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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
MARCH 15, 2021
BEGINNING AT 9:45 A.M.
HELD BY VIDEOCONFERENCE
3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 VICE-CHAIRMAN:

4 MR. RICHARD WATTS

5

6 COMMISSIONERS PRESENT:

7 MR. TRAVIS BROWN

8 MR. JEFFEREY BRITT

9 MR. RICKY DONNELL

10 MR. GEORGE FLOYD

11 Mr. MATTHEW PEDERSON

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17 REPRESENTING THE LOUISIANA USED MOTOR

18 VEHICLE COMMISSION:

19

20 ROBERT W. HALLACK, ESQUIRE
HALLACK LAW OFFICE
13007 JUSTICE AVENUE
BATON ROUGE, LOUISIANA 70816

21

22 SHERI MORRIS, ESQUIRE
DAIGLE, FISSE & KESSENICH, PLC
8480 BLUEBONNET BOULEVARD, SUITE F
23 BATON ROUGE, LOUISIANA 70810

24

25

1 ALSO PRESENT:

2 MS. KIM BARON

3 MR. DEREK PARNELL

4 MS. MONA ANDERSON

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1 MS. BARON:
2 John Poteet?
3 MR. POTEET:
4 (No response.)
5 MS. BARON:
6 George Floyd.
7 MR. FLOYD:
8 Here.
9 MS. BARON:
10 Tony Cormier?
11 MR. CORMIER:
12 (No response.)
13 MS. BARON:
14 Matthew Pederson?
15 MR. PEDERSON:
16 Here.
17 MS. BARON:
18 Richard Watts?
19 MR. WATTS:
20 Here.
21 MS. BARON:
22 Steve Olave?
23 MR. OLAVE:
24 (No response.)
25 MS. BARON:

1 Ricky Donnell?

2 MR. DONNELL:

3 Here.

4 MS. BARON:

5 Dino Taylor?

6 MR. TAYLOR:

7 (No response.)

8 MS. BARON:

9 Mr. Britt?

10 MR. BRITT:

11 Here.

12 MS. BARON:

13 Travis Brown?

14 MR. BROWN:

15 Here.

16 MS. BARON:

17 Mr. Chairman, we have a quorum.

18 MR. WATTS:

19 Let's do the Pledge of Allegiance.

20 (Pledge of Allegiance.)

21 MR. WATTS:

22 Do we need a motion or something for

23 certification?

24 MS. BARON:

25 No. That's just a formality.

1 MR. WATTS:

2 Any public comments?

3 MS. BARON:

4 No, we do not.

5 MR. WATTS:

6 All right. Adoption and approval of
7 minutes.

8 MR. DONNELL:

9 So move.

10 MR. BRITT:

11 Second.

12 MR. WATTS:

13 Items for discussion. Financial
14 matters. Mona.

15 MS. ANDERSON:

16 Yes, sir. If you will all turn in
17 your packets to the financial statements for
18 January 2021. On the statement of net position
19 on pages 1 and 2, the operating account balance
20 at the end of January was \$2,057,714. Fines
21 accounts receivable were \$457,510. And at the
22 bottom of the page -- the current liabilities
23 are at the bottom of the page and the top of
24 the next page for a total of \$73,521, which is
25 normal. Long-term liabilities decreased. The

1 2021 deferred revenues were fully earned on
2 January 1 and were transferred to revenue
3 codes. And that -- the amount was that was
4 transferred was \$277,770 and that's for the
5 second year of the 2020/2021 license period.

6 And on pages 3 through 5, the
7 statement of revenues, expenses, and changes in
8 net position, the year-to-date revenue in
9 January was \$851,865 compared to \$1,470,000
10 last year at this time. The drop, of course,
11 is due primarily to the suspension of fees that
12 were -- that was ordered by the House
13 Concurrent Resolution 71.

14 On page 4, the salaries and related
15 expenses were slightly higher than the previous
16 year. And the remainder of the expenses were
17 \$257,850 lower than last year due mostly to
18 remote meetings that we had this year. We are
19 experiencing a significant drop in the expenses
20 for traveling. On page 5, the net increase of
21 expenses was \$15,000. And the net position was
22 \$30,375 compared to \$663,540 last year. And
23 this was our only month to recognize a positive
24 net position.

