

LOUISIANA USED MOTOR VEHICLE COMMISSION

STATE OF LOUISIANA

REGULAR MEETING

DECEMBER 19, 2011

BEGINNING AT 9:33 A.M.

3132 VALLEY CREEK

BATON ROUGE, LOUISIANA

REPORTED BY:

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1 APPEARANCES :

2 CHAIRMAN :

3 MR. JOHN POTEET

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5 COMMISSIONERS PRESENT :

6 MR. RHETT BOURGEOIS

7 MR. TONY CORMIER

8 MR. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. KIRBY ROY

11 MR. HENRY "DARTY" SMITH

12 MR. DINO TAYLOR

13 MR. DOUGLAS TURNER

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1 ALSO PRESENT:

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3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MR. KEVIN REMBRIT

7 MS. SHEILA JONES

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1 MR. POTEET:

2 All right. I've got

3 9:30. Let's go ahead and get started.

4 Okay. Let's have the Pledge of Allegiance.

5 (Pledge of Allegiance)

6 MR. POTEET:

7 And, Kim, do the roll call

8 for us, please.

9 MS. BARON:

10 John Poteet?

11 MR. POTEET:

12 Here.

13 MS. BARON:

14 George Brewer?

15 MR. BREWER:

16 (No response.)

17 MS. BARON:

18 Louis Bourgeois?

19 MR. BOURGEOIS:

20 Here.

21 MS. BARON:

22 Tony Cormier?

23 MR. CORMIER:

24 Here.

25 MS. BARON:

1 Ron Duplessis?
2 MR. DUPLESSIS:
3 Here.
4 MS. BARON:
5 George Floyd?
6 MR. FLOYD:
7 Here.
8 MS. BARON:
9 Kirby Roy?
10 MR. ROY:
11 Here.
12 MS. BARON:
13 Darty Smith?
14 MR. SMITH:
15 Here.
16 MS. BARON:
17 Douglas Turner?
18 MR. TURNER:
19 Here.
20 MS. BARON:
21 And Dino Taylor?
22 MR. TAYLOR:
23 Here.
24 MS. BARON:
25 Mr. Chairman, we have a

1 quorum.

2 MR. POTEET:

3 Excellent.

4 All right. Do we have anyone
5 here for public comments?

6 MS. BARON:

7 No, sir.

8 MR. POTEET:

9 No public comments. Okay.

10 Items for discussion. We
11 need an approval of the minutes from the
12 previous meeting. I'm assuming that
13 everyone got those minutes.

14 MR. BOURGEOIS:

15 I make a motion to approve.

16 MR. POTEET:

17 Motion to approve.

18 MR. TURNER:

19 Second.

20 MR. POTEET:

21 Second, Mr. Turner.

22 All in favor, say "Aye."

23 (All "Aye" responses.)

24 MR. POTEET:

25 None opposed. We'll have

1 approval of those minutes.

2 And it's time for financial
3 matters. Mona is ready as her usual.

4 MS. ANDERSON:

5 I am.

6 In your packet there, you
7 have the financials for November. On Page
8 1, the ending bank balance for the end of
9 November was \$1,013,853.23. So we had quite
10 an influx there. Of that, we have \$116,000,
11 which is deferred revenue. That's for the
12 two year licenses that we have earmarked for
13 the next fiscal year. This month, we've
14 contacted Chase Bank and the State Treasury
15 and we talked to them about segregating some
16 of these funds into a different type of
17 financial instrument, like either a CD or a
18 high yield savings account. Although, you
19 know, on the statement there on the second
20 page, you can see that we segregated it out,
21 so we know that that's your deferred
22 revenue, but we need to take it out of the
23 bank account and -- so that it doesn't
24 appear that we have excess funds there.

25 These -- the accounts that we

1 talked to them about, like I said, we looked
2 at CDs and/or a high yield savings account.
3 We are talking with the State Treasury to
4 see if we have to go before the Cash
5 Management Review Board to approve opening
6 another account. We've had some indication
7 that we might have to do that and all that
8 entails is you have to fill out an
9 application, send it to the Board. They
10 review it. I think we are well within our
11 grounds to open another account, because we
12 are segregating these second year funds
13 there.

