

LOUISIANA USED MOTOR VEHICLE COMMISSION  
STATE OF LOUISIANA

REGULAR MEETING  
DECEMBER 14, 2015  
BEGINNING AT 9:39 A.M.

3132 VALLEY CREEK  
BATON ROUGE, LOUISIANA

REPORTED BY:  
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. TONY CORMIER

9 MR. RON DUPLESSIS

10 MR. GEORGE FLOYD

11 MR. STEPHEN OLAVE

12 MR. KIRBY ROY

13 MR. HENRY "DARTY" SMITH

14 MR. DINO TAYLOR

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18 REPRESENTING THE LOUISIANA USED MOTOR  
19 VEHICLE COMMISSION:

19

ROBERT W. HALLACK, ESQUIRE

20

HALLACK LAW OFFICE

13007 JUSTICE AVENUE

21

BATON ROUGE, LOUISIANA 70816

22

SHERI MORRIS, ESQUIRE

23

ROEDEL, PARSONS, KOCH, BLACHE,

BALHOFF & McCOLLISTER

8440 JEFFERSON HIGHWAY, SUITE 301

24

BATON ROUGE, LOUISIANA 70809

25

1           ALSO PRESENT:

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3           MS. KIM BARON

4           MR. DEREK PARNELL

5           MS. MONA ANDERSON

6           MS. TONYA BURKS

7           MS. STACY GAUDIN

8           MR. MONTIE WISENOR

9           MR. NESTOR GUILLORY

10          MR. PERRY ESPONGE

11          MR. DWAYNE TAMBLING

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1 (Pledge of Allegiance)

2 MR. POTEET:

3 Kim.

4 MS. BARON:

5 John Poteet?

6 MR. POTEET:

7 Here.

8 MS. BARON:

9 George Brewer?

10 MR. BREWER:

11 Here.

12 MS. BARON:

13 Dino Taylor?

14 MR. TAYLOR:

15 Here.

16 MS. BARON:

17 Tony Cormier?

18 MR. CORMIER:

19 Here.

20 MS. BARON:

21 Ron Duplessis?

22 MR. DUPLESSIS:

23 Here.

24 MS. BARON:

25 George Floyd?

1 MR. FLOYD:

2 Here.

3 MS. BARON:

4 Kirby Roy?

5 MR. ROY:

6 Here.

7 MS. BARON:

8 Darty Smith?

9 MR. SMITH:

10 Here.

11 MS. BARON:

12 Steve Olave?

13 MR. OLAVE:

14 Here.

15 MS. BARON:

16 Mr. Chairman, we have a quorum.

17 MR. POTEET:

18 Excellent. Do we have anyone

19 here today for public comments?

20 MS. BARON:

21 We do not.

22 MR. POTEET:

23 Okay. Hopefully, everybody has

24 had a chance to review the minutes from the

25 last meeting. I need a -- a motion to

1           approve that.

2           MR. SMITH:

3                     I make a motion to approve.

4           MR. OLAVE:

5                     I second the motion.

6           MR. POTEET:

7                     Second.

8                     All in favor, say, "Aye."

9                     (All "Aye" responses.)

10          MR. POTEET:

11                     Any opposed?

12                     (No response.)

13          MR. POTEET:

14                     The motion carries. Okay. Items  
15 for discussion and action, Mona.

16          MS. ANDERSON:

17                     Okay. If you'll turn in your  
18 packet to the financial statement for the  
19 month ending November 30th, on Page 1 in the  
20 statement of net position, the balance in  
21 the bank account at the end of November was  
22 \$1,746,147, which is up about \$138,000 from  
23 last month due to our renewal season. The  
24 accounts receivable hearings and fines  
25 remain the same at \$498,078. Fines are down

1 slightly due to the net effect of the Lauco  
2 -- the audit. We wrote off the Lauco  
3 account and we also approved the assessments  
4 from last month. The -- right underneath  
5 that, the uncollectible accounts is an  
6 estimate. We added to that at the time of  
7 audit \$72,000, but, of course, if any of  
8 those accounts are collected, we can amend  
9 the statement to show -- reflect that. The  
10 current liabilities at the bottom of the  
11 page were \$48,844.