25 Turning on to the year-to-date budget

1 to actual expenditures graph, we're pretty much
2 at budget right now. Salaries and benefits are
3 slightly higher than they should be, but the
4 remaining expenses are lower. On page 7 is the
5 four-year revenue comparison. And page 8 is
6 the chart of that. You can see that the
7 revenue this year is lower and most of the fee
8 types shown for the same districts for the
9 2018/'19 year. The only exception is the sales
10 revenue which increased.

11 On page 9 is the certificate of
12 deposit report. We had two b1Bank certificates
13 that came up for renewal. And one Chase CD
14 that came up for renewal. And b1Bank
15 originally quoted us 0.3 percent interest and
16 we were able to negotiate that to be 0.5
17 percent. The Chase CD was moved to the Bank of
18 St. Francisville because they did have a higher
19 rate.

20 On page 10 is the accounts receivable
21 hearings report. \$1,450 in fines were assessed
22 in January, and \$1,219 was collected. We wrote
23 off \$90 as the expense for collection by the
24 Attorney General's Office. And the balance at
25 the end of January was \$457,510.

1 If you turn into your packet, the
2 next report that you have is the February
3 financial statements. The cash in the bank
4 decreased to \$1,991,508. The fines accounts
5 receivable were \$451,433. The current
6 liabilities on page 2 were \$75,532, and the
7 long-term liabilities increased of \$4,430,164.
8 That is when we began to receive some '21/'22
9 license -- license applications. The net
10 position was a negative \$52,049.

11 On page 3, the year-to-date revenues
12 were 886,000 compared to 1,573,000 last year.
13 And on pages 4 and 5, the year-to-date expenses
14 were 938,997. The year-to-date change in net
15 position was a negative \$52,049 compared to a
16 positive \$653,793 last year.

17 On page 6 is, again, the
18 budget-to-actual expenditures and we are pretty
19 much on target right now. Page 7 is the 4-year
20 revenue comparison and page 8 is the chart of
21 that. We are down roughly \$230,000 from the
22 same districts in the 2018/'19 period.

23 If you turn to page 9, the
24 certificate of deposit is the same as it was in
25 January. And on page 10, we did not have a

1 Commission meeting in January [sic] so the
2 fines remained the same; none were assessed.
3 We did collect \$5,808. And we wrote off \$269
4 in expense for collection fees by the Attorney
5 General. Our ending balance in the accounts
6 receivable was \$451,433.

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

9 MR. WATTS:

10 I got a quick question. How are we
11 standing? Good? Bad? Or? Our financial
12 situation since this pandemic? Is it about
13 where it needs to be?

14 MS. ANDERSON:

15 Well, we won't know that until we
16 start collecting that second year, because
17 right now it doesn't look very good because of
18 the collections. And the main concern there is
19 going to be how many of those dealers are still
20 going to be in business for the second year.
21 So if all of the ones that we issued for 2021
22 come back for the 2022 year, then I think we
23 will be doing pretty good. So we will be
24 collecting that revenue starting from July --
25 on July 1 and going through the end of the

1 year. And there will probably be some late
2 payments into the first part of 2022.

3 MR. WATTS:

4 All right. Do I need a motion and a
5 second for this? Anybody have any? Looking
6 for a motion, I guess.

7 MR. DONNELL:

8 Make a motion.

9 MR. WATTS:

10 Need a second.

11 MR. BRITT:

12 Second.

13 MR. WATTS:

14 All right. Coming up is Jeff Britt.
15 You got the floor.

16 MR. BRITT:

17 I just want to report to the
18 commissioners, Derek and I and Robert Hallack
19 met and have been going back and forth. I
20 think we've come up with a solution on having a
21 supervisor over the investigators or compliance
22 investigators, whatever the title would be. We
23 are saying we got it worked out. Director
24 Parnell is working on some of the finalization
25 of the -- how it needs to be worded and what

1 their job description is going to be and
2 working with Civil Service on moving up one of
3 our guys. We've decided that it is going to be
4 Montie Wisenor will be the supervisor and
5 Director Parnell will meet all of the agents
6 and instruct them on how the structure is going
7 to be set and how each case is going to be
8 handled and what Montie's role is going to be.
9 I feel good about this. I think we got
10 something good going here and I think it will
11 help -- help the entire Commission. And that's
12 my report.