14 MR. POTEET:

15 Mona, is that in accordance
16 with the way the State does it in
17 other Commissions that have two year
18 licenses?

19 MS. ANDERSON:

20 I don't know, but I can find
21 out. I don't know if they, you know, open a
22 separate account for that or not, but we
23 were just looking at options so that we
24 could present it to you at the meeting. The
25 high yield savings account would give us a

1 little bit higher interest. Point one-seven
2 is the option that Chase gave us, and those
3 accounts would meet the collateralization
4 laws that we fall under, and they also allow
5 up to six transfers per month between
6 accounts. So we would have plenty -- you
7 know, we wouldn't anticipate maybe more than
8 one transfer a month and that would be
9 starting the next fiscal year in July of
10 2012. Then, we would look to move some of
11 that money over into the operating fund.
12 But we will have more information on that
13 next month, so that we can look at it and
14 decide whether that's an option or if it's
15 not -- it doesn't do us any good to do that,
16 and I'll also check with some of the other
17 Commissions to see if they do that.

18 MR. POTEET:

19 Okay. Thank you.

20 MS. ANDERSON:

21 Like I said, on Page 2 of
22 that report, you can see our deferred
23 revenues are gathering there, about
24 \$116,000.

25 On Pages 3 and 4 -- I'm

1 sorry, 3 through 6 of your report, that's
2 our revenue and expenditure statements. You
3 can see our revenues are picking up. On
4 Page 4 in the middle of the page, the
5 year-to-date 2011 revenues are \$562,050.
6 It's a little bit lower than it was last
7 year at this time, but through December 15,
8 our deposits are already at \$200,000. So
9 it's picking back up in December. In
10 November, our goal for -- to have remaining
11 in the budget for expenditures is 58
12 percent. Overall, we have 65 percent
13 remaining in budgeted expenditures. On this
14 page, you can see in the middle there, the
15 year-to-date salaries and related
16 expenditures were \$253,000.

17 On Page 5, the operating
18 expenditures came in at five percent under
19 budget and the professional services came in
20 at 22 percent under budget. So we're doing
21 really good there in our expenditures.

22 On Page 6, the other charges
23 were slightly higher than budgeted, because
24 we brought all of the computers up-to-date.
25 We had computers and computer systems that

1 weren't up to par that we purchased this
2 year. So that made our computer system
3 expenses, which is all of the installation
4 of those assets, be a little higher than
5 normal. And, overall, the year-to-date
6 revenue over expenditures at this point is
7 \$213,378.

8 On the following page, you
9 will see the revenue and expenditures
10 comparison. That report reflects that our
11 revenue -- we had a gain in revenue and a
12 drop in expenditures compared to last year
13 and, there again, you see our net, \$213,378.

14 On the following page, the
15 certificate of deposit summary,
16 unfortunately the percentages remained
17 pretty low. We do have a couple of CDs
18 coming up at Concordia in January. So we'll
19 be looking into that, but pretty much what
20 we've seen is that you do best just to leave
21 it there for an annual rollover and --
22 because none of the rates are any better
23 than what we're getting right now.

24 On the following page, the
25 accounts receivable report, on there you can

1 see we collected that -- the remainder of
2 the fees owed by Eveque's Towing and we
3 wrote off -- we posted the write off of the
4 \$2,000 for Midcity, which leaves us with
5 \$22,750 on those fine receivables.

6 Unless there are any other
7 questions, that concludes my report.

8 MR. BOURGEOIS:

9 I make a motion we accept the
10 financials.

11 MR. CORMIER:

12 Second.

13 MR. POTEET:

14 I have a motion and a second.

15 All in favor of accepting
16 financial report?

17 (All "Aye" responses.)

