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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING

JUNE 18, 2018

BEGINNING AT 9:35 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:

BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

MR. JOHN POTEET

4

COMMISSIONERS PRESENT:

5

6 MR. TONY CORMIER

7 MR. RICKY DONNELL

8 MR. RON DUPLESSIS

9 MR. STEPHEN OLAVE

10 MR. HENRY "DARTY" SMITH

11 MR. DINO TAYLOR

12 MR. RICHARD WATTS

13

14

15

16

17 REPRESENTING THE LOUISIANA USED MOTOR

18 VEHICLE COMMISSION:

19

20 ROBERT W. HALLACK, ESQUIRE

HALLACK LAW OFFICE

21 13007 JUSTICE AVENUE

BATON ROUGE, LOUISIANA 70816

22

23 SHERI MORRIS, ESQUIRE

DAIGLE, FISSE & KESSENICH, PLC

24 8480 BLUEBONNET BOULEVARD, SUITE F

BATON ROUGE, LOUISIANA 70810

25

1 ALSO PRESENT:

2 MS. KIM BARON

3 MR. DEREK PARNELL

4 MS. MONA ANDERSON

5 MS. TONYA BURKS

6 MS. STACY GAUDIN

7 MR. JAMES FAIL

8 MS. EMILY DOMANGUE

9 MR. ERIC SUNSTROM

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1 (Pledge of Allegiance)

2 MR. POTEET:

3 All right. Roll call, please,

4 Kim.

5 MS. BARON:

6 John Poteet?

7 MR. POTEET:

8 Here.

9 MS. BARON:

10 George Floyd?

11 MR. FLOYD:

12 (No response.)

13 MS. BARON:

14 Ron Duplessis?

15 MR. DUPLESSIS:

16 Here.

17 MS. BARON:

18 Tony Cormier?

19 MR. CORMIER:

20 Here.

21 MS. BARON:

22 Matt Pederson?

23 MR. PEDERSON:

24 (No response.)

25 MS. BARON:

1 Richard Watts?

2 MR. WATTS:

3 Here.

4 MS. BARON:

5 Steve Olave?

6 MR. OLAVE:

7 Here.

8 MS. BARON:

9 Ricky Donnell?

10 MR. DONNELL:

11 Here.

12 MS. BARON:

13 Darty Smith?

14 MR. SMITH:

15 Here.

16 MS. BARON:

17 And Dino Taylor?

18 MR. TAYLOR:

19 Here.

20 MS. BARON:

21 Mr. Chairman, we have a quorum.

22 MR. POTEET:

23 Thank you. Anyone here today for
24 public comments?

25 MS. BARON:

1 No, sir. There is not.

2 MR. POTEET:

3 All right. Hopefully, everybody
4 got a chance to read the minutes from the
5 last meeting. And if there are no changes
6 and no discussion, I would entertain a --

7 MR. SMITH:

8 I make a motion.

9 MR. OLAVE:

10 I second the motion, Mr.
11 Chairman.

12 MR. POTEET:

13 Okay. Darty made the motion and
14 Steve seconded it.

15 Any opposed?

16 (No response.)

17 MR. POTEET:

18 All right. The motion carries.

19 Next will be items for discussion
20 and action. We'll start off with our
21 financial matters. Mona.

22 MS. ANDERSON:

23 If you'll turn in your binders to
24 the financial statement for the month ending
25 May 31, 2018. On the statement of net

1 position on page 1, the total cash in the
2 bank was \$2,240,842, which was down about
3 \$760,000 from last month since this is not
4 our renewal period. The accounts receivable
5 hearings and fines were \$51,014. There was
6 no change in the non-current assets or in
7 the deferred outflows. The current
8 liabilities at the bottom of the page were
9 \$45,225 and of that -- that was comprised of
10 accounts payable, claims against bond
11 payable, escrowed fines, and benefits
12 payable. Of the total, \$41,711 is for taxes
13 and benefits payable that -- and we remitted
14 those in June.

15 Turning on to page 5 -- I'm
16 sorry, page 3, the statement of revenues,
17 expenses, and changes in net position. The
18 month-to-date license fees were higher than
19 last year. The year to date was higher, but
20 when compared to the same district in 2016,
21 this year was approximately 16,000 higher
22 than the same district for the license fees.
23 Auction transaction report, fees were
24 slightly lower since -- from last year.
25 Some April reports were not received until

1 the beginning of May. Year-to-date revenues
2 were \$1,334,771.