13 Director Parnell, do you have
14 anything that you want to add?

15 MR. PARNELL:

16 I just want to add a little bit.
17 Like you said, I was working with -- you know,
18 Montie has been with this agency 22 years. I
19 do very much think that he's very capable and
20 very thorough. He is going to be someone who I
21 think is going to do a wonderful job. We have
22 submitted to the Civil Service the request for
23 the position. We have included the detailed
24 job description and organizational chart. Most
25 of Civil Service is still primarily working

1 remotely so we are just waiting on their
2 approval of the position. That way we can go
3 ahead and follow the normal protocol which
4 would mean we just have to post the position,
5 but we can kind of let Civil Service know that
6 we are looking at a higher -- to promote from
7 within and most often they would send us just
8 the one person on that list. There was some
9 concern when we kind of really started talking
10 about the situation. So I did reach out to the
11 Board of Ethics. I spoke with their staff
12 Attorney, Latoya Jordan. Just to make sure
13 that we didn't have any conflict as it relates
14 to nepotism, because Ronnie Wisenor is still a
15 current investigator. During our discussion,
16 it was advised that under provisions of the
17 nepotism statutes, which are fine under the
18 Revised Statute 42:1119(C)(2), that is an
19 exception. According to that statute, the move
20 can happen provided that the public employee
21 has been employed with the agency for a period
22 of at least one year to the immediate family's
23 promotion. So with that said, that leaves us
24 the ability to move forward with the promotion.
25 I do have to put together a participation plan

1 that I have to submit to the Board of Ethics,
2 which will be once they approve it, it is much
3 more of a disqualification plan because there
4 is that conflict as it relates to the
5 employees, the two employees because of their
6 relationship. What the disqualification plan
7 basically does is that we will submit to the
8 Board of Ethics. They will -- the staff
9 attorney is going to present it before the
10 Board of Ethics. It allows him to be in the
11 role of the supervisor, but only -- there is
12 one area where it could not affect him. If
13 there is anything that has economic interest,
14 for example, his evaluations or anything like
15 that that can have a positive or negative
16 impact on his finances as it relates to either
17 promotion -- increases in salary or anything
18 like that. As you were describing to me with
19 the disqualification plan, I just need to
20 make -- make note that I, as an executive
21 director, would be that person to actually
22 functions in that role as it relates to that
23 one specific employee.

24 Also, beyond that, we are just
25 waiting to go through and get everything from

1 Civil Service to go through really smooth;
2 hopefully, it will. And just finish up this
3 participation statute, the disqualification
4 plan, and everything should be fine with moving
5 forward with the promotion.

6 I just wanted to update everybody
7 exactly the specifics of what we are going
8 through in order to try to make this situation
9 happen.

10 MS. BARONS:

11 Chairman Watts, we need to go back to
12 Attorney Robert Hallack's bill underneath the
13 financial matters.

14 MR. WATTS:

15 I skipped him. I am sorry.

16 MR. PARNELL:

17 You will find in your packet Attorney
18 Hallack's bill of services for January of 2021.
19 I have reviewed the services performed and the
20 accounting department has reviewed the time
21 calculations and reviewed that they are
22 correct. Attorney Hallack's bill for services
23 for January of 2021 is \$3,510. Commissioners,
24 I ask that you approve payment of Attorney
25 Hallack's bill. I need a motion.

1 MR. WATTS:

2 I need a motion.

3 MR. DONNELL:

4 So moved.

5 MR. PEDERSON:

6 Second.

7 MR. WATTS:

8 All right. I got here general
9 discussion is next.

10 MR. PARNELL:

11 Commissioners, this gentleman, Van
12 Brumfield from Top to Bottom Autos, LLC, he
13 came before our board some time ago and had a
14 hearing and there was a large fine that was
15 assessed on this particular dealer. This
16 dealer made mention -- he did have conversation
17 with myself, he wanted to come up with a
18 payment plan in order to cover the funds
19 associated with this fine. The total fine
20 amount is 84 -- yes, \$84,100. He wanted to
21 come up with a payment plan in order to get
22 this amount paid down. And I told him with
23 that amount, normally I deal with the one that
24 are smaller dollar amounts. Larger amounts
25 like this, I wanted to bring it before you-all

1 and give Mr. Brumfield an opportunity to
2 discuss his situation with you and request that
3 he gets approval for a payment plan.