18 MR. POTEET:

19 Thank you, Mona.

20 I was just curious about
21 that, you know, finding out about the
22 accounting of that, if everybody is doing it
23 that way, that makes the most sense, but
24 that doesn't mean that's how we do it.

25 MS. ANDERSON:

1 And that's what we wanted was
2 the options, so that we can present them to
3 you and then decide what is best.

4 MR. POTEET:

5 So you'll have something on
6 that next month, maybe?

7 MS. ANDERSON:

8 Yes.

9 MR. POTEET:

10 All right. Let's see. We've
11 got some invoices we need to look at. I
12 think Derek was explaining to me that we've
13 got two months worth of invoices --

14 MR. PARNELL:

15 Correct.

16 MR. POTEET:

17 -- due to --

18 MR. PARNELL:

19 October for Robert Hallack --
20 Attorney Hallack, his invoices -- we have
21 two months for this month. They are both
22 over the \$1,500 limit that you all said that
23 you wanted to see come before the Board, but
24 the October 1 was really due to oversight of
25 his staff. They didn't get that actually to

1 me until last week. So with the October
2 2011, primarily meetings, we had some
3 meetings for getting ready for our hearings
4 and, November, we actually had a court date.
5 He helped us with the legal documents and
6 preparation for the other hearing that we
7 were planning on having. And the total
8 amount for both -- October 2011 is
9 \$2,406.25, November is \$3,237, for a total
10 of \$5,643.75. I have gone through each line
11 item to ensure that each thing that we have
12 posted here is something that -- a service
13 that we did receive and has gone through.
14 The times and the amounts that he has to
15 make sure the amount is correct.

16 MR. POTEET:

17 Okay. Does anybody have any
18 questions about the Attorney Hallack two
19 months worth of invoices?

20 (No response.)

21 MR. POTEET:

22 All right. I'll entertain a
23 motion to accept these invoices.

24 Can we accept them as two
25 invoices at once?

1 MR. PARNELL:

2 Do it separate.

3 MR. POTEET:

4 Okay. I will need a motion
5 for October.

6 MR. SMITH:

7 I'll make a motion.

8 MR. POTEET:

9 I have a motion.

10 MR. TURNER:

11 Second.

12 MR. POTEET:

13 And a second.

14 All in favor of accepting
15 October's invoice, say "Aye."

16 (All "Aye" responses.)

17 MR. POTEET:

18 All right. I need a motion
19 for November's invoice.

20 MR. SMITH:

21 I'll make a motion.

22 MR. POTEET:

23 Darty.

24 MR. CORMIER:

25 Second.

1 MR. POTEET:

2 Tony seconds it.

3 All in favor, say "Aye."

4 (All "Aye" responses.)

5 MR. POTEET:

6 All right. So we will go

7 ahead and pay Mr. Hallack.

8 Let's see, legal matters and

9 pending litigation.

10 MR. PARNELL:

11 On December 5, Attorney

12 Hallack and I attended the oral argument for

13 Value Import, Mohammed Ibrahim. It was at

14 the 19th JDC. Judge Hernandez heard the

15 arguments. We have not yet heard anything

16 back on the decision as of yet. So we are

17 still waiting on that.

18 MR. POTEET:

19 And we signed a cease and

20 desist order.

21 MR. PARNELL:

22 Yes. We did sign a cease and

23 desist order on his business. He's no

24 longer there, but I passed by it over the

25 weekend and I noticed that there was a

1 different name in the window of where his
2 dealership was. So we'll have an
3 investigator going out there today to verify
4 that and seeing if they were working
5 together in any way, if he's trying to front
6 him or what.

7 MR. POTEET:

8 Was the name a licensed
9 dealer?

10 MR. PARNELL:

11 No. It is not.

12 And I also have everyone here
13 in the office on the licensing side looking
14 for that name if it does come up. The
15 address primarily is what they're looking
16 for and if anything comes up with that
17 address, let's put that to the side and let
18 me kind of look at that prior to --

19 MR. BOURGEOIS:

20 I would check the court
21 records and see who owns the property --

22 MR. PARNELL:

23 Okay.

24 MR. BOURGEOIS:

25 -- because, if he owns the

1 property and it goes into somebody else's
2 name and he still owns the property, then we
3 can rest assured that he's got something to
4 do with it. And if we find that he has sold
5 the property to the guy, then maybe it is
6 legit.

