

Bail Agents and Ethics **at the Courthouse!**

Consider this...

“Upon receiving a phone call and saying ‘it will only cost a \$1,000’ an agent posts a \$7,500 surety bond at the clerk’s window...there’s no application made or premium collected.”

“An agent accepts ‘food stamps’ for partial payment of the premium due.”

“Being a former police officer and contributor to the Judge’s political campaign fund ...the agent expects ‘preferential treatment’ and ‘special privileges’ at the Courthouse.”

“The term ‘bounty hunter’ is freely used when referring to an agent engaged in the apprehension of a defendant named on a surety bail bond.”

“An agent wants to help a poor family: charges and collects only a 5% premium.”

“Being a ‘larger and older firm in town,’ the agency feels every bond belongs to them! Their agents ‘swarm’ the Courthouse leaving little room for families to make decisions.”

“Business cards are distributed in the ‘grassy area’ outside the Courthouse.”

“An open ‘Polo shirt’ with embroidered bonding company name, open toed sandals, shorts, sunglasses resting ‘atop the head’ are everyday garb for an agent at the Courthouse.”

“Collateral of an automobile or home is used by an agent and his family.”

“The ‘Court View’ shows a surety bond has been added to the docket; an agent posts the bond without speaking to anyone, since the defendant has bonded with the company before.”

“An agent arrives at a family’s home intoxicated; the wife asks him to leave.”

“Waiting for the ‘first of the month’ and arrival of ‘welfare’ checks, an agent charges a family double the amount of the bond premium.”

As a Licensed Surety Bail Bond Agent you have probably witnessed the same, similar or worse situations in the Courts you serve. Sadly, these things usually become the “buzz” when agents get together...but it’s no laughing matter. And, no county or town is exempt! It takes only one agent acting *unethically* to taint the reputation of every agent in town. If it happens only one time...it’s too much! Is it any wonder why members of the General Public might have a wrong perception of the profession? This is why a study of “ethics” is essential and required.

There’s no doubt, that as a licensed insurance agent in the State of Ohio, “*ethical behavior*” MUST include adherence to the Law – *and* – adherence to following “correct procedures” from how to conduct yourself, complete forms, collect premiums and promote your business to

acceptable demeanor at the Courthouse – **and** – proper respect for fellow agents. In your role as a Licensed Surety Bail Bond Agent, actions DO speak louder than words and you MUST BE on constant guard to “*act ethically*” and do what is right!

Our study presents an overview of an agent’s ethical responsibilities, examples of professional conduct vs. agent misconduct, an understanding of the complexities of ethical decision-making within the context of insurance/bail transactions and “specific tools” of Rules & Codes that... when utilized...will help you to identify, prevent, and/or resolve *ethical dilemmas* that may arise in the course of your everyday business as a Licensed Surety Bail Bond Agent in Ohio.

In the Beginning:

Ethics is grounded in a firm foundation of the Dignity of Man!

Dignity, the “quality” or “state of being” worthy of esteem or respect, is the virtue without which life in the business of insurance or life as a Licensed Surety Bail Bond Agent can succeed.

The “quality” of man cannot be denied; it comes from the earliest Judeo-Christian traditions and belief that we are made in the image and likeness of God. “State of being” can refer to how we accept and live under the *right order* of things.

In the context of our CE course, *right order* means the correct understanding of the Laws, the *standards for the profession* – the “ethics” to be followed – that govern all Ohio licensed insurance agents and more specifically, the conduct of Surety Bail Bond Agents and the correct implementation of those Laws. To be sure, there is but one CORRECT way to conduct business.

Ethics is also crucial to your personal life. You were born into this world and one day you will leave it. What you do in-between determines who you are, and whether you made the world better or worse. Can ethics be taught? Teddy Roosevelt said, “To educate a person in mind and not in morals is to educate a menace to society.”

From man’s initial writings to the very foundation documents of this Nation, it is accepted, “...that all men are created equal; that they are endowed by their Creator with inherent and inalienable rights; that among these are life, liberty, and the pursuit of happiness...” This *Declaration of Independence* is our government’s fundamental statement of where we come and tells us, in a very clear and unmistakable way, from Whom we derive these rights!

“Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor.” - George Washington’s Thanksgiving Proclamation of 1789
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Love of Self and Love of Others...the root of all Ethics

Theologically speaking for just a moment, since the words of Thomas Jefferson imply that the Creator (Who is God) is part of any equation: the first duty of man, must be to work out his own salvation. This requires a firm resolve to maintain a *diligent walk* through life, striving for its peaceful conclusion and maintaining at least the “pursuit of happiness” along the way. And, considering Adam & Eve’s fate: their expulsion from Paradise for not following one simple rule (eating the apple)...then, disregard of rules & consequences...the “key elements” of any ethical thinking...is best to be avoided!

For dignity, i.e. the “quality” or “state of being” worthy of esteem or respect, to exist, every man must love himself more than he loves others. And, although, this sounds odd or makes no sense at all, it is this well-ordered self-love which we owe to ourselves and which the Creator imposes on us as a duty. Our love for others is based on the fact of our common human nature. And, since all men have the same nature, our love for others MUST BE the same as our love for self.

Right order then, is the foundation of all morality and requires the creature to conform his will to the will of the Creator. Now, the Creator wills the good of all men; that is, that they shall of their own *free will* attain their last end, and that they shall have all the necessary means to do so. Therefore, we must will the same for our fellow men, and this is to love them as we love ourselves. We can adapt this, thusly: Rules & Codes (the necessary means) are the foundation of all the acts we perform as Licensed Surety Bail Bond Agents and it requires an agent to conform his will to the will of the State of Ohio as mandated by the Ohio Department of Insurance!

No doubt, you’ve heard the following principles since childhood: “Never do to others what you would not wish them to do to you,” and “Do unto others as you would have them do unto you.” As we are obliged to love all men (the same foundation or motive existing in the case of all equally), we must love even our enemies...thus, applying rules & consequences, (remember, those “key elements” of ethical thinking), as the guide for our professional journey.

“God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that His justice cannot sleep forever.” - Thomas Jefferson

To define “Ethics” we must define Morality.

Ethics is the science of the morality of human acts. It is a science because it is a body of ordered truths, the order and the truth being supplied by rational analysis of evident facts. The English word “ethics” is derived from the Greek word *ethos*. It is also called moral philosophy, from the Latin *mores*, which, like the Greek term, signifies customs or morals.

Like all the sciences, which have for their purpose the assembling of facts, principles, and rules directive of thinking or of acting, ethics is essentially practical. It is among the noblest of all sciences because its object is to direct human action toward morally good ends. *Sound ethics* are considered the *moral* standards by which people judge behavior.

As a Licensed Surety Bail Bond Agent you see individuals coming face-to-face with the consequences of their actions everyday; this also happens in your personal and professional life. When you march into that Courthouse or to the door of a family’s residence, armed *only* with the Department of Insurance ID card clearly displayed on your person, you have no choice but to remain strong to maintain the highest level of professional conduct and moral standards in your actions! Morality is the goodness or the badness, the rightness or the wrongness, of human acts.

You hear from a concerned Mother that her errant son or daughter was taught from Sunday School days this fact: that it is right human conduct to choose the good, and wrong human conduct to choose the evil...that an act that is morally right is *always* good for us in the truest and highest sense; and, an act that is morally wrong is *always* bad for us, even though it may be productive of some passing good.