4 Ms. Baron, I think that you have a
5 little bit more information you wanted to share
6 with the Commissioners before Mr. Brumfield
7 speaks, if you will, please, do so.

8 MS. BARON:

9 Yes. The total fine was that 84,100.
10 His bond company paid a portion of that. So
11 all that is left owed is 58,500. When we had
12 previously talked with Mr. Brumfield, it was
13 Mr. Hallack -- Attorney Hallack and Mr. Parnell
14 and myself, we talked with Mr. Brumfield on a
15 Zoom call earlier. And he said at that time
16 that he could possibly make a payment of \$500 a
17 month. With making \$500 a month, it will take
18 him 9 years and 9 months to pay off his fine.
19 So we told him that we would have to come
20 before you-all and let y'all decide whether or
21 not that was going to be acceptable for, you
22 know, for him to pay that amount.

23 MR. WATTS:

24 Is he current? He is not a dealer
25 anymore, is he?

1 MS. BARON:

2 No, sir. He is not.

3 MR. PARNELL:

4 Attorney Morris, I think you kind of
5 made mention to Kim and I about something that
6 some other agencies do at some points just to
7 incentivize persons who are paying payments and
8 whatnot. Can you kind of explain that to the
9 board members, if you will.

10 MS. MORRIS:

11 This is a matter that I understand
12 has not been turned over at the Attorney
13 General's Office, and you might recall from the
14 report earlier today we had some write-offs of
15 balances on fines owed because we would have to
16 pay the attorney general 25 percent of what we
17 actually collect. Sometimes we will put
18 someone on a payment plan and provided that
19 they timely pay all payments, there would be
20 some sort of a discount applied at the end,
21 because it allows us to avoid collection costs
22 if we have cooperation of the individual. So
23 that might be something that you would
24 consider, but it would be conditioned upon, you
25 know, an agreement where timely payments have

1 to be consistently made.

2 MR. PARNELL:

3 Mr. Brumfield, it is your opportunity
4 at this time to speak to the commissioners and
5 kind of let them know what your position is,
6 what you want to do to move forward.

7 MR. BRUMFIELD:

8 Good morning, everybody. Yes. I am
9 trying to get this taken care of. I mean, I
10 understand it's a significant amount of money.
11 And at the present time right now that is like
12 the most that I am able to make as a monthly
13 payment as I sit right now with my income.

14 MS. BARON:

15 That would be the \$500 that we
16 previously mentioned?

17 MR. BRUMFIELD:

18 Yes, ma'am.

19 MR. WATTS:

20 I don't know. I would like to put
21 this off until next month's meeting and see if
22 we meet in person and sit down and discuss
23 this. I don't know. I am not in the finance
24 business and neither is the Commission to
25 finance a fine, you know.

1 Mr. Brumfield, are you currently
2 employed now?

3 MR. BRUMFIELD:

4 Sir?

5 MR. WATTS:

6 Are you currently employed now?

7 MR. BRUMFIELD:

8 Yes. I am working between jobs.

9 MR. WATTS:

10 Derek, what is yours -- you got a
11 feel for this. What do you think?

12 MR. PARNELL:

13 Well, I mean, if he does plan on
14 making payments, I think that's a good
15 solution. But I do like what Ms. Morris
16 mentioned about an incentive to continue making
17 his payments. Again, \$500 a month to complete
18 this out would be, like, 9 years' worth of
19 payments. So this is something that I think
20 that we need to table right now to kind of have
21 a bit more of a discussion as it relates to
22 this matter. I think that would be helpful.
23 But it is truly -- in most situations, I
24 always -- if the dealership was good faith, I
25 do try to work with a lot of dealers on payment

1 plans. But, again, with this amount, it is
2 fairly large and I felt this was something you
3 all should definitely vote upon.