3 And on pages 4 and 5, the
4 expenditures were up approximately \$126,000.
5 The majority of that increase was in
6 salaries and benefits. The operating
7 expenditures decreased \$10,000. There are
8 no operating expenditures that were out of
9 the ordinary. And on page 5, the
10 year-to-date net position was \$216,656.

11 Turning on to page 6, the
12 four-year revenue comparison, this contains
13 the comparison between the revenues for the
14 past four years. And the revenues as a
15 whole were up 5.5 percent, you can see in
16 the bottom right-hand corner, from 2016.
17 Page 7 is a chart of the five types of fee
18 revenue. You can see the comparison there.
19 Page 8 was a -- is a year-to-date budget to
20 actual comparison of expenditures. And we
21 revised the budget at last -- at the last
22 meeting. And so you can see we're now in
23 line with the expenditures.

24 Page 9 is the certificate of
25 deposit report and there were no changes in

1 the CDs this month. Page 10 is the accounts
2 receivable hearing fines. We assessed
3 \$3,400 in fines and the same amount of
4 payments were recorded. The balance at the
5 end of May was \$51,014.

6 So unless there are any
7 questions, Mr. Chairman, that concludes my
8 report.

9 MR. POTEET:

10 Okay. Does anybody have any
11 questions?

12 Mona, this is not a big deal, but
13 I'm just curious. I noticed on the
14 depreciation, we have \$20,000 in the budget.
15 We have -- do we amortize any of that or how
16 do we do that?

17 MS. ANDERSON:

18 Yes. Every year when we do the
19 audit -- in fact, we're already preparing
20 for that right now, I just worked on that --
21 we depreciate our assets out pretty
22 basically. The equipment is five year and
23 the vehicles are seven year. Although,
24 we're finding some of the computer equipment
25 does not last five years. So when that

1 happens, then we have to write off the whole
2 thing in one year.

3 MR. POTEET:

4 Yes, okay. I was just curious
5 about that.

6 All right. Anybody else have any
7 questions?

8 (No response.)

9 MR. POTEET:

10 I'll entertain a motion.

11 MR. OLAVE:

12 I make a motion, Mr. Chairman,
13 that we accept the financials.

14 MR. POTEET:

15 A second?

16 MR. DONNELL:

17 Second.

18 MR. POTEET:

19 Second from Ricky.

20 All in favor, say, "Aye."

21 (All "Aye" responses.)

22 MR. POTEET:

23 Any opposed?

24 (No response.)

25 MR. POTEET:

1 All right. That passes. Thank
2 you, Mona.

3 MS. ANDERSON:

4 Thank you.

5 MR. POTEET:

6 All right. So I've got an
7 invoice here to be paid. Derek.

8 MR. PARNELL:

9 Commissioners, you'll find in
10 your packet Attorney Morris's bill of
11 services for May of 2018. I've reviewed the
12 services performed and accounting has
13 reviewed that time calculations are correct.
14 Attorney Morris's bill for services for May
15 2018 is \$3,332.50.

16 Commissioners, I ask that you
17 approve payment of Attorney Morris's bill.

18 MR. DONNELL:

19 (Makes motion.)

20 MR. SMITH:

21 And I second.

22 MR. POTEET:

23 Second from Darty.

24 All in favor, say, "Aye."

25 (All "Aye" responses.)

1 MR. POTEET:

2 Any opposed?

3 (No response.)

4 MR. POTEET:

5 All right. Ratification of
6 imposed penalties. Derek.

7 MR. PARNELL:

8 As we go further into the packet,
9 you'll find a chart. That's the
10 ratification of imposed civil penalties,
11 June of 2018. Once again, Commissioners, I
12 did find -- I will announce the names, they
13 have been notified to see if we have any
14 persons here representing any of these
15 dealers. Then, we will go through.

16 MS. BARON:

17 There's nobody here.

18 MR. PARNELL:

19 The first one on the list is
20 Eagle Eye Auto Sales, LLC, from Baton Rouge,
21 Louisiana. Their fine violation was \$500.
22 Audler Auto Sales, LLC, from Slidell,
23 Louisiana. Their fine amount was \$2,550.
24 Mark's Tire -- Mark's Tire and Wrecker
25 Service, excuse me, Incorporated, from New

1 Iberia, Louisiana, violation fine amount was
2 \$450. A+ Autoplex, LLC, from Baton Rouge,
3 Louisiana, fine amount is \$200.