Of course, you don't hear the description of morality expressed in words exactly that way; but, you do hear it! Mothers, Fathers, Sons, Daughters, Wives, friends and relatives of every distinction all claim the same fact: that their Loved One was "taught better than that" and "knew better" and "should NOT have made the darn mistake" in the first place!

Is it so difficult to understand that everything a person does or says is a series of decisions... options to choose and choices to make? When you're in that Courthouse or at that residence, in the capacity of a Licensed Surety Bail Bond Agent or simply as a fellow human being, don't you know the goodness or the badness, the rightness or the wrongness of your actions before you do them? And, are you as *moral* in those actions as the Mothers & Fathers who seek your help?

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports...Reason and experience both forbids us to expect that national morality can prevail in the exclusion of religious principle." - George Washington's Farewell Address, September 17, 1796

Sadly, Facts Speak for Themselves...Morality in Decline

According to a 2010 Gallup poll, a broad majority of Americans are convinced that morality is in decline in the United States. This gives more reason why your witness in the public sector as a Licensed Surety Bail Bond Agent must reflect the highest of ethical standards at all times.

76% of Americans believe that morality is getting worse. Among other measures, Americans now believe that parents are failing to pass along their values to their children, society has grown less religious, crime is on the rise, business leaders and public officials are less trustworthy, sexual promiscuity has increased, and people treat each other with less respect.

45% of Americans rate morality in the United States as "poor." 15% of Americans say that morality is in "good shape." The figure has stayed relatively constant over the past decade. The vast majority of Americans believe our scientific and technological progress hasn't been matched by a similar elevation in the realm of ethics. By any standard of measure, the man on the streets agrees that there has been a decline across the board.

A minority of progressives strongly feel otherwise. They are inclined to cite a black president, a female Speaker of the House, and a "wise Latina" on the Supreme Court as proof that an inherently flawed America has made progress in overcoming its failures as a nation.

Public sentiment is trending in the opposite direction. Distrust of the federal government and public officials is at record highs. Most Americans believe their children will inherit a world that is worse off than the one they inherited. They believe morality is in decline. America's economic outlook is equally bleak.

Opportunity presents itself on a daily basis where you CAN make a difference in your community with the people you serve and the fellow agents you encounter at the Courthouse. Adherence to the *standards for the profession* – the "ethics" to be followed – cannot be overlooked or put into question if we expect future polls to change and reflect a renewed confidence and trust.

In his best-seller, *The Closing of the American Mind*, Alan Bloom says that the eternal conflict between good and evil has been replaced with “*I’m okay, you’re okay.*” Not wanting to cause conflicts, it’s easier to unthinkingly embrace a blind tolerance in which you consider it “moral” never to think you are right because that means someone else is wrong.

Teen Survey Reveals...Ethics in Decline

Likewise, the Josephson Institute's “*Report Card on the Ethics of American Youth*” is based on a survey of nearly 30,000 students in high schools across the U.S. Although released in 2008, the results foreshadowed ongoing trends and paint a troubling picture of our future politicians and parents, cops and corporate executives, journalists, generals and licensed surety bail bond agents!

STEALING. In bad news for business, more than one in three boys (35 percent) and one-fourth of the girls (26 percent) — a total of 30 percent overall — admitted stealing from a store within the past year. In 2006 the overall theft rate was 28 percent (32 percent males, 23 percent females). Students who attend private secular and religious schools were less likely to steal, but still the theft rate among non-religious independent school students was more than one in five (21 percent) while 19 percent who attend religious schools also admitted stealing something from a store in the past year.

Honors students (21 percent), student leaders (24 percent), and students involved in youth activities like the YMCA and school service clubs (27 percent) were less likely to steal, but still more than one in five committed theft. Twenty-three percent said they stole something from a parent or other relative (the same as 2006) and 20 percent confessed they stole something from a friend. Boys were nearly twice as likely to steal from a friend as girls (26 percent to 14 percent).

LYING. More than two of five (42 percent) said that they sometimes lie to save money. Again, the male-female difference was significant: 49 percent of the males, 36 percent of the females. In 2006, 39 percent said they lied to save money (47 percent males, 31 percent females). Thirty-nine percent of students in private religious schools admitted to lying as did 35 percent of the students attending private non-religious schools.

More than eight in ten students (83 percent) from public schools and religious private schools confessed they lied to a parent about something significant. Students attending non-religious independent schools were somewhat less likely to lie to parents (78 percent).

CHEATING. Cheating in school continues to be rampant and it’s getting worse. A substantial majority (64 percent) cheated on a test during the past year (38 percent did so two or more times), up from 60 percent and 35 percent, respectively, in 2006. There were no gender differences on the issue of cheating on exams.

Students attending non-religious independent schools reported the lowest cheating rate (47 percent) while 63 percent of students from religious schools cheated. Responses about cheating show some geographic disparity: Seventy percent of the students residing in the southeastern U.S. admitted to cheating, compared to 64 percent in the west, 63 percent in the northeast, and 59 percent in the Midwest. More than one in three (36 percent) said they used the Internet to plagiarize an assignment. In 2006 the figure was 33 percent.

Worse than it appears? As bad as these numbers are, it appears they understate the level of dishonesty exhibited by America’s youth. More than one in four (26 percent) confessed they lied

on at least one or two questions on the survey. Experts agree that dishonesty on surveys usually is an attempt to conceal misconduct. Despite these high levels of dishonesty, the respondents have a high self-image when it comes to ethics. A whopping 93 percent said they *were satisfied with their personal ethics and character* and 77 percent said that *when it comes to doing what is right, I am better than most people I know*.

Are you satisfied with your personal ethics and character? When it comes to doing what is right, are you better than other agents you know?

“If students lack ethics in high school and college, then there should be little surprise that they lack ethics in their careers. Greed and over-reaching ambition often end in disastrous personal consequences.” – Dennis Levine, Convicted Inside Trader

So...How Difficult is it to be Ethical?

With today’s economy and the myriad of media advertisements for life, health, homeowners and auto insurances; and, with all the “backbiting” & “undercutting” done by *some* bail agents both in and out of the Courthouse, odds are, if you ask a person on the street what they think of the insurance industry’s ethics, you’ll probably hear that we’re not ethical at all and that we can’t be trusted! It’s especially true if the family has dealt with one of those *unethical* agents in the past.

As individuals, our ideas of what is or is not ethical are formed early in our lives. Many factors cause us to form habits on which our ethical standards are based: education, family values, religious upbringing and work experiences. Since each of these influencing factors is different for each of us, our perception of what is ethical and isn’t ethical will vary as well.

There’s no doubt that some of the students who participated in the before mentioned survey will someday be working in the insurance industry...some may even be Licensed Surety Bail Bond Agents. If you don’t set a daily example, who’s going to take up the difficult challenge of leading our future agents to higher ethical standards? Those wanting to be in the bail bond business will be watching...and they may be sons or daughters of the family members you serve!

A few years ago, the *Wall Street Journal* published an article on corporate reputation called, “Does Being Ethical Pay?” In a series of experiments, consumers were shown the same products – coffee and T-shirts – one group was told that the items were made using high ethical standards and the other group was told that low standards had been used. The test showed, among other things, that consumers were willing to pay almost \$4 per pound more for coffee produced by a company with high ethical standards.

Always being ethical can be difficult, but if you lead by example...example, to the defendants and families you serve...and, to fellow bail agents in your community...it’s certain that the public’s trust will follow. Furthermore, in time, you’ll realize the “secret of all insurance sales” ...that keeping high ethical standards will translate into more sales and higher profits!