12 Page 2, the 2016 deferred inflows  
13 were \$309,515. Those will move to revenue  
14 in January. The 2017 deferred inflows were  
15 \$97,800. In addition on this page, you will  
16 note there's some new items. At the bottom  
17 of long-term liabilities, you have the net  
18 pension liability. That's a reflection of  
19 the new GASB 68 changes and the deferred  
20 inflows related to pensions. And the change  
21 in our net position from the audit was a  
22 negative \$236,000. So that made our total  
23 net position negative \$69,282.

24 On Page 3 is the statement of  
25 revenues, expenses, and changes in net

1 position. Your page at the bottom, the  
2 year-to-date revenues were \$454,480 compared  
3 to \$636,000 last year at this time. It's  
4 primarily due to the difference in the line  
5 of -- hearing costs and fines were not as  
6 high this year as last year. The regular  
7 license fees were approximately \$22,000 less  
8 than the same time last year.

9 On the following page, the  
10 expenses, salaries, and related benefits  
11 year to date decreased slightly. The  
12 remainder of the expenses increased about  
13 \$14,000 year to date.

14 And on Page 5, the change in net  
15 position was a positive change of \$9,388,  
16 which is down from last year, again  
17 primarily due to those hearing fines that we  
18 had at the end of last year.

19 On Page 6 is the revised  
20 month-to-month figures. As you can see in  
21 the left-hand set of columns, the changes at  
22 audit drastically changed our net position  
23 to a negative \$236,000 and that's due to  
24 that pension liability accrual that we had  
25 to do for GASB 68. And the -- on the



1 following page, the chart of the revenues,  
2 expenses, and net position, you can see how  
3 GASB 68 affected that. It looks kind of  
4 crazy. The -- November 2014, there was end  
5 of year change in the net position prior  
6 period adjustment done on the audit, which  
7 brought the fund balance down. And then we  
8 had that large write off of the \$292,000 in  
9 June of 2015. So that's why you see those  
10 negative figures there.

11 Okay. And on Page 8 is the fee  
12 revenue, which is mostly our renewals, UD  
13 licenses, SM licenses.

14 And then on Page 9 is our  
15 certificate of deposit report. There was a  
16 slight change in that first Landmark CD.  
17 The bank rolled our interest into the CD in  
18 lieu of sending us a check, but they've  
19 corrected that. They're going to begin  
20 mailing the checks from here on out, but no  
21 changes on that to date. We'll have some  
22 CDs that will come up for renewal in  
23 January.

24 And on the final page, the  
25 accounts receivable hearings and fines, Page

1           11, the -- the total was \$229,600, again  
2           down due to the write off on the audit.  
3           Last month, we assessed \$6,300 in fines that  
4           had previously been paid and those were  
5           moved from escrow liability to revenue. We  
6           collected \$1,050 on Burnside Auto.

7                       And unless there are any  
8           questions, that concludes my report.

9                       MR. POTEET:

10                      Anybody have any questions?

11                      (No response.)

12                      MR. POTEET:

13                      No questions. All right. I'll  
14           entertain a motion to approve the financial  
15           reports.

16                      MR. ROY:

17                      I move to accept.

18                      MR. OLAVE:

19                      Second.

20                      MR. POTEET:

21                      All in favor, say, "Aye."

22                      (All "Aye" responses.)

23                      MR. POTEET:

24                      Any opposed?

25                      (No response.)

1 MR. POTEET:

2 That passes. The next thing on  
3 our agenda is to set a new date for the  
4 January meeting because of the Martin Luther  
5 King State holiday. I think the holiday --

6 MS. BARON:

7 The 18th is when it's scheduled  
8 for. I think the next Monday is the 25th.

9 MR. POTEET:

10 Okay, January 25th.

11 Does anyone have any issues with  
12 the 25th?

13 MR. OLAVE:

14 25th, yes, ma'am.