4 Commissioners, I ask that you --
5 I'd ask that you ratify the imposed civil
6 penalties assessed. The total fine amounts
7 that have been paid is \$3,700.

8 MR. OLAVE:

9 Can I ask you a question? On the
10 Audler Auto Sales in Slidell, I'm not really
11 familiar with them, but it says 11 counts of
12 employing unlicensed salesperson. Every
13 time they stopped, they didn't have a
14 license there?

15 MR. PARNELL:

16 Sometimes, they sold vehicles.

17 MR. OLAVE:

18 Oh, okay. All right. So they
19 sold 11 vehicles. I got you. I got you.

20 MR. PARNELL:

21 They sold 11 vehicles by an
22 unlicensed salesman so we just used that as
23 the catalyst to --

24 MR. OLAVE:

25 I mean, are they still in

1 operation or?

2 MR. PARNELL:

3 They are, yes.

4 MR. OLAVE:

5 They're in compliance now?

6 MR. PARNELL:

7 Yes.

8 MR. OLAVE:

9 Okay.

10 MR. PARNELL:

11 They got everything in
12 compliance. They paid the fine. And
13 they're supposedly to be operating perfectly
14 now.

15 MR. OLAVE:

16 All right. They've seen the
17 errors of their ways. Thank you.

18 MR. POTEET:

19 We need a --

20 MR. SMITH:

21 I'll make a motion.

22 MR. POTEET:

23 I've got a motion from Darty.

24 MR. OLAVE:

25 Second.

1 MR. POTEET:

2 Second from Steve.

3 All in favor, say, "Aye."

4 (All "Aye" responses.)

5 MR. POTEET:

6 Any opposed?

7 (No response.)

8 MR. POTEET:

9 All right. We have the
10 ratifications.

11 MR. PARNELL:

12 The next chart you see,
13 ratifications of revocations for June 2018.
14 This chart illustrates the dealers whose
15 license has been revoked. Please note that
16 they have been through the revocation
17 process. Once again, we've notified --
18 there is no one here present?

19 MS. BARON:

20 No, sir.

21 MR. PARNELL:

22 Okay. So I'll go through the
23 list. Bayou Car Enterprises, Incorporated,
24 from New Llano, Louisiana, notice of
25 revocation date was 5/8 of '18. Breaux

1 Bridge Sales & Finance, Incorporated, from
2 Breaux Bridge, Louisiana, notice of
3 revocation was 5/9 of '18. KingKas Auto
4 Sales, Incorporated, from Jeanerette,
5 Louisiana, notice of revocation was 5/9 of
6 '18. Red River Trailer Leasing & Rental,
7 LLC, from Shreveport, Louisiana, notice of
8 revocation was 5/8 of '18. Richardson Auto
9 Sales, LLC, from Oakdale, Louisiana, notice
10 of revocation was 5/9 of '18.

11 Commissioners, I ask that you
12 ratify the revocation of dealers that I just
13 announced.

14 MR. OLAVE:

15 I make a motion, Mr. Chairman.

16 MR. CORMIER:

17 Second.

18 MR. POTEET:

19 Steve and second from Tony.

20 All in favor, say, "Aye."

21 (All "Aye" responses.)

22 MR. POTEET:

23 Any opposed?

24 (No response.)

25 MR. POTEET:

1 All right. Those ratifications
2 are ratified -- revocations are ratified.

3 All right. Executive Director's
4 report.

5 MR. PARNELL:

6 Commissioners, you will find also
7 a chart as it relates to the compliance
8 investigators. The first chart is the
9 alleged issue counts. You'll find on this
10 chart for May of 2018, there were 114
11 alleged issues. The next chart that you
12 will have illustrates the case report.
13 There were 67 cases assigned in the month of
14 May and nine of those cases were completed.
15 The last chart is the department summary
16 report. It shows that there were a total of
17 43 cases that were closed for the month of
18 May.

19 Another item that I do want to
20 bring before you, during the May 21st
21 meeting, an interlocutory cease and desist
22 matter came before you, which was Autos
23 Unlimited, David West, from Eunice,
24 Louisiana. This dealer was in violation of
25 operating from an unlicensed location,

1 failing to keep an established place of
2 business, engaging in the business of
3 buying, selling, or offering to sell used
4 motor vehicles without a current used motor
5 vehicle dealer or salesperson's license. In
6 many instances where a cease and desist is
7 given, the dealer does have an opportunity
8 to submit proper documentation to the office
9 prior to the date of that hearing. If
10 proper documentation is submitted to the
11 office, I usually remove the cease and
12 desist from the agenda.