7 MR. POTEET:

8 Well, in any case, he's going
9 to have to have a license, whatever the name
10 the dealership is in.

11 MR. BOURGEOIS:

12 Yes.

13 MR. PARNELL:

14 When we were down there, it
15 was the same argument, that the gentleman
16 who came here, same argument, that we didn't
17 give him adequate time to prepare for the
18 case. He said that we gave him nine days,
19 which we actually gave him like 19 days to
20 prepare for the case and the statute says it
21 has to be 15 -- at least 15 days. So it was
22 the same arguments that he said before you,
23 as a Commission, and it was the same thing.

24 MR. POTEET:

25 So when would we expect to

1 get a ruling from the judge?

2 MR. PARNELL:

3 I absolutely do not know.

4 MR. POTEET:

5 When did you say you met with
6 him?

7 MR. PARNELL:

8 December 5. We went to court
9 on December 5 and we haven't heard anything,
10 yet.

11 MR. BOURGEOIS:

12 You said that he showed up
13 for court?

14 MR. PARNELL:

15 He showed up, yes. He and
16 his attorney were there.

17 MR. BOURGEOIS:

18 Did it go totally in your
19 favor?

20 MR. POTEET:

21 We are going to wait and see.

22 MR. PARNELL:

23 In my opinion, yes, but --

24 MR. BOURGEOIS:

25 You don't know?

1 MR. PARNELL:

2 I can't speak for what the
3 judge is going say.

4 MR. POTEET:

5 All right. Anything else
6 under legal matters, pending litigation?

7 (No response.)

8 MR. POTEET:

9 No, that's it.

10 All right. So the next thing
11 is the 2012 Commission meeting schedule. Do
12 we have that in here?

13 MR. PARNELL:

14 I think I put -- I have the
15 2012 State of Louisiana holiday calendar and
16 just a 2012 calendar for the year. It kind
17 of -- it should be highlighted, the days of
18 which we have our Commission meetings, which
19 is typically the third Monday of every
20 month. There is -- on January 9 is the
21 Governor's inauguration, it's going to be a
22 State holiday. This is the fourth year.
23 Every four years, he does that and whoever
24 is inaugurated in office. There is a
25 conflict on the 16th of January with Martin

1 Luther King Day, which is a Commission day.
2 We are planning to have a fairly large
3 hearing in January and I received
4 confirmation from Attorney Morris that
5 January 23, she will be in another
6 engagement. So, really, the only day in
7 January that we can have a Commission
8 meeting would be the 30th. So I don't know
9 if that is -- works with everyone's
10 schedule.

11 MR. BOURGEOIS:

12 Can we make that motion, now?

13 MR. POTEET:

14 Does anyone have a problem
15 with the 30th?

16 MR. CORMIER:

17 No.

18 MR. BOURGEOIS:

19 No.

20 MR. POTEET:

21 We need a motion to change
22 the date.

23 MR. BOURGEOIS:

24 I make the motion to switch
25 to January 30th.

1 MR. CORMIER:

2 Second.

3 MR. POTEET:

4 All in favor?

5 (All "Aye" responses.)

6 MR. PARNELL:

7 Every other date on there
8 doesn't really coincide with the Commission
9 meetings.

10 MR. POTEET:

11 Just out of curiosity,
12 February 20th is Monday Gras. Is there any
13 reason that we can't have a quorum that day?
14 Does anybody know they are not going to be
15 able to make that meeting? Six of us can be
16 here.

17 MR. TURNER:

18 I'm not sure.

19 MR. POTEET:

20 We have one not sure.

21 How about everybody else? Is
22 there anyone else that thinks they can't be
23 here on the 20th?

24 (No response.)