“We Will Not Lie, Steal or Cheat, Nor Tolerate Among Us Anyone Who Does” – U.S. Air Force Academy, Ethics Codes for their Students

Ethics depends on Human Reason.

Ethics involves the rightness or wrongness of human acts...divided into two parts: general ethics, in which fundamental principles are laid down, and special ethics, in which the general principles are given specific applications in man's individual and social life. In our CE study, as a Licensed Surety Bail Bond Agent, it involves both! First, there are "fundamental principles" of what is *right or wrong* and what is *good or evil* and making the correct moral choices with your words and actions. Second, being licensed and regulated by the Ohio Department of Insurance, there are the "specific applications" of the Administrative Rules and the Ohio Revised Code that govern your acts...and the words and omissions you make as an agent. You can refer to all these things as the *rules & consequences*...again...the "key elements" of ethical thinking.

If you're to succeed as a Licensed Surety Bail Bond Agent...if you're to be truly a *professional* in every sense of that word, you're bound to seek what is good! Good, as defined by Aristotle and St. Thomas Aquinas, is that which is suitable to the nature of a being; that is, that which befits it, suits it, perfects it, assists it, or is necessary for its existence or operation. Moral good is a quality of a human act by which it tends to its proper purposes or end, its ultimate end being God (remember that "salvation" term we mentioned earlier). Moral goodness applies to acts of rational beings and denotes a thing done or an action performed.

Now, please understand, our course is NOT preaching religion but stressing how important and how *encompassing* your role and actions are as a Licensed Surety Bail Bond Agent! The moral good you do and example you give to others will NOT go unnoticed. Likewise, the compassion and understanding you put forth will shine like the stars in the Heavens as someday you'll answer to that Higher Authority whose Name is mentioned by countless children each morning in the "Pledge of Allegiance" and in courtrooms across the USA as witnesses are put under Oath.

How you work and how you perform your duties not only affects the individuals and families you assist through the process of obtaining a surety bail bond; but, by your "ethical" and "rightful" demeanor it builds to establish a lasting credibility which in turn results in the fulfillment of a fruitful career. When all is said and the day is done, your goal is to "sleep well" at night...every night...because you've done your very best to help your fellow man.

The importance of ethics can also be seen from the fact that most of the ills of the modern world result from the false ethical principles of men who have shaped human thought into such errors as Marxism and Communism. Can history ever forget the cry of Adolph Hitler: that the bigger the lie the more people will believe it? It's so easy to lie...to twist the truth...it's easy to get others to believe it yet always knowing within yourself, a lie is a lie! Just be honest to yourself.

No matter what activity you engage in, that activity must be regulated by the moral law in every detail of its exercise. Every human action of man should be subject to the law of reason, and every concrete human action is a moral action, helping or hindering man in the attainment of his life's purpose. Man by his nature cannot be amoral. Every science, every art and *every profession* must have its ethical implications and is therefore subject to ethical standards.

The old stupidity of *laissez faire* – that man is free of the moral law in the economic sphere; that, if he works for his own self interests, it will redound to the good of society – could never deceive any but those who strongly wished to be deceived.

And so in modern sociology, the moral law must be paramount or the people perish. And so it is with all men: the Artist and the Litterateur, the Doctor, the Lawyer, the Judge and the *Licensed Surety Bail Bond Agent*, and, as such, you MUST acknowledge and submit to the supremacy of

the moral law, or you'll be helping in the ruin and decay of all that is good in man. Law and politics, therefore, economics and insurance, all have their foundation and ultimate principles in ethics – principles which must regulate every act knowingly and freely carried out.

At a Congressional Hearing on Accounting and Business Ethics in July 2002, Truett Cathy, the Founder of Chick-Fil-A quoted Proverbs 22:1 – *“A good name is more desirable than great riches; to be esteemed is better than silver or gold.”* The truth is that fame and fortune are nothing compared to personal honor.

Eternal Truths of Ethics.

Free will is a property of the mind whereby, when everything is physically ready for action, the will still has a choice of its own with regard to that action. You may choose to act or not to act, to do one thing or to do another. *You follow the rules or you do not.*

The proposition that no member of the human race is responsible for his actions is fatal. We are all conscious that our human acts are free and that we are responsible for them. Someone else may be deceived, but, deep down, you know. *You cannot deceive yourself.*

The end NEVER justifies the means! A lie is still a lie, even though you intend to save the whole world by means of it. Moral evil and physical good are on different levels of being. No amount of the latter can compensate for the smallest amount of the former. A moral act to be good must be entirely so; it is bad if any part is defective. *You cannot do evil that good may come from it.*

For every action in life there is a reaction. Nothing goes unnoticed! You can't cheat or lie to a client and succeed...you can't talk badly about fellow agents and expect to be respected...you can't pretend you are “not soliciting” in the Courthouse or on jail grounds when you are...and, you can't assume to “own” clients because you're the oldest agency in town or simply because you have a larger number of agents and “stack the deck” each day at the Courthouse...you, and you know who you are...you can't continue to break the rules – constantly doing “unethical” acts – and believe that consequences for those “unethical” acts will not catch up with you!

“The ordinary administration of criminal and civil justice ... contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government.” – Alexander Hamilton, *The Federalist*, No. 17

What about Ethics and Business...the Business of Surety Bail Bond?

The concept of “ethical behavior” can be defined and demonstrated in various ways.

It can't be stressed enough, that as a Licensed Surety Bail Bond Agent in the State of Ohio you have a moral and professional obligation to act “ethically” at all times. When you're providing these “specialized insurance services” to the general public – and “special” they are as they deal with the very life, death and freedom of an individual – it is VITAL to act accordingly!

Following a “correct way to think and act” is not a suggestion but a requirement. It starts at home each day as it relates to self and family, and then flows into business, daily life and into every thing you do. It must be grounded on sound moral conduct and disciplined to Rules & Codes that have been established for your good...and...the ultimate good of those you serve.

Simply put, an individual without a *firm sense of morals* and *good ethical foundation* has no place in the surety bail bond business! It's better for him to get out, and...get out NOW!

More than the fiduciary responsibilities of charging, collecting and receipting premiums and collateral, you work on a day-to-day basis with the courts and legal system, dealing with people's lives and destinies. Through tireless efforts of securing the bond, you gain freedom for a loved one who is indeed "innocent until proven guilty" and give a much desired glimpse of hope to the defendant, indemnitors and co-signers...while others, including family members, may continue to hold doubts in the processes of the legal system...YOU GIVE HOPE!

Yes, they come to you, sometimes with their last cent...often, having to beg, borrow and "do without" in order to pay that 10% premium. The degree of trust and expectation that is put into your hands is *immeasurable* and the "good" you do for the accused and their family and friends can't be put into words!

What you say on the telephone, how you conduct yourself with a family, how you act at the Courthouse and *interact* with fellow bail bond agents can mean the difference between "life and death"...not only for the defendant you serve but for the future of your career as well!

Ethical codes that govern businesses often address certain main areas: Honesty, Objectivity, Integrity, Carefulness, Openness, Respect for Intellectual property, Confidentiality, Respect for colleagues, Social responsibility, Responsible publication, Non-discrimination, Competence, Legality, Human subjects protection and so forth. Of course, these *moral principles* apply more in some fields of business than others.