4 MS. ANDERSON:

5 Derek?

6 MR. PARNELL:

7 Yes, ma'am.

8 MS. ANDERSON:

9 If we -- even if we discount it, that
10 is still going to take him, like, over 7 years
11 to pay that out.

12 MR. PARNELL:

13 That's correct.

14 MS. ANDERSON:

15 Even if we discount it 25 percent.

16 MR. PARNELL:

17 Yes.

18 MR. HALLACK:

19 If we discount it 20 percent plus the
20 costs, it is still going to be 7 years?

21 MR. PARNELL:

22 At \$500 a month, yes. It spreads out
23 pretty far.

24 MR. BRITT:

25 Can I interject something? I really

1 believe we need to table this until we can have
2 a discussion a little further. Whatever we do
3 here with this matter will set a precedent.
4 And I am all about helping somebody and I'm all
5 about if they pay it off early giving them a
6 discount. But I think we need to sit back and
7 have a discussion about this maybe in an
8 executive session later on.

9 MR. WATTS:

10 I agree. We will table until the
11 next meeting where we will sit down
12 face-to-face and we can talk amongst ourselves
13 between now and the next meeting to see what's
14 going on and see what we can do.

15 MR. HALLACK:

16 Do you still need Mr. Brumfield to
17 attend?

18 MR. WATTS:

19 I will let Kim get in touch with him
20 when we decide on something. If he wants to
21 attend the meeting, we will bring it before the
22 next meeting, hopefully if we can do it before
23 the next meeting, I think that is appropriate.
24 We can get in touch with him or we have to go
25 before a meeting before the Commission.

1 MS. BARON:

2 If y'all make a decision, I can let
3 him know what the decision is. If we bring it
4 into the next meeting, then, you know, he can
5 attend or what have you. If we go into
6 executive session, he won't be.

7 MR. DONNELL:

8 Let's just table until we get into an
9 executive session.

10 MR. WATTS:

11 Okay. That's good.

12 MS. BARON:

13 Is that good with you, Mr. Brumfield?

14 MR. BRUMFIELD:

15 Yes, that's fine.

16 MS. BARON:

17 We will be in touch.

18 MR. BRUMFIELD:

19 Okay. Thank you. Thank you very
20 much.

21 MR. WATTS:

22 What is next, Derek?

23 MR. PARNELL:

24 Ratification of imposed penalties.
25 You will find in your packet a chart that

1 illustrates the licensees that were in
2 violation of state law. These cases have been
3 investigated and I have determined that the
4 public interest can be served without further
5 administrative proceeding, thus the civil
6 penalties were imposed. I will announce the
7 names of the dealers that have been imposed
8 civil penalties for the record. We do not have
9 anyone present on this list in opposition of
10 these penalties as they have already been paid.
11 So we will go through the list now.

12 ABC Auto Sales, LLC, from Baton
13 Rouge, Louisiana, fine amount was \$200. This
14 dealer, you will see on this imposed -- this
15 chart, you are going to see several times that
16 this dealer's name is popping up. He was
17 ultimately having a lot of issues with getting
18 titles from his floor plan company because of
19 payments. He has been working with the
20 title -- I mean, with the floor plan company in
21 order to get these vehicles, each one that he
22 has been working out, he has went ahead and
23 registered the vehicles. So I think out of
24 these cases listed, six of them are going to be
25 listed other ABC Auto Sales, but I will go

1 through because they were each separate
2 complaints that came into our office. It is
3 quite a few more complaints that came in, but
4 at this point we have only dealt with six of
5 them.

6 Auto Brokers of America, LLC, from
7 Lafitte, Louisiana, the fine amount was \$150.
8 There was no licensed salespersons at the time
9 of the site visit. Jefferson Auto Group, LLC,
10 from Kenner, Louisiana, fine amount was \$200.
11 This was a non-delivery of title. The title
12 was delivered to the consumer, so the consumer
13 is made whole.