25 MR. POTEET:

1 Okay. So it looks like we
2 will be all right with that. So we have no
3 other conflicts throughout the schedule
4 throughout the year.

5 MR. PARNELL:

6 No.

7 MR. POTEET:

8 So the only day that we are
9 really going to have to change is January's
10 meeting to the 30th. That's good. And the
11 rest of the these dates that you have in the
12 yellow is the planned -- are the planned
13 dates.

14 MR. PARNELL:

15 And November is -- it's the
16 week of Thanksgiving, yes. It's on the
17 19th, whereas Thanksgiving is on the 22nd.
18 December, the meeting is scheduled for the
19 17th. Of course, Christmas is on the 25.
20 So that's not really --

21 MR. POTEET:

22 Yes. I don't see those being
23 a problem. Okay, good.

24 All right. So everybody has
25 got their schedule for the next year.

1 MR. BOURGEOIS:

2 We're going to have a big
3 hearing in January?

4 MR. PARNELL:

5 Yes. We're trying to get it
6 together right now.

7 MR. BOURGEOIS:

8 For which one?

9 MR. PARNELL:

10 It was concerning FEMA
11 trailers being sold.

12 MR. POTEET:

13 Executive Director's report.

14 MR. PARNELL:

15 Commissioners, once again, if
16 you'll turn with me to your documents as it
17 relates to the complaint totals. The first
18 document is alleged issue counts for the
19 month of November. It's actually more than
20 it's been in quite some time. It's 24
21 alleged issue counts. The largest one is
22 just consumer complaints. It's primarily
23 non-delivery of title, but they didn't fall
24 under that category for this month.

25 The case report separates the

1 number of cases for investigators that have
2 been assigned. For the month of November,
3 it's 26 cases assigned. Eight have been
4 completed. Eighteen of those cases are
5 still -- remain open. It was a 31 percent
6 completion rate.

7 The next document is the
8 Department's summary report. This
9 illustrates the total number of cases issued
10 for -- actually, closed for the month of
11 November, which is 26. Those cases are not
12 primarily all issued in the month of
13 November. Some of those come from prior
14 months.

15 Do you have any questions or
16 comments or concerns in relation to field
17 investigator activities?

18 MR. FLOYD:

19 We had a discussion about Ms.
20 Powell -- well, about her voicemail. Has
21 anything been done, because I think the
22 young lady who I've been talking to says she
23 has been trying call her.

24 MR. PARNELL:

25 What I did was, I had her

1 speak with someone -- I assigned that to
2 Ronnie Wisenor, a different investigator,
3 because Ms. Powell has been ill for, like,
4 the last 10 days and she -- I don't know
5 when she is going to be back. It's a pretty
6 serious illness that she's going through,
7 but I did assign specifically her case to
8 Ronnie. He's actually coming down today.
9 He will be here for the next two days. So
10 he'll be leaving on Wednesday to try to help
11 work a lot of her cases, so we can actually
12 get some resolution to some of those.

13 MR. FLOYD:

14 Okay.

15 MR. POTEET:

16 I was going to ask you, you
17 don't have idea when she's going to be back?

18 MR. PARNELL:

19 We don't know. She's -- I
20 speak with her daily and she has her
21 computer with her. She does do a little
22 bit, but we were preparing for something --
23 we had her on conference call and 15 minutes
24 into it, she was really just drained. So we
25 just went ahead and got off the call with

1 her, but it's pretty serious, and so I'm
2 just trying to balance it all and giving it
3 to some of the other investigators, so they
4 can actually kind of work most of her cases.

5 The next item is the license
6 renewal update. The amount of online
7 transactions in the month of November 2011,
8 it increased. We had, like, 1,189
9 transactions online to the comparison of
10 November of 2010 of 338 online transactions.
11 So this is going to be normal just because
12 of what -- we're really trying to push our
13 online licensing this year. We've been
14 working pretty hard to be sure the
15 turnaround time for receiving and processing
16 licenses is up to par and as minimal as
17 possible. We're going to be working on
18 Saturdays to try to work on getting that in.