15 MR. POTEET:

16 Yes. So we'll set our -- our  
17 January meeting for the 25th. Okay. So the  
18 next thing we have are ratification of  
19 imposed penalties. Derek.

20 MR. PARNELL:

21 Commissioners, please find that I  
22 have determined the public interest can be  
23 served without further administrative  
24 proceedings. In your packet, you will find  
25 a chart that illustrates the ratification

1 and imposed civil penalties. I'll announce  
2 the names of the dealers, as normal, and is  
3 there any representation here. Do we know  
4 if there is any representation?

5 MS. BARON:

6 Let me check.

7 MR. PARNELL:

8 I'll go through the list, the  
9 dealership names and fines. You can follow  
10 along on your chart the violations that the  
11 dealer was violated for. First on the list  
12 is Metairie Wholesale, the fine amount was  
13 \$200. Auto USA, fine amount was \$250.  
14 Priceline Motors, fine amount was \$500. TLG  
15 Used Auto, fine amount was \$150. Gum Ridge  
16 Auto Sales, fine amount was \$4,600.  
17 Affordable Auto Wholesalers, Incorporated,  
18 fine amount was \$800. Prestige of Baton  
19 Rouge, fine amount was \$700. Premier Auto  
20 Sales, Incorporated, fine amount was \$2,000.  
21 Moe's Auto Sales, LLC, fine amount was \$450.  
22 Don's -- Don's Wholesale, fine amount was  
23 \$200. Extreme Cars and Trucks, LLC, fine  
24 amount was \$300. Let 'Em Have It Auto,  
25 Incorporated, the fine amount was \$600.

1       Essick Services, LLC, fine amount was \$150.  
2       Prestige of Baton Rouge, fine amount was  
3       \$200. Extreme Cars & Trucks, fine amount  
4       was \$900. A&G Auto Sales, LLC, fine amount  
5       was \$700. Denham Imports, fine amount was  
6       \$150. Domino Used Auto Sales, fine amount  
7       was \$150. Southeast Autoplex, fine amount  
8       was \$150. BWH Auto Sales, LLC, fine amount  
9       was \$2,050. Commissioners, you will find  
10      that the total amount for the month of  
11      November is \$15,200 in fines and I ask that  
12      you ratify the imposed civil penalties and  
13      accept the stipulated agency orders.

14             MR. POTEET:

15                     I need a motion to ratify.

16             MR. SMITH:

17                     I make a motion.

18             MR. CORMIER:

19                     Second.

20             MR. POTEET:

21                     Second, Mr. Cormier.

22                     All in favor, say, "Aye."

23                     (All "Aye" responses.)

24             MR. POTEET:

25                     Any opposed?

1 (No response.)

2 MR. POTEET:

3 Okay. Those penalties are  
4 ratified. There are some revocations.

5 MR. PARNELL:

6 We have revocations as well. If  
7 you'll pull -- the next chart in your file  
8 would be the ratifications of license  
9 revocation. And I assume we don't have  
10 anyone present?

11 MS. BARON:

12 No.

13 MR. PARNELL:

14 The first on the list is Chanzy's  
15 Auto Sales, the notice of revocation was  
16 sent on 9/29/15. Fire House Auto Sales,  
17 notice of revocation as well was 9/29/15.  
18 Cartsmart, LLC, notice of revocation was  
19 9/29/15. Schriever Auto Recyclers, LLC,  
20 notice of revocation was 9/29/15. Big  
21 Daddy's Auto Sales, notice of revocation was  
22 9/29/15. Southern Auto Group, LLC, notice  
23 of revocation, 9/9 -- I'm sorry, 9/29/15.  
24 Hudson's Auto Sales, LLC, notice of  
25 revocation was 9/29 of '15.