For example, ethics for accountants of publicly held corporations depends upon complete honesty and transparency. When accountants do not behave ethically, or violate these principles of ethics, shareholders can be harmed. Remember, the accountants at Arthur Anderson didn't behave with honesty, openness and responsible publication when auditing Enron. As a result, shareholders were harmed, the company collapsed, and some Arthur Anderson accountants were held legally liable for their breach of business ethics.

Confidentiality is most important when it comes to ethics in the legal professions, including the business of Surety Bail Bond. The law recognizes that attorneys have such a high moral obligation to keep their clients secrets confidential, that if an attorney violates this ethical duty, he can be disbarred. Likewise, with a breach of confidentiality, a bail agent should be hung!

Human subjects protection, on the other hand, is most important when it comes to those in the medical professions or those conducting experiments on others such as psychologists. Peer review boards and other such institutions govern experiments designed to be conducted on human subjects to ensure that business ethics are followed and that experimenters make the best of moral and ethical decisions. Integrity, honesty, confidentiality, legality, respect for fellow colleagues, non-discrimination...which of these *moral principles* do you see applying to the business of Surety Bail Bond? Do you see some areas more important than others?

Ethics is essential to the functioning of a free society, as President John Adams observed: " <i>We have no government armed with power capable of contending with human passions unbridled by morality and religion. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.</i> "
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Setting Business Ethics

While, with any profession the law imposes some ethical rules, legislation can't possibly define business ethics as a whole and can't address every situation in which ethical dilemmas may arise. Even in the Business of Surety Bail Bond, Administrative Rules & Codes can't address every situation so ethical or moral judgments **MUST** be made by the agent. There is "help" however, which can be found through the support from insurers and professional associations.

Companies and professional societies such as the American Medical Association, the American Bar Association and Bail Agent Associations set their own ethical standards in an attempt to provide guidance for difficult choices. These ethical rules are often referred to as a Code of Conduct, *Code of Ethics* or Rules of Conduct, by which those in the group abide. Each group determines their ethical stance based upon different guidelines, whether it's established principals or group agreement. While members of the group may follow the ethical guidelines as a principal by which they believe everyone should act, they might also have a set of personal ethics that also govern their own behaviors. (See our *Code of Ethics* at the end of the course.)

Sometimes, however, business ethics and personal ethics conflict. This dilemma occurs commonly in "attorney" ethics. For example, an attorney may represent a client who commits murder, and that client may tell the attorney where the body is buried. In every other situation, a person would likely have a strong ethical and moral obligation to go to the police; however, attorney ethics dictates that the lawyer keep the client's secret, in fact, it would be unethical for him to do so!

And, here's an interesting note regarding this matter: In this case, the attorney must put business ethics first in order to protect the structure of the American justice system. If the attorney did not act under these special rules of business ethics, people would be deprived of their Constitutional right to a fair trial and competent defense in the court systems. Therefore, business ethics changes the rules of normal ethics to serve a higher purpose.

How can you know your actions constitute Ethical Behavior?

With the "help" discussed and examples presented...when all the Rules & Codes are said and done...you may still find yourself in situations where it's difficult to discern if your actions are ethical or not. You know the law defines what IS and IS NOT legal, but the distinctions between *moral right* and *moral wrong* may not always be so clear. In these particular situations lines between right and wrong may seem blurred and can lead to ethical dilemmas.

When faced with questions of an ethical dilemma, before you act, it's important to consider outcomes of the decision-making process. One way of dealing with ethical dilemmas is by using the so-called "four way" test to evaluate your decision. Our test involves asking four questions: 1) Is my decision a truthful one? 2) Is my decision fair to everyone affected? 3) Will my decision build goodwill for the Surety Bail Bond profession? 4) Is the decision beneficial to all parties who have a vested interest in the outcome? When these four questions can truthfully be answered with a "yes," it is likely that the decision you make will be an ethical one.

Another way of making sure your decisions are truly ethical is by using the "publicity" test. Very simply, before you act, ask yourself how you would feel if your actions were published in your hometown newspaper or broadcast on the TV. If you'd be comfortable, if it were possible, having your parents, grade school teachers, fellow agents and other people find out what you did,

chances are that your decision is an ethical one. However, if you'd not want these individuals to learn about your actions, you probably need to rethink your decision.

If you work for a Bail Bond Agency or directly under a Nationwide Bail Bond Underwriter, realize that the Directors, Owners and Managing General Agents play an important role in establishing its ethical tone. If managers behave as if the only thing that matters is "getting bonds" or profit, agents are likely to act the same. A company's leaders are responsible for setting standards for what IS and IS NOT acceptable agent behavior. It's vital for agencies to play an active role in creating a work environment where agents are encouraged and rewarded for acting in an ethical manner. The business of Surety Bail Bond and the entire insurance world is highly regulated and is NOT based upon the widely accepted "if it feels good, do it" attitude.

Managers who want agents to behave ethically must exhibit ethical decision-making practices themselves. They have to remember that leading by example is the first step in fostering a culture of ethical behavior in their companies. No matter what the formal policies say or what they are told to do, if agents see managers behaving unethically, they'll believe that the company wants them to act in a like manner. Does your Managing General Agent behave ethically? Does your agency put *ethical behavior* before the "push" to sell bonds?

When evaluating your goals and objectives as a professional, a vital question must be asked: What is your highest aspiration? If integrity is second to any alternative, e.g. wealth, fame, popularity, then it is subject to sacrifice in situations where a choice must be made.

AN ETHICAL DECISION...To Write or NOT to Write a Bond?

Just because an opportunity presents itself to "do business" and write a surety bail bond, does not *automatically* mean you can act upon it and write that bond! Aside from "insurance laws" to be followed, ethical behavior and *due diligence* are paramount in your decision-making. We present two examples of professional agent conduct vs. agent misconduct:

First: At arraignment in Municipal Court the judge sets bail at \$10,000, "Cash, Surety or Ten Percent." The defendant's family calls...eager to meet with you...saying, they, "have a thousand dollars and want their daughter out of jail immediately!" You've had a slow week, it's the first of the month, and your Managing General Agent has been on your back to increase "sales," your rent is due, bills are mounting and you hurry down to the Courthouse to meet the family.

In the rush of things – no questions are asked and very little is explained, you want to keep the family happy – you meet the folks, file the bond...day is done...manager pleased...profit made and on your way! The family applauds your actions. After all, you are the licensed professional, you work in the "legal realm" and you're governed by Insurance Laws. You ARE an *Officer of the Court*... you wouldn't...you couldn't...do anything wrong? And if ever suspected or questioned about your *procedures*, which would be highly unlikely, you might *rationalize* your actions...by saying you didn't know. What an *ethical* way to do business...good job!

But wait! As a Licensed Surety Bail Bond Agent shouldn't you have explained to the family, in a clear and understandable way, the different *bond types* Ordered by the Court? As an *ethically acting* Officer of the Court, shouldn't you have disclosed they could post the entire cash amount, 10% or Appearance Bond directly with the Court and even get a percentage of their money refunded back after final disposition? Similarly, shouldn't you have informed them that any premiums paid to you for a surety bail bond are non-refundable?

Of course you SHOULD HAVE! You know the above scenario is tainted with wrongdoing, *questionable actions* and a disregard of proper ethical behavior for what the business of Surety Bail Bond MUST be based. You know that you're morally and *ethically* bound to do the right thing with every family and individual you do business with. The family has come to you at the "worst time in their life" as their "baby girl" is spending time in that nasty jail cell. They call upon you for help as "THE" bail bond professional...to guide them through the legal maize of bail. Many times they're unaware of legal terms or even bail options available to them. Many times it's their first time needing a surety bail bond. You can't just take the money and run...the entire "bail action" and all available options must be explained...THAT'S YOUR JOB!

