



## **STATE v. TYLER OK BAIL CASE**

The Oklahoma Supreme Court overturned a bond forfeiture ordered by a Canadian County District Court judge. In the 2006 case of State v. Tyler the defendant was to be arraigned on April 20, but failed to appear. Her attorney obtained an “indefinite continuance.” Tyler then appeared two days later for arraignment, but failed to appear for a motion hearing on May 16. The trial court then issued a bench warrant for her arrest and ordered her bond forfeited. A motion by the bondsman to exonerate the bond was denied and the bondsman appealed the decision. The Court of Civil Appeals affirmed the trial court forfeiture order. On September 22 of this year the Oklahoma Supreme Court vacated the Civil Court of Appeals finding and returned the case to the trial court with instructions to exonerate the bond.

In an opinion that has not been released for final publication and is subject to revision or withdrawal, Justice Kauger stated that the trial court had the right to continue the defendant’s arraignment, but the .... “failure to set the hearing for a day certain materially increased the bondman’s risk. The trial court abused its discretion when it refused to exonerate the bond.” State v. Vaughn was cited in the opinion where the Court had previously said that when a bondsman enters into a contract of surety, he or she undertakes a calculated risk that the defendant will fail to appear. If the State, without notice to or the consent of the bondsman, alters the terms of the bond agreement in a manner that materially increases the bondsman’s risk, the alteration operates as a discharge of the bondsman’s obligation. In its conclusion the Court said that while the trial court had the authority to grant the continuance ... “in order for the bondsman to remain liable for the bond, the trial court was required to notify (the bondsman) by continuing the arraignment to a day certain. Because it granted an indefinite continuance without the bondsman’s knowledge or consent ...” the risk was materially increased and the trial court was required to exonerate the bond.

## **THE FLU AND YOUR WORKPLACE**

Flu season is here and bail bondsmen are at a very high risk because of their constant contact with the general public, not only in their offices, but especially while in the local courthouse or jail. To make matters worse, this year there is the double worry of not only contracting what is known as seasonal flu, but also the so-called “swine” flu.

After years of worry about a possible avian flu pandemic, the United States instead now faces a “swine” flu outbreak that has caused the government to declare a public health emergency. It’s important for employers to do their part to prevent influenza spread at work.



“Swine” flu is actually a misnomer. When originally diagnosed, the flu strain appeared very similar to a flu that shows up in pigs. After more testing it was determined that it is a new strain and is now known as “H1N1”.

Because of this double threat, offices need to immediately develop an influenza plan to deal with some of the downside possibilities. Several practical issues may affect almost every employer, especially those that must deal directly with the general public.

**Attendance could nosedive.** Some employees may be unable to work because they are sick. Others may stay away from work because they fear becoming infected.

**The workplace might become contagious.** Ill employees may insist on coming to work—because they need the income—even if they should stay home.

**Alternative work arrangements might be needed.** You might need to consider having employees work remotely if they cannot or should not come in the office.

Some employees may refuse to perform some of their regular duties because they fear being exposed to the flu. Those who travel frequently or who must go to places where there are large numbers of people, such as the courthouse.

Some employees may not seek health care for financial reasons or out of fear of exposure at the doctor's office.

Employees may be unable to focus on work (or work at all) due to the emotional fall-out of sick relatives or friends, or just from fear of the flu.

### Your obligations as an employer:

Planning for possible mass sickness in the workplace brings in competing and complicated legal issues.

Employers are legally obligated to provide a safe workplace. In the face of a flu epidemic, you may be liable if your infected employees spread the disease.

Your influenza plan should include:

**A communicable disease policy.** Emphasize that employees with flu symptoms must not come to work.

**Employee education on how to prevent spreading the flu.** Good hygiene is the key. Remind employees to cover their mouths when they cough and their noses when they sneeze. Throw out used tissues immediately. Wash hands frequently, or use alcohol-based hand sanitizer. Avoid touching your eyes, nose and mouth.