1                   Commissioners, I ask that you  
2                   ratify the revocation of above-mentioned  
3                   dealers and affiliated sales persons.

4                   MR. POTEET:

5                   I need a motion.

6                   MR. TAYLOR:

7                   I make a motion to ratify.

8                   MR. OLAVE:

9                   I second the motion.

10                  MR. POTEET:

11                  All in favor, say, "Aye."

12                  (All "Aye" responses.)

13                  MR. POTEET:

14                  Any opposed?

15                  (No response.)

16                  MR. POTEET:

17                  Those revocations are now  
18                  ratified.

19                  All right. Next on the agenda,  
20                  Executive Director's report.

21                  MR. PARNELL:

22                  Commissioners, the enforcement  
23                  division has continued to work hard in  
24                  satisfying the consumer complaints and to  
25                  satisfy and make sure that our licensees are

1 in compliance with our statutes. One thing  
2 that has been done, we had 5-day notices  
3 issued for the month of November, there were  
4 11. Physical inspections were 23. Assisted  
5 titles to be delivered to consumers, 14 of  
6 those were conducted in November. The  
7 investigative staff had 112 site visits.  
8 Four audits are currently being conducted.  
9 30 violations were issued and commission  
10 staff assisting consumers getting monies  
11 returned was \$11,424.

12 And if you look in your packet,  
13 you'll find a chart that illustrates the  
14 alleged issue counts. There was a total of  
15 190 alleged issues for the month of  
16 November. In the case report, the next  
17 document, it illustrates that there were 105  
18 assigned cases and 19 of those cases have  
19 been closed. The third document is the  
20 department summary report and this  
21 illustrates that there were 38 cases closed  
22 during the month of November. That is all  
23 that I have as it relates to that. In  
24 general, comments, I don't have any. So are  
25 there any questions or comments?



1 MR. POTEET:

2 Do we still have an opening for  
3 an investigator?

4 MR. PARNELL:

5 Yes, we do.

6 MR. POTEET:

7 And are we planning on filling  
8 that soon or --

9 MR. PARNELL:

10 Yes.

11 MR. POTEET:

12 A good direct answer. I'll  
13 accept that, very direct.

14 MR. PARNELL:

15 Yes. I was trying -- I'm looking  
16 to find someone to fit in between --  
17 actually, have someone -- a second person in  
18 District 5, which is the New Orleans area,  
19 and use them to kind of move back and forth.  
20 We have actually Perry, who lives in  
21 LaPlace, kind of moves and back forth  
22 between 4 and 5. Currently, he has District  
23 4 and just need an extra body really in  
24 those two areas.

25 MR. POTEET:

1                   Anybody else have any more  
2                   questions?

3                   MR. TAYLOR:

4                   Do our districts line up with  
5                   public service district?

6                   MR. PARNELL:

7                   It's a little bit different.

8                   MR. TAYLOR:

9                   A little different.

10                  MR. PARNELL:

11                  Yes. It's a little bit  
12                  different, because we're still trying to  
13                  find a Commissioner in a public service  
14                  district in the New Orleans -- Greater New  
15                  Orleans area. Persons that applied fell  
16                  outside of the district and that's when I  
17                  realized it's not really the exact same  
18                  thing as those districts.

19                  MR. TAYLOR:

20                  Do we have anything showing those  
21                  districts here?

22                  MR. PARNELL:

23                  As it relates to the --

24                  MR. TAYLOR:

25                  Us.

1 MR. PARNELL:

2 -- our district?

3 MR. TAYLOR:

4 Yes.

5 MR. PARNELL:

6 Yes.

7 MS. BARON:

8 As Commissioners or as dealers?

9 MR. TAYLOR:

10 As dealers. As both.

11 MS. MORRIS:

12 Isn't it on the Westbank?

13 MR. PARNELL:

14 Yes.

15 MR. TAYLOR:

16 Okay, perfect.

17 MR. PARNELL:

18 That's just a district map. And  
19 that's just basically how we broke our  
20 districts out in order to work the cases, to  
21 divide the cases up. But the Public Service  
22 Commission districts are different from  
23 that.