19 One of the things that we
20 typically guaranty is that if your license
21 is in our office prior to November 1, that
22 you will have it before January 1. Today,
23 I've gotten word that we are at that point
24 and everyone who was issued -- who received
25 their license is -- whom sent their licenses

1 -- excuse me, everyone who sent their
2 licenses into us prior to January 1, they do
3 have their licenses barring any issues
4 related to documents missing. So we're
5 trying to move through this. As I stated to
6 everyone, it's going to be kind of difficult
7 this year on us as well because of the small
8 staff size and what -- we're trying to get
9 everything geared up towards going to the
10 two year licenses to make sure it will be --
11 half of the dealerships that we are working
12 with, that we can get out the licenses.

13 MR. POTEET:

14 Do you have an idea of how
15 long it's going to take -- I mean, what --
16 where are you on the --

17 MR. PARNELL:

18 Honestly, I think we -- it
19 will be probably the end of January before
20 we get everyone issued.

21 MR. POTEET:

22 Okay. How about all of
23 November, do you think we will be caught up
24 for November?

25 MS. BARON:

1 For the whole month of
2 November?

3 MR. POTEET:

4 Yes. Into January sometime?

5 MS. BARON:

6 Yes.

7 MR. POTEET:

8 Early to late January. Okay.

9 Do you know what percentage
10 of licensees have filed online?

11 MR. PARNELL:

12 I don't know that. No, I
13 don't know.

14 MR. POTEET:

15 Okay. But it's been the
16 majority?

17 MR. PARNELL:

18 The majority, yes. I would
19 guesstimate about 70 percent, which is far
20 better than I thought we would get. So,
21 it's quite a big difference. We had a lot
22 of issues as well online with our system.
23 It kind of wasn't doing what it was supposed
24 to do and we had some glitches where we had
25 to take it down for sometime, and we've got

1 some issues where it was double charging
2 individuals, but Mona has been working with
3 everyone on that issue and is getting those
4 finances correct with the dealers.

5 MR. POTEET:

6 What about the two year
7 licensees, have those -- the large majority
8 of those, have they been filed online?

9 MR. PARNELL:

10 Yes. Yes.

11 MR. POTEET:

12 So, theoretically, when we
13 get through -- get into next year and we get
14 that group on to the two year, then after
15 that, it should be a lot easier?

16 MR. PARNELL:

17 Yes. My goal moving forward
18 is to have everybody licensed before
19 December 31st, before the expiration date,
20 on their current license. So we won't have
21 to run into the issues of where Motor
22 Vehicles is calling and dealers are calling,
23 because they have to get their plates and
24 they can't.

25 MR. POTEET:

1 Auctions are calling.

2 MR. PARNELL:

3 Yes, and auctions are calling
4 as well. We are trying to get there to
5 where it's actually a minimal turnaround.

6 MR. TURNER:

7 Do you have a response from
8 the dealers who were notified that their
9 license was being renewed for two years?

10 MR. PARNELL:

11 Everyone that I have spoken
12 with, everyone that has come in, they
13 actually like it. They have stated to me
14 personally they wish it would have been like
15 this years back. They asked for a four year
16 license. Everyone that I have come in
17 contact with, they absolutely like it. I
18 have heard, like, maybe one person, you
19 know, complain about it since then, but I
20 don't think --

21 MR. POTEET:

22 Anecdotally, I've talked to
23 probably 25 people that did the two year
24 licenses and they were all in favor of it.
25 I haven't heard any complaints.

1 MR. TURNER:

2 Well, mine was two years this
3 year.

4 MR. POTEET:

5 Ours was, too.

6 MR. PARNELL:

7 Well, that concludes the
8 Executive Director's report.

9 Do we have any more concerns?

10 MR. POTEET:

11 We don't have anything on the
12 agenda for this, but, Ron, do you have
13 anything on the legislative? I know we are
14 sort of this year almost kind of sitting on
15 the sidelines sort of other than that
16 insurance. Is there anything you have?

