctions within the time provided in Section X.

## RELATED DOCUMENTS

[Judicial Council Policy 504, Bail Bonds](#)

General Rules of Practice for District Courts, [Rule 702](#)

## REVISION HISTORY

**May 2006:** New procedures to implement Judicial Council Policy 504.

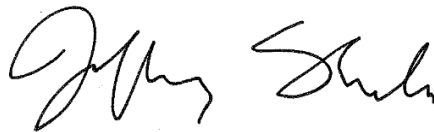
**March 2010:** Rewrite of Procedures to update process and fill in gaps. Addition of Section V, *Standards of Conduct* and Section VI, *Complaint and Investigation Process*.

**August 2014:** Rewrite of Procedures to update and revise forfeiture and suspension procedures. Additions to Section XI. *Forfeiture and Suspension Procedures*.

**October 2018:** Addition of *Qualifications and Duties, Roles, and Responsibilities* sections; revisions to *Application* procedures that include new application requirements for agencies and sureties; revisions to *Standards of Conduct* section that includes new and revised *Standards* for agents and a new section of *Standards* for agencies and sureties.

**January 2022:** Addition of *email communication* when reference to First Class Mail notification.

Approval:



Jeffrey Shorba, State Court Administrator

February 1, 2022

Date