(Likewise, in all fairness to the family, you should've explained the liability and risks they assume in posting cash or a bond directly with the Court. Ultimately, it must be THEIR DECISION... after you've done your job *ethically* and *properly*...if they want a surety bond.)

Second: The same family calls and elects to purchase a surety bail bond. You simply post the bond with the Clerk of Courts and inform the family it'll be 4-10 hours and their daughter will be released from the jail. The family calls 4 hours later informing you their daughter is NOT going to be released...she violated probation in another county. The family members aren't happy with you, demanding their money back. You're "caught by surprise" and have nothing to say except that the premium is non-refundable. You can't possibly "sleep well" that night?

It's so easy to say "yes"...to *always* say "yes"...without doing any checking at all. The family comes to you and you *wrongly* and *unethically* just tell them what they want to hear! They have the money ready and you simply want to make your profit and get back home. After all, it's "quick money," late at night and the daughter will soon be home...so you say.

Before writing the bond, shouldn't you have made every effort to check with authorities (clerk, jail, etc.) to make sure there were no holds, warrants, or anything else that would prevent the bonding process? Of course you SHOULD HAVE! You know *due diligence* must be practiced every step of the bonding way. When you've thoroughly checked every case, every time...you'll be secure in knowing you've guided the family correctly with an "informed decision" for the "correct resulting purposes" (release) of that bond...and not end up in an awkward position!

As a Licensed Surety Bail Bond Agent it is YOUR RESPONSIBILITY to check with authorities, to call the jail and make sure a defendant is "free" to be released. However, you can only do what you can do! If you've been diligent in your job...but for some unknown reason the defendant is not released...don't blame yourself needlessly. You're not required to have a crystal ball in your tool arsenal as a bail bond agent; sometimes there can be "secret" indictments, "holders," pending charges or Immigration (ICE) holds that are NOT disclosed to ANYONE beforehand! Many times, clerks, even jail personnel, are unaware of such facts when bonds are posted directly with the Court. Always make sure that your relationship with the family is a trust relationship! Do your words and actions reflect the fact that you conduct your work in an efficient and *ethical* manner? Do those you serve see this in you?

<i>"The reputation of a thousand years may be determined by the conduct of one hour."</i> – Japanese Proverb

Surety Bail Bonding is a Sacred Trust!

- Have principles by which one treats colleagues, clients and the public in a fair, just and truthful manner. With an absolute understanding that adherence to such standards is considered one of the requisites for recognition as a *professional*
- Live and work “ethically”...when behavior and decision making in your personal and professional life are guided by the five ethical principals: Integrity, Competence, Responsibility, Respect and Concern
- Behave in a socially responsible manner...you are much more likely to enjoy ultimate success than those whose actions are motivated solely by profits
- Keep within the confines of the *moral principles* governing the business of Surety Bail Bond: Confidentiality, Honesty, Carefulness, Non-discrimination, Objectivity, Respect for Fellow Agents, Fair Trade Practices, Legality
- Follow the “Golden Rule” to do unto others as you would have them do unto you because there are also business decisions that do not fall within the guidelines of Rules & Codes, in which ethical or moral judgments must be made

Ohio Laws...in place for a reason...and NOT optional!

From your initial licensure as a Surety Bail Bond Agent, the State of Ohio and Department of Insurance has determined *standards for the profession* – the “ethics” to be followed – and they are enumerated for you in the Administrative Code Rules and Ohio Revised Code.

Remember, ethics is defined as the science of the morality of human acts. Therefore, what keeps you “moral” or “in-line” when it comes to fulfilling your obligations and responsibilities as a Licensed Surety Bail Bond Agent is to act within the strict confines that have been established! Again, those confines of *rules & consequences* are the “key elements” of ethical thinking.

And, what about...SOLICITATION

In 2008, the Ohio Department of Insurance developed new Administrative Code Rules addressing solicitation criteria for Licensed Surety Bail Bond Agents. Ohio law prohibits agents who are on Courthouse grounds or detention facilities from *selling* or otherwise soliciting for the sale of bail bonds. Certainly, with these specific dos & don’ts at the Courthouse, this is where *absolute ethical behavior* is demanded; but, sadly, where the greatest temptation for abuse exists!

The Rule instructs agents on the type of solicitation activity that is prohibited in the *Courthouse* or on the *grounds of a detention facility*: (the literal Law is quoted followed by our comments)

(a) Approaching a person not currently a client and in any way initiating communication concerning bail bond services. - This does not mean that you can’t talk to people at the Courthouse! If someone approaches you and asks questions about surety bail bond or what you can do for them as a Licensed Surety Bail Bond Agent, you have every right to answer them honestly and correctly...as long as they have initiated the communication.

(b) Writing bonds for an individual without their direct knowledge and consent.

- (c) Communicating as, or holding oneself out to be, a court appointed surety bail bond agent or suggesting in any manner that one has been appointed by a court or other public agency to write a bond for a particular defendant, or on a particular case.
- (d) Wearing clothing that indicates a person is in the bail bond industry unless otherwise directed by the court or detention facility, except the wearing of the issued department of insurance ID card. – There can be no valid reason why a Licensed Surety Bail Bond Agent would not want to wear the “official” Identification Card issued by the Ohio Department of Insurance. Matter of fact, the card **MUST** be clearly displayed when conducting the business of Surety Bail Bond!
- (e) Conducting business in a loud and conspicuous manner.
- (f) Distributing a business card, pen, or any other item, that identifies an individual or business entity as providing surety bail bond services. – According to the Ohio Revised Code, your business card may be given to any person or group of persons that specifically asks you for it.
- (g) Physically impeding, blocking, or hindering the public from viewing or obtaining the docket or other information needed to ascertain the status or procedure of any court process including all court bonding processes. – You are *ethically obligated* to disclose to prospective clients the different bond types Ordered by the Court for the specific defendant. You **MUST** disclose if they are given the option to post their money directly with the Clerk of Courts using a 10% or Appearance Bond...and explain to them what that means regarding any return of premium!
- (h) Engaging or hiring any person, directly or indirectly, to perform any acts listed in paragraphs (I)(1)(a) to (I)(1)(g) of this rule.
- (i) Any other activity that may be construed as the sale or solicitation of surety bail bonds.

Likewise, the Rule states that the following activities shall not constitute prohibited solicitation by a surety bail bond agent on the *grounds of a Courthouse* or *detention facility* subject to the limitations of paragraph (I)(1) of this rule:

- (a) Having personal business matters before a court or detention facility;
- (b) Attending a scheduled hearing or meeting with any person(s) regarding surety bail bonds as long as the meeting is arranged with the person(s) prior to the arrival at the Courthouse or detention facility;
- (c) Being retained by a person to write and post a surety bail bond;
- (d) Gathering court and docket information for business purposes;
- (e) Writing a bond and posting a bond with the court;
- (f) Returning a fugitive from justice pursuant to section 2927.27 of the Revised Code;
- (g) Notifying a court, or detention facility of professional activities being conducted by the surety bail bond agent, other than solicitation; or

(h) Filing required paperwork with the court or detention facility regarding bonds, prisoners, bail bond license status, or fugitives.