17 MR. DUPLESSIS:

18 You know, I don't think
19 anything is going to come up until January
20 when we have our open meeting, but tomorrow
21 is obviously going to be an interesting
22 meeting, the Study Committee and the
23 insurance, which I wish -- all of y'all are
24 welcome to come to and -- because we're
25 going to have to come to a conclusion.

1 So, Derek, who all is going
2 to be here tomorrow, any Commissioners
3 besides myself and -- John, will you be
4 here?

5 MR. POTEET:

6 No. I'll be at my auction.

7 MR. BOURGEOIS:

8 What time is the meeting?

9 MR. PARNELL:

10 It's at 10:00 here.

11 MR. BOURGEOIS:

12 I can come.

13 MR. PARNELL:

14 I know Deputy Commissioner Ed
15 O'Brien with the Insurance Commission, he
16 will be here, and their general counsel will
17 be with him. I know Robert Hallack will be
18 here.

19 MR. DUPLESSIS:

20 Burgess McCranie from the New
21 Car Commission, which is going to bring the
22 lease to own -- well, we don't know what it
23 is. It's a leasing license and it's -- he's
24 going to --

25 MR. POTEET:

1 What some of the guys have
2 been switching to.

3 MR. DUPLESSIS:

4 Yes. And it creates a whole
5 new set of problems that are far worse than
6 the vicarious liability insurance. So I
7 think the meeting is going to be beneficial.

8 MR. PARNELL:

9 When I spoke with Deputy
10 Commissioner Ed O'Brien, he stated that they
11 have been already working. They have a lot
12 of information that they kind of wanted to
13 relate to us during the meeting. They have
14 been working on this for several months now
15 and a lot of the leg work about this
16 specific insurance and the regulations the
17 way the law states to them, but it's going
18 to be interesting to hear what they have and
19 what we're going to come up with and moving
20 forward before the session, so.

21 MR. POTEET:

22 That's going to be the focus
23 of our legislation agenda?

24 MR. DUPLESSIS:

25 I think we are obligated to

1 come up with a report on the Study
2 Committee. We secured a room for our
3 January --

4 MR. PARNELL:

5 Now, what do you want to do,
6 early January, mid-January? Probably as
7 early as possible.

8 MR. DUPLESSIS:

9 No. I would like to see it
10 before the Commission meeting, maybe the
11 week before, and then that would give us
12 time to reduce it to some meaningful notes
13 and some bullet points. It always seems to
14 be more kind of therapy than it is
15 informative.

16 MS. BARON:

17 Do you want mid week?

18 MR. DUPLESSIS:

19 Yes, if we could, and I would
20 like to have somebody from Nick Gautreaux's
21 office, the Department of Motor Vehicles,
22 because they are changing a lot of things
23 and I think we can answer a lot of questions
24 and they can come up with their own agenda
25 listening to the dealers. And, obviously,

1 we need to give notice to the rent-to-own
2 and all of those entities, the insurance
3 people, so they can -- we can come up with
4 --

5 MS. BARON:

6 Is Thursday a good day for
7 you? That would be the 26th.

8 MR. POTEET:

9 Our meeting is on the 30th.

10 MS. BARON:

11 Yes. Our meeting is on the
12 30th of that month.

13 MR. POTEET:

14 We could do it the 19th or
15 the 25th. I would be good with that.

16 MS. BARON:

17 The 26th.

18 MR. DUPLESSIS:

19 It's up to you.

20 MR. POTEET:

21 The 26th is fine.

22 MS. BARON:

23 Great. I'll set it up.

24 MR. CORMIER:

25 So is that -- what is going

1 to take place, a lot of the rent-to-owns are
2 going to the --

3 MR. DUPLESSIS:

4 There's a few that are
5 objecting, but, boy, it's a lot more
6 complicated.

7 MR. CORMIER:

8 I know a few of them.

9 MR. DUPLESSIS:

10 I think that they are fixing
11 to get -- they can potentially get into a
12 lot of trouble by coming up with an
13 instrument that's not compliant with
14 regulations in the truth and leasing law,
15 which is -- the disclosure is vast. They
16 are trying to get away from the vicarious
17 liability law, but then they are jumping
18 into a whole bunch of other tentacles they
19 are not very experienced on. So I think
20 there is a lot going on there.