24 MS. MORRIS:

25 Because there are seven of them.

1 MR. PARNELL:

2 There are seven Public Service  
3 Commission districts.

4 MR. POTEET:

5 Is that it, is that all you've  
6 got?

7 MR. TAYLOR:

8 Who -- who has 2?

9 MR. PARNELL:

10 District 2 is Ronnie.

11 MS. BARON:

12 That's Ronnie, yes.

13 MR. TAYLOR:

14 Okay.

15 MR. PARNELL:

16 Districts 4 and 5 have the  
17 largest concentration of dealerships.  
18 District 2 has the -- probably the largest  
19 geographical area, because of the smallest  
20 amount of dealerships. So him working  
21 part-time actually works really well in that  
22 district.

23 MR. TAYLOR:

24 Thank you.

25 MR. POTEET:

1 All right. So the next thing are  
2 administrative hearings.

3 MS. BARON:

4 We need to take a --

5 MR. POTEET:

6 We need to take a break?

7 MS. BARON:

8 We need to take a small break.

9 MR. POTEET:

10 We'll take a 10 minute break.

11 MS. BARON:

12 Do we need to adjourn?

13 MR. POTEET:

14 Oh, we -- yes, we need to  
15 adjourn. We need a motion to adjourn.

16 MR. CORMIER:

17 I make a motion.

18 MR. OLAVE:

19 I'll second.

20 MR. POTEET:

21 All in favor, say, "Aye."

22 (All "Aye" responses.)

23 MR. POTEET:

24 Okay.

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(Meeting adjourned at 9:57 a.m.)

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REPORTER'S CERTIFICATE

I, BETTY D. GLISSMAN, Certified Court Reporter, Certificate No. 86150, in and for the State of Louisiana, do hereby certify that the Louisiana Used Motor Vehicle Commission December 14, 2015, meeting was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

This ^ sign date, 2015, Baton Rouge, Louisiana.

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BETTY D. GLISSMAN, CCR  
CERTIFIED COURT REPORTER

|  |  |   |  |   |
|--|--|---|--|---|
| <p style="text-align: center;"><b>A</b></p> <p><b>A&amp;G</b> 13:4<br/> <b>a.m</b> 1:15 22:2<br/> <b>ability</b> 23:12<br/> <b>above-mentio...</b><br/> 15:2<br/> <b>accept</b> 10:17<br/> 13:13 17:13<br/> <b>account</b> 6:21 7:3<br/> <b>accounts</b> 6:24<br/> 7:5,8 9:25<br/> <b>accrual</b> 8:24<br/> <b>action</b> 6:15<br/> <b>added</b> 7:6<br/> <b>addition</b> 7:15<br/> <b>adjourn</b> 21:12<br/> 21:15,15<br/> <b>adjourned</b> 22:2<br/> <b>adjustment</b> 9:6<br/> <b>administrative</b><br/> 11:23 21:2<br/> <b>affiliated</b> 15:3<br/> <b>Affordable</b><br/> 12:17<br/> <b>agency</b> 13:13<br/> <b>agenda</b> 11:3<br/> 15:19<br/> <b>alleged</b> 16:14,15<br/> <b>Allegiance</b> 4:1<br/> <b>amend</b> 7:8<br/> <b>amount</b> 12:12<br/> 12:13,14,15,16<br/> 12:18,19,20,21<br/> 12:22,24,25<br/> 13:1,2,3,4,5,6<br/> 13:7,8,10<br/> 20:20<br/> <b>ANDERSON</b><br/> 3:5 6:16<br/> <b>announce</b> 12:1<br/> <b>answer</b> 17:12<br/> <b>Anybody</b> 10:10<br/> 18:1<br/> <b>APPEARAN...</b><br/> 2:1<br/> 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