(J) Severability

Ethical Conduct...Ohio Administrative Code:

The purpose of the Rule is to establish criteria for surety bail bond agent conduct.

Definitions used in the Rule:

(1) “Cash bond” means the full amount of the bail required to be paid in cash to release a defendant from jail.

(2) “Power of attorney” means a legal instrument that is used by an authorized surety company to delegate authority to a licensed general agent or surety bail bond agent for the posting of surety bail bonds with a court of law up to a specified monetary amount.

(3) “Surety bail bond” means a court accepted bond instrument from a licensed insurance company issued for or on behalf of an incarcerated person held under criminal charges in any Ohio mayor, municipal, county, or federal court.

(4) “Immigration bond” means a federally accepted bond instrument from a surety company approved by the United States department of treasury issued for and on behalf of alien detainees held by United States immigration and customs enforcement, within the department of homeland security pending a hearing or court appearance; or to guarantee that an alien will be financially independent during a lawful visit or prolonged stay to the United States.

(D) Stacking bonds prohibited.

A surety bail bond agent shall not submit more than one power of attorney for any single bond, charge or charges, as is assigned a number by a court of proper jurisdiction.

(E) Submitting powers and bonds

(1) All surety bail bonds submitted to the court or the custodian of an arrested person must be accompanied by a current, non-expired, legal power of attorney.

(2) Only one power of attorney shall be submitted per bond. The face value of the power shall be equal to or greater than the amount of the bond set by the court in the single charge or charges for which the bond and power are being submitted.

(3) No power of attorney that has been altered or erased shall be submitted to a court or insurance company.

(4) No expired power of attorney shall be submitted to a court or insurance company.

(5) No power of attorney shall be used or submitted to a court or insurance company more than once.

(F) Immigration bonds

Immigration bonds may be solicited, sold, or negotiated only by:

- (1) A person holding an Ohio insurance license with a casualty line of authority conferred pursuant to Title 39 of the Revised Code.
- (2) A person holding an Ohio surety bail bond line of authority conferred pursuant to Title 39 of the Revised Code, who has been given a bond power that expressly allows for the writing of an immigration bond.

(G) Bond money from loan companies

No surety bail bond agent shall be employed by, contracted with, or act as an agent for, or own an ownership interest in any person or business entity that loans money for, or takes collateral for the loan of money for, the purpose of posting a cash bond or surety bail bond on behalf of a defendant.

(H) Real property as collateral, when accepting real property as collateral for a bond,

- (1) A surety bail bond agent shall not require the transfer of title of any real property as a condition of issuing the bail bond.
- (2) A surety bail bond agent may require a defendant, or anyone agreeing to provide real property as collateral on a defendant's behalf, to establish title and unencumbered value, at the defendant's expense, together with mortgage security or other documents necessary to establish the surety bail bond agent's lien interest in the real property by the bail agent.
- (3) A surety bail bond agent shall not provide title, notary, or lien filing services directly or indirectly to the client or defendant for a fee. A surety bail bond agent shall not receive any valuable consideration for referring a person for title, notary, or lien filing services.
- (4) Return of security document collateral:
 - (a) If the security document has not been filed with the state or a division of the state to perfect the lien, and the bond has not been called or otherwise needed or used, the original mortgage or other security document must be stamped cancelled and returned to the client or defendant within twenty-one days from the end of the bond.
 - (b) If the security document has been filed with the state or a division of the state to perfect the lien, and the bond has not been called or otherwise needed or used, a release of the mortgage or release of the other security document must be completed within twenty-one days after the end of the bond. A copy of the release containing an official date/time stamp must be provided to the client within twenty-six days after the end of the bond.

Standards for the Profession...Ohio Revised Code:

§ 3905.84: No person shall act in the capacity of a surety bail bond agent, or perform any of the functions, duties, or powers prescribed for surety bail bond agents under sections [3905.83](#) to

[3905.95](#) of the Revised Code, unless that person is qualified, licensed, and appointed as provided in those sections.

§ 3905.841: The following persons or classes of persons shall not act as surety bail bond agents or employees of a surety bail bond agent or bail bond business and shall not directly or indirectly receive any benefits from the execution of a bail bond, except as a principal:

(A) Jailers or other persons employed in a detention facility, as defined in section 2921.01 of the Revised Code;

(B) Prisoners incarcerated in any jail, prison, or any other place used for the incarceration of persons;

(C) Peace officers as defined in section 2921.51 of the Revised Code, including volunteer or honorary peace officers, or other employees of a law enforcement agency;

(D) Committing magistrates, judges, employees of a court, or employees of the clerk of any court;

(E) Attorneys or any person employed at an attorney's office;

(F) Any other persons having the power to arrest, or persons who have authority over or control of, federal, state, county, or municipal corporation prisoners.

§ 3905.85 (B)(1)(c): The applicant is a person of high character and integrity. (C) A resident and nonresident surety bail bond agent license issued pursuant to this section authorizes the holder, when appointed by an insurer, to execute or countersign bail bonds in connection with judicial proceedings and to receive money or other things of value for those services. However, the holder shall not execute or deliver a bond during the first one hundred eighty days after the license is initially issued.

§ 3905.86 (D) A surety bail bond agent shall not represent to the public that the agent has authority to represent a particular insurer until the insurer has acknowledged that authority by appointment of the agent in accordance with this section.

§ 3905.87 (A) A surety bail bond agent shall not file a bond in any court of this state unless the agent is licensed and appointed under sections 3905.83 to 3905.95 of the Revised Code and has registered with the clerk of that court pursuant to division (B) of this section, if registration is required by the court.

(B) To register with a court, a surety bail bond agent shall file, with the clerk of the court, a copy of the agent's surety bail bond license, a copy of the agent's driver's license or state identification card, and a certified copy of the surety bail bond agent's appointment by power of attorney from each insurer that the surety bail bond agent represents. An agent shall renew the agent's registration biennially by the first day of August of each odd-numbered year.

(C) The clerk of the court shall make available a list of court-registered surety bail bond agents to the appropriate holding facility, jail, correction facility, or other similar entity within the court's jurisdiction annually not later than the first day of September. If an agent registers with a court after the last day of August, the court shall add that agent to the list and make the updated

list available to the appropriate holding facility, jail, correction facility, or other similar entity within the court's jurisdiction within twenty-four hours of the court's approval of that registration.

§ 3905.88 (A) Each individual who is issued a license as a resident surety bail bond agent shall complete at least seven hours of continuing education in each license renewal period. The continuing education shall be offered in a course or program of study related to the bail bond business that is approved by the superintendent of insurance in consultation with the insurance agent education advisory council and shall include at least one hour of approved ethics training.

(B) The superintendent shall not renew the license of any surety bail bond agent who fails to meet the requirements of division (A) of this section or whose application for renewal does not meet the requirements of section 3905.85 of the Revised Code.

§ 3905.89 Each person licensed under sections 3905.83 to 3905.95 of the Revised Code shall notify in writing the appropriate insurer or Managing General Agent, and the clerk of the court of common pleas of the county in which the licensee is registered, within thirty days after a change in the licensee's principal business address or telephone number.

§ 3905.90 Each surety bail bond agent shall maintain all records of surety bonds executed or countersigned by the surety bail bond agent for at least three years after the liability of the surety has been terminated. Those records shall be open, at all times, to examination, inspection, and photographic reproduction by any employee or agent of the department of insurance, or by any authorized representative of the insurer or Managing General Agent. The superintendent of insurance at any time may require the licensee to furnish to the department, in the manner and form that the superintendent requires, any information concerning the surety bond business of the licensee.