**Other measures to prevent the spread of disease at work.** Employers can reduce the risk of workplace infection by providing air ventilation and purifying systems, restricting travel and implementing remote or other work arrangements to reduce personal contact.

**Have prevention supplies on hand for office use.** Every desk or table should have a bottle of the alcohol based sanitizer hand rub and all employees encouraged to use it liberally. Small pocket or purse-sized bottles might be given to all employees for use outside the office. Facial tissue should be available. Disinfectant spray should be used on any surface touched by office visitors, and once a day just to keep the office disinfected. This includes counter, table, and desk tops, door knobs, door push plates, chair

## BEST FLU PREVENTION

The best flu prevention for yourself and fellow workers is the SEASONAL FLU VACCINATION and the H1N1 VACCINATION. The latter will be available to selected individuals in Oklahoma after October 5. Contact your personal physician about availability. There must be a five week interval between the seasonal vaccine and the H1N1 vaccination.

backs, light switches, and any place else that might have been touched by someone.

If you think that you or any of your fellow workers have the flu, and it doesn't seem to be getting any better after a day or two, go to a physician. If it is the H1N1 strain of flu, it is very dangerous, especially for persons with a compromised immune system. Oklahoma has already seen one death attributed to H1N1.

### The CDC's latest tips for employers

In August of 2009, the U.S. Centers for Disease Control and Prevention (CDC) published new guidelines to help employers prepare for flu season and prevent the rapid spread of the H1N1 influenza. The CDC encourages employers to:

Consider offering vaccinations against seasonal flu and encourage employees to be vaccinated against H1N1 flu when that vaccine is released this fall.

Encourage sick employees to stay home or leave immediately when feeling ill.

Post information on proper hand hygiene in restrooms.

Clean surfaces often that have frequent hand contact.

Make sick-leave policies more flexible for workers who may have to stay home with sick family members or if a child's school is closed.

Weigh the benefits of cancelling nonessential face-to-face meetings and travel.

## DUES SCHEDULE 2009-2010

*Dues paid before November 1, 2009*

**Pay \$350.00**

*Remember - Dues must be hand-delivered or postmarked on or before October 31st!*

*Dues paid November 1 or later, but by December 31, 2009*

**Pay \$450.00**

*Remember - Dues must be hand-delivered or postmarked on or before December 31st!*

**Dues paid January 1, 2010 or later, NO DISCOUNT ALLOWED**

**Pay \$550.00**

# SOME FACTS TO REMEMBER ABOUT THE BAIL INDUSTRY

The Orange County, Florida, bail bondsmen recently published a brochure to be given out to clients and the general public explaining the bail bond industry's obligations and impact. The following seven "facts" come from that brochure.

+ **Nationwide studies have shown that private surety bail is the most effective and efficient method of pretrial release and guarantees a defendant's appearance in court.**

+ **Bail agents are financially and physically responsible for defendants release on bail.**

+ **Bail agents must know the whereabouts of the defendant at all times and often integrates family and friends into the bail process to ensure the defendant makes all court appearances.**

+ **If a defendant misses a court date, the bail agent must locate them and return them back to jail or pay the full amount of the bond back to the court – all at their own expense.**

+ **A defendant is more likely to show up for court when under the supervision of a bail agent than a pretrial release program where supervision is mostly regulated to an automated phone check-in system.**

+ **Defendants released on a bail bond have the highest court appearance rate and the lowest fugitive rate.**

+ **The private surety bail industry uses NO TAXPAYER FUNDS.**

*These are just some points to remember the next time someone bad mouths the bail bond industry.*



**Aflac**, an insurance that provides supplemental benefits which pay cash to help with expenses like medical expenses, mortgage, food , utilities, care payments and more, is now available thru the Oklahoma Bondsman Association.