21 MR. POTEET:

22 This falls under the New Car
23 Commission?

24 MR. DUPLESSIS:

25 It does. That's what they

1 are trying to get away from is us, not
2 necessarily because of our administrative,
3 because of the vicarious liability --

4 MR. PARNELL:

5 Because of that one issue.
6 All three of those dealers that don't have
7 the insurance as the statute relates, they
8 all -- yes, they are going to the New Car
9 Commission.

10 MS. BARON:

11 Is 9:30 good with you?

12 MR. DUPLESSIS:

13 9:30, yes, I think will be
14 fine.

15 MR. POTEET:

16 Are we going to have that
17 meeting here or at the Archives?

18 MS. BARON:

19 It will be at the Archives
20 Building. I'll check with them first, but
21 that usually works.

22 MR. POTEET:

23 I think we really owe it to
24 these guys to try to come up with a
25 conclusion, because they are almost to the

1 point of being orphans.

2 MR. DUPLESSIS:

3 I think we're going to end up
4 with a hornet's nest that's going to cause
5 this Commission a lot of work, the consumers
6 a lot of grief, and the dealers a lot of
7 grief.

8 MR. CORMIER:

9 Are there 600 of these
10 dealers, is that what I understood?

11 MR. PARNELL:

12 It's about 88.

13 MR. POTEET:

14 It is not 600, but 88 is a
15 lot of people involved.

16 MR. PARNELL:

17 And most of the dealers --

18 MS. BARON:

19 It was 100 and something at
20 one point.

21 MR. PARNELL:

22 Yes, two years ago. Most of
23 the dealers, they kind of -- they're not
24 involved with it, because they have such low
25 numbers of cars that are on there, some of

1 them have maybe three vehicles. So that
2 extra cost to them is really not -- it
3 didn't really affect them that way as it did
4 the larger dealers. So that's why it was
5 such a low turn out as it relates to who has
6 an issue.

7 MR. POTEET:

8 It's not the main focus of
9 their business, some of those smaller guys.

10 MR. PARNELL:

11 Right.

12 MR. POTEET:

13 This is something that's kind
14 of dogged me for a while as to how we get
15 this resolved, because I think -- I just
16 don't think the State is really taking care
17 of these people the right way.

18 MR. DUPLESSIS:

19 I totally agree.

20 MR. BOURGEOIS:

21 A lot of them are getting
22 what they want.

23 MR. DUPLESSIS:

24 Yes, and it's a small issue
25 creating a big problem.

1 MR. POTEET:

2 All right. The hearing was
3 at 10:30; is that correct?

4 MS. BARON:

5 Yes, sir.

6 MR. POTEET:

7 We need to adjourn this
8 meeting and reconvene when everybody shows
9 up.

10 MR. BOURGEOIS:

11 I make a motion to adjourn.

12 MR. SMITH:

13 Second.

14 MR. POTEET:

15 All in favor, say "Aye."

16 (All "Aye" responses.)

17

18 (Meeting adjourned at 10:04 a.m.)

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1 REPORTER'S CERTIFICATE

2
3 I, BETTY D. GLISSMAN, Certified
4 Court Reporter, Certificate No. 86150, in
5 and for the State of Louisiana, do hereby
6 certify that the Louisiana Used Motor
7 Vehicle Commission December 19, 2011 meeting
8 was reported by me in the stenotype
9 reporting method, was prepared and
10 transcribed by me or under my personal
11 direction and supervision, and is a true and
12 correct transcript to the best of my ability
13 and understanding.

14 This December 28, 2011, Baton
15 Rouge, Louisiana.

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22 _____
23 BETTY D. GLISSMAN, CCR
24 CERTIFIED COURT REPORTER
25