§ 3905.92 (A) A surety bail bond agent that accepts collateral security or other indemnity shall comply with all of the following requirements:

(1) The collateral security or other indemnity shall be reasonable in relation to the amount of the bond.

(2) The collateral security or other indemnity shall not be used by the surety bail bond agent for personal benefit or gain and shall be returned in the same condition as received.

(3) Acceptable forms of collateral security or indemnity include cash or its equivalent, a promissory note, an indemnity agreement, a real property mortgage in the name of the surety, and any filing under Chapter 1309 of the Revised Code. If the surety bail bond agent accepts on a bond collateral security in excess of fifty thousand dollars in cash, the cash amount shall be made payable to the surety in the form of a cashier's check, United States postal money order, certificate of deposit, or wire transfer.

(4) The surety bail bond agent shall provide to the person giving the collateral security or other indemnity, a written, numbered receipt that describes in a detailed manner the collateral security or other indemnity received, along with copies of any documents rendered.

(5) The collateral security or other indemnity shall be received and held in the surety's name by the surety bail bond agent in a fiduciary capacity and, prior to any forfeiture of bail, shall be kept

separate and apart from any other funds or assets of the surety bail bond agent. However, when collateral security in excess of fifty thousand dollars in cash or its equivalent is received on a bond, the surety bail bond agent promptly shall forward the entire amount to the surety or Managing General Agent.

(B) Collateral security may be placed in an interest-bearing account in a federally insured bank or savings and loan association in this state, to accrue to the benefit of the person giving the collateral security. The surety bail bond agent, surety, or Managing General Agent shall not make any pecuniary gain on the collateral security deposited.

(C)(1) The surety is liable for all collateral security or other indemnity accepted by a surety bail bond agent. If, upon final termination of liability on a bond, the surety bail bond agent or Managing General Agent fails to return the collateral security to the person that gave it, the surety shall return the actual collateral to that person or, in the event that the surety cannot locate the collateral, shall pay the person in accordance with this section.

(2) A surety's liability as described in division (C)(1) of this section survives the termination of the surety bail bond agent's appointment, with respect to those bonds that were executed by the surety bail bond agent prior to the termination of the appointment.

(D) If a forfeiture occurs, the surety bail bond agent or surety shall give the principal and the person that gave the collateral security ten days' written notice of intent to convert the collateral deposit into cash to satisfy the forfeiture. The notice shall be sent by certified mail, return receipt requested, to the last known address of the principal and the person that gave the collateral.

The surety bail bond agent or surety shall convert the collateral deposit into cash within a reasonable period of time and return that which is in excess of the face value of the bond minus the actual and reasonable expenses of converting the collateral into cash. In no event shall these expenses exceed ten per cent of the face value of the bond. However, upon motion and proof that the actual and reasonable expenses exceed ten per cent, the court may allow recovery of the full amount of the actual and reasonable expenses. If there is a remission of forfeiture that required the surety to pay the bond to the court, the surety shall pay to the person that gave the collateral the value of any collateral received for the bond minus the actual and reasonable expenses permitted to be recovered under this division.

(E) A surety bail bond agent or surety shall not solicit or accept a waiver of any of the provisions of this section, or enter into any agreement as to the value of the collateral.

(F) No person shall fail to comply with this section.

§ 3905.921 (A) If collateral security or other indemnity is accepted on a bond, the surety bail bond agent, Managing General Agent, or surety shall make, upon demand, a written request to the court for a discharge of the bond to be delivered to the surety or the surety's agent.

If the obligation of the surety on the bond is released in writing by the court and a discharge is provided to the surety or the surety's agent, the collateral security or other indemnity, except a promissory note or an indemnity agreement, shall be returned, within twenty-one days after the discharge is provided, to the person that gave the collateral security or other indemnity, unless another disposition is provided for by legal assignment of the right to receive the collateral to another person. If, despite diligent inquiry by the surety or the surety's agent to determine that

the bond has been discharged, the court fails to provide a written discharge within thirty days after the written request was made to the court, the bond shall be considered canceled by operation of law, and the collateral security or other indemnity, except a promissory note or an indemnity agreement, shall be returned, within twenty-one days after the written request for discharge was made to the court, to the person that gave the collateral security or other indemnity.

(B) No fee or other charge, other than those authorized by sections [3905.83](#) to [3905.95](#) of the Revised Code or by rule of the superintendent of insurance, shall be deducted from the collateral due. However, allowable expenses incurred in the apprehension of a defendant because of a forfeiture of bond or judgment may be deducted if those expenses are accounted for.

(C)(1) No person shall fail to return collateral security in accordance with this section.

§ 3905.93 A surety bail bond agent shall not execute a bail bond without doing both of the following:

(A) Charging the premium rate (10%) filed with and approved by the superintendent of insurance;

(B) Disclosing the expense fee that will be charged to cover the costs incurred by the agent in executing the bond.

§ 3905.931 (A) No insurer, Managing General Agent, or surety bail bond agent shall furnish to any person any blank form, application, stationery, business card, or other supplies to be used in soliciting, negotiating, or effecting bail bonds unless the person is licensed to act as a surety bail bond agent and is appointed by an insurer. This division does not prohibit an unlicensed employee, under the direct supervision and control of a licensed and appointed surety bail bond agent, from possessing or executing in the surety bond office, any form, other than a power of attorney, bond form, or collateral receipt, while acting within the scope of the employee's employment.

(B) An insurer that furnishes any of the supplies mentioned in division (A) of this section to any surety bail bond agent or other person not appointed by an insurer and that accepts any bail bond business from or writes any bail bond business for that surety bail bond agent or other person is liable on the bond to the same extent and in the same manner as if the surety bail bond agent or other person had been appointed or authorized by an insurer to act in its behalf.

§ 3905.932 A surety bail bond agent or insurer shall not do any of the following:

(A) Suggest or advise the employment of, or name for employment, any particular attorney to represent its principal;

(B) Solicit business in, or on the property or grounds of, a detention facility, as defined in section 2921.01 of the Revised Code, or in, or on the property or grounds of, any court. For purposes of this division, "solicit" includes, but is not limited to, the distribution of business cards, print advertising, or any other written information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or potential indemnitor. Permissible print advertising in a detention facility is strictly limited to a listing in a telephone directory and the posting of the

surety bail bond agent's name, address, and telephone number in a designated location within the detention facility.

(C) Wear or otherwise display any identification, other than the wallet identification card required under division (G) of section 3905.85 of the Revised Code, in or on the property or grounds of a detention facility, as defined in section 2921.01 of the Revised Code, or in or on the property or grounds of any court;

(D) Pay a fee or rebate or give or promise anything of value to a jailer, law enforcement officer, committing magistrate, or other person who has power to arrest or to hold in custody, or to any public official or public employee, in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment of bail;

(E) Pay a fee or rebate or give or promise anything of value to an attorney in a bail bond matter, except in defense of any action on a bond;

(F) Pay a fee or rebate or give or promise anything of value to the principal or to anyone in the principal's behalf;

(G) Post anything without using a bail instrument representing an insurer, to have a defendant released on bail on all types of set court bail, except for the following:

(1) Cash court fees or cash reparation fees;

(2) Ten per cent assignments;

(3) Other nonsurety court bonds, if the agent provides full written disclosure and receipts and retains copies of all documents and receipts for not less than three years.