**Aflac** pays cash directly to the insured in the following situations:

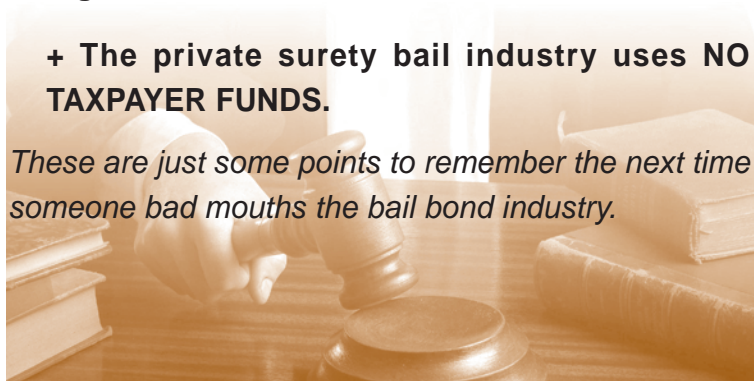
**ACCIDENT:** On or off the job injuries, Emergency Treatment Benefit, Specified-sum injuries benefit, Hospitalization, Accidental-Death, plus more.

**CANCER:** Hospital confinement, Radiation and Chemotherapy, Surgical/Anesthesia, Ambulance, Transportation, and lodging benefits, plus more.

**HOSPITAL:** Hospital confinement, Surgical Benefit, Rehabilitation Unit benefit, plus more.

**HEART/STROKE:** First-Occurrence benefit, Heart Attack & coronary artery bypass surgery, Stroke, End-state renal failure, Major human organ transplant, Third-degree burns, Coma, Paralysis, ICU, plus more.

**For more information or to apply for coverage, please contact the OBA Aflac representative: Penny Spurlin (405) 222-8503 or fax (405) 814-7811.**





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## CE DATES SET

Mark your calendars NOW  
for the following dates in 2010!

Monday, June 7, 2010  
Annual Membership Meeting  
@ 3:00 p.m.  
Elections @ 4:00 p.m.  
OBA Building/ OKC

Tuesday, June 8, 2010  
CE#1 - Clarion Meridian  
Convention Center  
737 South Meridian  
Oklahoma City, Oklahoma  
405/942-8511  
OBA Room Rate \$66.00 + tax  
Room Rate Cut-Off Date 05/07/10

Tuesday, June 29, 2010  
CE#2 - Hard Rock Hotel & Casino  
I-44E & Exit 240-A  
Catoosa, Oklahoma  
1-800-760-6700  
OBA Room Rate \$99.00 + tax  
Room Rate Cut-Off Date 05/28/10

## NEW BONDSMAN LICENSES

Tracy Bias..... Oklahoma County  
Donna Bohnenstiehl..... Delaware County  
Michael Bradshaw..... Cleveland County  
Richard Daniel..... Custer County  
Jackie Dehnhardt..... Sequoyah County  
Jowestda Horton..... Ottawa County  
Becky Northcutt ..... Kay County  
Amanda Novotny..... Payne County

## NEW LAW & RULES ALERT

The 2009 Oklahoma Legislature adopted four new laws affecting the bail bond industry. In addition, the Oklahoma Insurance Department adopted some new rules. For information about these changes go to the OBA's website at [www.okbondsman.com](http://www.okbondsman.com) where they will be posted as soon as possible, or contact the Insurance Department Bail Bond Division.

## OBA CALENDAR

Please mark your calendars NOW for the following upcoming events:

October 22, 2009	Thursday	OBA Monthly Board Meeting
December 3 & 4, 2009	Thursday/Friday	Pre-Licensing School at OBA
December 17, 2009	Thursday	OBA Monthly Board Meeting
December ?????	??????	Annual ABAT Christmas Dinner @ Tulsa County Courthouse

Watch OBA website [www.okbondsman.com](http://www.okbondsman.com) for date to be announced!

## *In Memoriam*

Rex Helms (July 2009)  
Melville Rennie, Jr. (August 2009)  
John Ensey (September 2009)

## PLE DATES SET FOR 2010

March 4 & 5, 2010  
June 3 & 4, 2010  
September 2 & 3, 2010  
December 2 & 3, 2010