14 All Premier Auto Sales, LLC, from
15 Lafayette, Louisiana, fine amount was \$750. At
16 the site visit, this dealer did not have a
17 salesperson license -- the dealership and
18 salesperson license was expired on the
19 premises. He hadn't been submitting any of his
20 monthly sales reports and he didn't have any of
21 his public records on site at the dealership
22 when the investigator went out and did a site
23 visit with him.

24 Once again, ABC Auto Sales, LLC,
25 Baton Rouge, Louisiana, fine amount was \$200.

1 Non-delivery of title, of course, as I stated
2 before. Alfred Ledet, doing business as Up
3 Front Auto Sales from Opelousas, Louisiana,
4 fine amount is \$400. Business phone was
5 changed, but he did not contact our office or
6 give us any other information. He let -- also
7 let a friend make purchases under his license.
8 And upon that situation, one did a
9 double-transfer on one of their licenses in one
10 of the deals that they were working on.

11 The next one is Quinn Green doing
12 business as Green's Auto Exchange from Marrero,
13 Louisiana, fine amount is \$150. This dealer's
14 business sign was down. He has replaced the
15 sign at this point. Airport Road Auto Sales,
16 LLC, from Opelousas, Louisiana, fine amount is
17 \$620. This dealer -- the place of business
18 looked abandoned. So the investigator reached
19 out to Office of Motor Vehicles, the monthly
20 sales report department, just to find out
21 information on this dealership that it was no
22 monthly sales reports being submitted. The
23 dealership has submitted information to re-open
24 his dealership and, thus, no records were
25 found.

1 Moving to the next one, it's ABC Auto
2 Sales, LLC, from Baton Rouge, Louisiana, fine
3 amount was \$200. Non-delivery of title. ABC
4 Auto Sales, LLC, from Baton Rouge, Louisiana.
5 Again, fine amount is \$200 for non-delivery of
6 title. And once more, ABC Auto Sales, LLC,
7 from Baton Rouge, Louisiana, fine amount \$200
8 for non-delivery of title.

9 Laimoun, LLC, doing business as Tire
10 Zone Car sales from Baton Rouge, Louisiana,
11 fine amount is \$300. This dealer did not --
12 the sales record did not explain the buyer's
13 guide as prescribed by law. There were some
14 other issues that took place, but the dealer
15 did make good on all of those other issues, so
16 violations were not written for that.

17 Auto Empire, LLC, from Baton Rouge,
18 Louisiana, fine amount is \$1,500. Dealer made
19 statements that he -- the dealer stated he had
20 not been able to access Office of Motor
21 Vehicles' database citing a problem with his
22 password, seeking temporary tags. There was
23 not an account for any of the tags resulting in
24 a violation nor did he have sales reports that
25 made from that dealership in his possession.

1 Laimoun, LLC, doing business as Tire
2 Zone Car Sales in Baton Rouge, Louisiana, fine
3 amount is \$300. Another instance where the
4 dealer did not supply the monthly -- I am
5 sorry, the signed buyer's guide for the
6 consumer.

7 HD Pay Here Auto Sales, LLC, from
8 Baton Rouge, Louisiana, fine amount was \$200.
9 It was non-delivery of title. Trying to pay
10 off floor planner. Has done so at this point.
11 Auto World of Baton Rouge, LLC, fine amount
12 \$300. Not providing prior buyer's guide to
13 purchaser. Dixieland Car Sales, LLC, from
14 Baton Rouge, Louisiana, fine amount is \$1800.
15 Dealer was selling vehicles from several
16 different places, one which was his home,
17 outside of his licensed location. As well as
18 other violations that were assessed once when
19 the investigator went out and investigated the
20 situation.

21 AAA Tire Shop, Inc., doing business
22 as AAA Tire & Auto Sales from Baton Rouge,
23 Louisiana, fine amount is 1100. The claim
24 initially involved a bad transmission. When
25 the investigator went, he found issues

1 associated with this dealership.

2 Commissioners, the total amount of
3 civil penalties for the month of January and
4 February was \$8,820. Commissioners, I ask that
5 you ratify the imposed penalties assessed.