13 I was advised that the dealer --
14 I advised the dealer that he -- if he did
15 not submit the proper documentation by 5:00
16 p.m. Friday, May 18th -- which was the
17 Friday right before the Commission
18 meeting -- he would have to be here and the
19 hearing would go forward. We did go forward
20 with the hearing. You heard the case and
21 you all made -- the Commissioners made the
22 cease and desist final.

23 Shortly after the meeting, it was
24 brought to my attention that the dealer did,
25 in fact, submit the deadline -- he did meet

1 the deadline and submitted his proper
2 documentation in the office just before 5:00
3 p.m., but I did not realize that his
4 submission. Since the dealer did not meet
5 the deadline -- since he did meet the
6 deadline as prescribed, I ask that you --
7 that there is a motion to reconsider the
8 final order be made and I further ask that
9 the cease and desist that was made final for
10 this dealer be reversed.

11 MR. DONNELL:

12 Okay. I mean, he -- he's not
13 doing any business now, I mean?

14 MR. PARNELL:

15 Not right now, because he's still
16 -- he's not supposed -- he still has a cease
17 and desist right now with us.

18 MR. DONNELL:

19 But he complied --

20 MR. POTEET:

21 He complied -- he complied
22 administratively.

23 MR. PARNELL:

24 It was an administrative error.
25 I reversed it that Friday that he did submit

1 his documentation. Because if he would have
2 submitted it, I would have never put him on
3 the agenda.

4 MR. POTEET:

5 So what do we do?

6 MR. PARNELL:

7 I think we need --

8 MS. MORRIS:

9 We need a motion to vacate the
10 cease and desist order from the last
11 meeting.

12 MR. DONNELL:

13 Submit.

14 MR. OLAVE:

15 Hang on a second. There were
16 violations, though, before that, right?

17 MS. MORRIS:

18 We didn't deal with the
19 violations.

20 MR. PARNELL:

21 Right.

22 MS. MORRIS:

23 We only did the cease and desist.

24 MR. PARNELL:

25 Well, I'll deal with the --

1 MR. OLAVE:

2 No, no. That's what I want to
3 make sure of, but it doesn't change the fact
4 that there were violations. Whether he
5 complied or not is only to what's in the
6 cease and desist order, but I want to make
7 sure that he understands that there were
8 some violations in there, that he needs to
9 maintain his license and we need to support
10 the investigative part of the that.

11 MR. PARNELL:

12 I will --

13 MR. OLAVE:

14 Just saying it out loud.

15 MR. POTEET:

16 No. That's a good question.

17 MR. PARNELL:

18 It is only specific to the cease
19 desist.

20 MR. POTEET:

21 All right. Do we have a motion
22 on the floor?

23 MR. DONNELL:

24 (Makes motion.)

25 MR. OLAVE:

1 Second the motion, Mr. Chairman.

2 MR. POTEET:

3 All in favor, say, "Aye."

4 (All "Aye" responses.)

5 MR. POTEET:

6 Any opposed?

7 (No response.)

8 MR. POTEET:

9 Okay.

10 MR. DONNELL:

11 Mr. Chairman before we go into
12 these hearings, could I speak with -- or
13 maybe ask Mr. Parnell something?

14 MR. POTEET:

15 Sure.

16 MR. DONNELL:

17 As far as our legislation goes
18 through, the Governor signed the bill, are
19 we ready to proceed with interviewing folks
20 for the seminar?

21 MR. PARNELL:

22 Well, what I think we need to do,
23 like, when we talked about it initially, we
24 need to really put forth a game plan,
25 exactly what it is that we're going to be

1 looking for from any persons -- any third
2 parties that want to --

3 MR. DONNELL:

4 Right.

5 MR. PARNELL:

6 -- move forward with it. We need
7 to, you know, put forth -- I think we need a
8 policy and procedure. We need to have a
9 very sound document.

10 MR. DONNELL:

11 Kind of what we expect?

12 MR. PARNELL:

13 Yes. What we're expecting, what
14 we're looking for, what we're expecting, you
15 know. Whatever we need to do to make sure
16 that we have the authority, which we do
17 have, that we're going to check behind them
18 and make sure of what they're doing. But I
19 think we need to lay the ground work as far
20 as the documentation with a possible
21 procedure in place prior, so we can move --

22 MR. DONNELL:

23 Are you going to start working on
24 that?

25 MR. PARNELL:

1 Yes. I think we can start doing
2 that. I was trying to get with --

3 MR. POTEET:

4 If anybody wants to have any
5 input into that, make sure you let Derek
6 know. I've given him a couple of ideas
7 already, so.