(H) Participate in the capacity of an attorney at a trial or hearing of a principal;

(I) Accept anything of value from a principal for providing a bail bond, other than the premium filed with and approved by the superintendent of insurance and an expense fee, except that the surety bail bond agent may, in accordance with section 3905.92 of the Revised Code, accept collateral security or other indemnity from a principal or other person together with documentary stamp taxes if applicable. No fees, expenses, or charges of any kind shall be deducted from the collateral held or any return premium due, except as authorized by sections 3905.83 to 3905.95 of the Revised Code or by rule of the superintendent. A surety bail bond agent, upon written agreement with another party, may receive a fee or other compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(J) Execute a bond in this state on the person's own behalf;

(K) Execute a bond in this state if a judgment has been entered on a bond executed by the surety bail bond agent, which judgment has remained unpaid for at least sixty days after all appeals have been exhausted, unless the full amount of the judgment is deposited with the clerk of the court.

As used in this section, "instrument" means a fiduciary form showing a dollar amount for a surety bail bond.

§ 3905.933 (A) A surety bail bond agent shall not sign or countersign in blank any bond, or give a power of attorney to, or otherwise authorize, anyone to countersign the surety bail bond agent's name to a bond unless the person so authorized is a licensed and appointed surety bail bond agent directly employed by the surety bail bond agent giving that authority.

(B) A surety bail bond agent shall not divide with any other person, or share in, any commissions payable on account of a bail bond, except as between other surety bail bond agents that are licensed or otherwise qualified to engage in the bail bond business in their state of domicile.

§ 3905.934 (A) A surety bail bond agent shall not make, publish, or otherwise disseminate, directly or indirectly, any misleading or false advertisement, or engage in any other deceptive trade practice.

(B) All advertising by a surety bail bond agent shall include the address of record of the agent on file with the department of insurance.

§ 3905.94 If the superintendent of insurance, in accordance with section [3905.14](#) of the Revised Code, suspends or revokes a person's license as a surety bail bond agent, the person, during the period of suspension or revocation, shall not be employed by any surety bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business.

Code of Ethics – for Licensed Surety Bail Bond Agents

Relations with the Client:

Article 1.

In justice to those who place their faith, confidence, interests in the Bondsman, he or she should endeavor constantly to be informed of current laws, proposed legislation, Governmental orders or regulations, and other significant information and public policies which may affect the interests of the client.

Article 2.

The Bondsman should make a constant practice of full and complete disclosure to all parties, be they principal or indemnitor, of any and all possible liabilities, penalties, or detriments which may arise from their involvement in that particular undertaking which secures the release from custody of a person who is charged with a criminal offense.

Article 3.

The Bondsman should not, prior to forfeiture or breach, arrest or surrender any principal and thereby terminate his release from Governmental custody unless the Agent can materially show good cause for such action. Such good cause should reasonably take the form of judicial action, information concealed, or misrepresented or the renunciation of an indemnitor or the principal any of which may be considered material to the risk assumed by the Bondsman.

Article 4.

The Bondsman, upon receipt of notice of forfeiture or breach where notice is required or personal knowledge of forfeiture or breach, should promptly and formally notify any and all indemnitors and real parties of interest of the forfeiture or breach by the principal. The Bondsman should concisely state the liability thereby incurred or pending at that time.

Article 5.

The Bondsman should supply all indemnitors to an undertaking with a true copy of any document representing a binding legal contract to which he or she is to be or is being committed.

Article 6.

When an examination of the material factors of a potential undertaking reasonably convinces a Bondsman that he or she will be unable to undertake that particular bail relationship, the Bondsman should immediately inform all involved parties that he or she will not be able to secure the release of the defendant so that the defendant or his or her affiliates may promptly seek his or her release by another means.

Article 7.

Every Bondsman should comply in full with the laws and regulations governing the transaction of bail in his or her state. Such compliance must necessarily include those matters dealing with the trust and fiduciary relationship as it relates to monies and properties which may secure an undertaking. The highest moral and ethical practice should be maintained when entering into a trust or fiduciary relationship.

Relations with the General Public:

Article 8.

The Bondsman should keep themselves informed as to movements affecting the criminal justice system in his or her community, state, and the nation so that he or she may be able to constructively contribute to public thinking in matters of legislation, expenditures, public safety, and other questions dealing with the welfare of the general public. The Bondsman shall strive to find more effective means of fighting crime.

Article 9.

It is the paramount duty of the Bondsman to protect the general public against misrepresentations or unethical business practices in the bail industry. He or she should endeavor to eliminate in their community any practices which could be damaging to the public or to the dignity and integrity of the bail industry. The Bondsman should assist any regulatory agency or business practices review board charged with regulating the practices of the members of the bail industry.

Article 10.

The Bondsman should not, except as provided by law, engage in activities that constitute the practice of law and should refrain from making comments and representations which may lead the public to believe that the Bondsman is practicing law.

Relations with the Courts and Legal System:

Article 11.

The Bondsman, with due regard for the special position of responsibility and trust that this profession places an Agent in, should assist and cooperate with the judiciary, law enforcement agencies, and public prosecutors in the orderly administration of justice, so long as such assistance or cooperation does not compromise the honesty and integrity of the Bondsman or of the public officer.

Article 12.

Unless compelled to do so by law or by court order, the Bondsman should not divulge or disclose to any person or agency personal information regarding the principal or indemnitor of any undertaking which has not been forfeited or breached. The inherent right to privacy of the individual and the position of trust of the Bondsman demand compliance with this concept.

Article 13.

The Bondsman should make great efforts to verify and confirm any information which he or she may give to a court, law enforcement agency or any other public agency. Failure to do so, or an intentional misrepresentation of a fact to any one of the entities, must be construed as a breach of the fundamental relationship of trust between the Bondsman and the Governmental system.

Relations with Fellow Surety Bail Bond Agents:

Article 14.

The Bondsman shall not conspire with other Bondsmen to regulate rates or restrict trade within the Bonding Profession.

Article 15.

The Bondsman should so conduct his or her business as to avoid controversies and conflicts with his or her fellow Bondsmen and should not voluntarily disparage the business practice of a competitor or volunteer an opinion of a competitor's transaction. If his or her opinion is sought, it should be rendered with strict professional integrity and courtesy.

Article 16.

The Bondsman should seek no unfair advantage over his or her fellow Bondsmen, and should willingly share with them the lessons of his or her experience and study. The Bondsman should also inform his or her fellow Bondsmen of established hazards involving a prospective client if such hazards exist. (NOTE: Among Bondsmen within his/her own agency.)

Article 17.

If a Bondsman is charged with unethical business practices by a Government regulatory agency or by a grievance committee comprised of his or her peers, the Agent should place all pertinent

facts and rebuttal before the accusatory body promptly and voluntarily for investigation and judgment.

Article 18.

The Bondsman should constantly strive for the highest degree of attainable professionalism. This should be expected and demanded from all Bondsmen and by all those persons involved in the bonding industry, regardless of position.

Article 19.

The Bondsman should make extensive effort to support, contribute to, and participate in local, statewide, and national Bondsman associations whose goals are to preserve and enhance the integrity, quality, and honor of the bonding industry.

Concluding Sanction:

The Articles of the Code of Ethics are combined to guarantee high integrity and dignified professionalism from those who adhere to the principles of business and moral conduct outlined within. No inducement of profit and no instructions from clients or outside parties can ever justify departure from these principles or from the injunction of this Code of Ethics.

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