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**David K. Walker**

County Attorney  
Montgomery County

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OPINION COMMITTEE

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**RQ-0075-GA**

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June 26, 2003

FILE # ML-43171-03  
I.D. # 43171

CERTIFIED MAIL NO. 7002 2410 0000 8523 8033

RETURN RECEIPT REQUESTED

Honorable Greg Abbott  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # \_\_\_\_\_  
I.D. # \_\_\_\_\_

Dear General Abbott:

On behalf of the Montgomery County Attorney's Office, I am requesting an opinion in response to a question raised by the Presiding Officer of the Montgomery County Bail Bond Board (Exhibit A). Specifically, due to multiple complaints being filed with the Board, the Presiding Officer has asked whether a bail bond Licensee can operate under one or more than one assumed name, and secondly, does the bail bond board have authority to regulate the number of names under which a Licensee operates. I have provided the following in aid of seeking an opinion:

**Analysis**

**Single vs. Multiple business names**

The application requirements set forth in the Occupations Code contemplate the licensee operating under only one name.

Section 1704.154 of the Texas Occupations Code provides the following:

- (a) To be licensed under this chapter, a person must apply for a license by filing a sworn application with the board.
- (b) The application must:
  - (1) be in the form and contain the information prescribed by the board;
  - (2) state:
    - (A) the applicant's name, age, and address;
    - (B) if the applicant is a corporation, whether the applicant is:
      - (i) chartered or admitted to do business in this state; and

- (ii) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code;
- (C) the name under which the bail bond business will be conducted, including a bail bond business that is a corporation

As stated above, the licensee must provide to the bail bond board the name under which they will be operating. If the legislature intended for a bail bond board to operate under multiple names, then the code could have been written using "(C) the names under which . . ." However, the Office of the Attorney General, in Letter Opinion 98-068 has stated that "as a general matter, a county bail bond board does not have the authority to regulate bondsmen's use of assumed names." It has been presented to the Montgomery County Bail Bond Board that the lack of authority to regulate assumed names as well as the use of the plural "names" implies that a licensee can use multiple assumed names, including the assumed name submitted on the application of the licensee and an additional assumed name recently abandoned by another licensee whose license was abandoned or revoked.


#### **Authority to Regulate**

In Letter Opinion 98-068 it was asked whether a licensee could operate under an assumed name of another licensee that had been revoked or no longer eligible. The Attorney General opined that if the Licensee filed his application stating the name under which he intends to operate, then the board had no authority to state whether the name given was acceptable, as assumed names are regulated by the Business and Commerce Code. However, given the above question, being whether or not multiple names are acceptable, it has been asked of the Montgomery County Bail Bond Board if they can regulate the use of assumed names by allowing a licensee to use only one name.

If you have questions or need further information, please call Robert Rosenquist, Assistant County Attorney at (936)539-7828.

Sincerely,

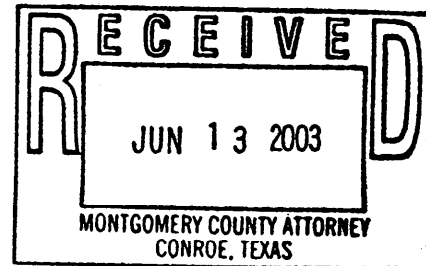
MONTGOMERY COUNTY  
ATTORNEY'S OFFICE

By:   
David K. Walker,  
County Attorney

**Edie Connelly**  
Justice of the Peace



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To: David Walker, Montgomery County Attorney  
From: Edie Connelly, Presiding Officer, Montgomery County Bail Bond Board  
Date: 11 June 2003  
Re: Request for opinion

Please provide an answer to the following:

Texas Occupations Code, Chapter 1704.154 states that to be licensed a person must file an application which includes, (C) *the name* under which the bail bond business will be conducted...". (emphasis added) Does this mean that a Licensee may only operate under one assumed name? Does a Bail Bond Board have the authority to regulate the number of names under which a Licensee may do business? In your answer, please consider Attorney General Letter Opinion 98-068.

Thank you,