8 MR. PARNELL:

9 I just think we need to have a
10 really definitive policy in place prior --

11 MR. POTEET:

12 Is it possible we could have that
13 by the next meeting?

14 MR. PARNELL:

15 It is possible.

16 MR. OLAVE:

17 I'm curious. I'm curious. We're
18 going to devise policies as it pertains to
19 interviewing potential candidates to handle
20 the educational seminar?

21 MR. POTEET:

22 Yes. This is what you have to --
23 this is what we're looking for.

24 MR. OLAVE:

25 And then those potential

1 candidates come from a list of -- like, all
2 I've heard is the LIADA, not to take -- not
3 that we have awarded them to, but who else
4 are we talking about?

5 MR. PARNELL:

6 That I don't know.

7 MR. OLAVE:

8 Anybody?

9 MR. POTEET:

10 I would say that we --

11 MR. OLAVE:

12 Several education classes.

13 Excuse my ignorance. The private -- there's
14 a private sector that would be interested in
15 coming and giving us bids on that, too?

16 MR. POTEET:

17 I would assume so.

18 MR. OLAVE:

19 Okay.

20 MR. POTEET:

21 Yes.

22 MR. PARNELL:

23 If we go online, there are
24 several that are out there. I don't know
25 offhand which ones, but there are several

1 that actually do seminars of that nature, a
2 third party.

3 MR. POTEET:

4 Yes. And I think that, you know,
5 we need to -- the reason we have to have
6 kind of a set of guidelines is so when
7 somebody comes in and says, we'd like to do
8 that --

9 MR. OLAVE:

10 Absolutely.

11 MR. POTEET:

12 -- do what you've got to do and
13 here's what we're looking for. What kind of
14 certifications you need or whatever we
15 wanted to come up with. And then I think by
16 the August meeting, we might be able to
17 discuss that and that way we can all discuss
18 it in here. I mean, Derek and his staff can
19 come up with some stuff and we can look at
20 it and say --

21 MR. OLAVE:

22 Could we -- again, no -- I don't
23 want to put pressure on you, but could we do
24 that -- could we do it at the next meeting
25 is what you're saying?

1 MR. POTEET:

2 Well, let's see what they can get
3 done.

4 MR. OLAVE:

5 The July meeting? At least they
6 have something to work on, I would think,
7 huh?

8 MR. PARNELL:

9 Yes. We'll have something.

10 MR. POTEET:

11 I'd like to get it finalized as
12 soon as possible, so we can start getting
13 people -- I know that the LIADA is
14 represented here and they -- you know,
15 they're looking forward to getting that as
16 soon as they can so they can start working
17 on it.

18 MR. HALLACK:

19 We have to implement it by 2019.

20 MR. POTEET:

21 Oh, yes. I would think we could
22 do that.

23 MR. OLAVE:

24 Yes. So we need to get -- we
25 need to get moving on it.

1 MR. DONNELL:

2 I will be on that committee if
3 you want me to.

4 MR. POTEET:

5 You know, we don't need a
6 committee. Anybody that wants to be
7 involved definitely let Derek know. I mean,
8 Derek doesn't want to do this in a vacuum.
9 Get everybody's input.

10 Okay. Well, I guess the main
11 part of the meeting is over.

12 We need a motion to adjourn.

13 MR. DONNELL:

14 (Makes motion.)

15 MR. SMITH:

16 Second.

17 MR. POTEET:

18 All in favor, say, "Aye."

19 (All "Aye" responses.)

20 MR. POTEET:

21 Let's take about a 10-minute
22 break.

23

24 (Meeting adjourned at 10:00 a.m.)

25

REPORTER'S CERTIFICATE

1
2
3 I, BETTY D. GLISSMAN, Certified Court
4 Reporter, Certificate No. 86150, in and for
5 the State of Louisiana, do hereby certify
6 that the Louisiana Used Motor Vehicle
7 Commission June 18, 2018, meeting was
8 reported by me in the stenotype reporting
9 method, was prepared and transcribed by me
10 or under my personal direction and
11 supervision, and is a true and correct
12 transcript to the best of my ability and
13 understanding.

14 This June 27, 2018, Baton Rouge,
15 Louisiana.

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

Betty D. Glissman, CCR

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