6 MR. WATTS:

7 I need a motion.

8 MR. DONNELL:

9 I move.

10 MR. WATTS:

11 Second.

12 MR. PEDERSON:

13 Second.

14 MR. DONNELL:

15 Derek, let me ask you a question.

16 MR. PARNELL:

17 Yes, sir.

18 MR. DONNELL:

19 Who is the dealer at Dixieland?

20 MR. PARNELL:

21 Let me see if I have his name in
22 front of me.

23 MR. WATTS.

24 That's Sherri. That's his wife.

25 MR. DONNELL:

1 Who?

2 MR. WATTS:

3 That's Sherri.

4 MR. PARNELL:

5 Barbara Reeves, the owner.

6 MR. DONNELL:

7 Okay.

8 MR. PARNELL:

9 Yes, Barbara Reeves is the owner.

10 MR. WATTS:

11 We have had him up here before. I
12 remember his name. He's just out there.

13 Derek, I have a question for you. On
14 this not providing a buyer's guide to purchaser
15 if required. Is it required or not required?

16 MR. PARNELL:

17 Say again, sir.

18 MR. WATTS:

19 I don't understand "if it is
20 required."

21 MR. PARNELL:

22 According to Statute 32:792(B)(19), a
23 dealer is required to provide a buyer's guide.
24 I don't know why it says "if required."

25 MS. BARON:

1 If I am not mistaken, it is not
2 required if the vehicle is sold as is.

3 MR. WATTS:

4 You are still required one, though.

5 MS. BARON:

6 They have to give them the buyer's
7 guide. If it is not as is, they do not have to
8 provide one.

9 MR. HALLACK:

10 Under federal law, Mr. Watts is
11 correct. It is required on all transactions in
12 federal law. But a used motor vehicle dealer
13 under our law, the buyer's guide is only
14 required if they sell the car as is.

15 MR. DONNELL:

16 If they sell the car what now?

17 MR. HALLACK:

18 As is.

19 MR. WATTS:

20 It is not required?

21 MR. HALLACK:

22 It is not required if the dealer
23 sells the car as is.

24 MR. WATTS:

25 Well, I know they have to sign

1 something to let them know they bought the car
2 as is, you know, right?

3 MR. HALLACK:

4 Right, right. But if the dealer
5 sells the car as is, he has to provide federal
6 buyer's guide.

7 MR. PARNELL:

8 Not often will you find a dealer that
9 is not.

10 MR. HALLACK:

11 I mean, if it is not an as-is sale,
12 and most of them are as is, but let's say it is
13 not an as-is sale, he doesn't have to provide
14 under our law the buyer's guide. Now, under
15 federal law, they have to supply the buyer's
16 guide in every transaction. But to be in
17 violation of our law, they only have to provide
18 it if it's an as-is transaction.

19 MR. DONNELL:

20 Remind me when we get down there in
21 executive session to discuss this topic.

22 MR. PARNELL:

23 Okay. I will make a note it.

24 MR. HALLACK:

25 This was a new law by the way. It is

1 a law that came about two years ago.

2 MR. PARNELL:

3 Two years ago, yes.

4 MR. WATTS:

5 It seems like it would be just the
6 same as the federal. I just don't understand
7 that ruling or who made that law to tell you
8 the truth.

9 MR. HALLACK:

10 Well, a lot of the dealers at the
11 time that we made that law, a lot of dealers
12 were not providing the buyer's guide.

13 MR. WATTS:

14 Yes. I think that the buyer's guide
15 should be provided with every transaction
16 regardless with as is or whatever. Let the
17 customer sign it so they know what they are
18 reading and they know what they are buying.
19 That's a big problem with these lots. They
20 don't provide the information and the customers
21 don't know if they bought a car as is or what
22 after 30 days.

23 MR. HALLACK:

24 Well, I would think that 90 percent
25 of all transactions are as is anyway.

1 MR. WATTS:

2 I am sure they were.

3 MR. DONNELL:

4 What I want to discuss in executive
5 session is our jurisdiction in this.

6 MR. HALLACK:

7 What about our jurisdiction?

8 MR. DONNELL:

9 Can we enforce federal law?

10 MR. HALLACK:

11 No.

12 MR. WATTS:

13 We will bring it up in executive
14 session. That's something we will do.

15 MR. DONNELL:

16 We will just do it when we get there.

17 MR. HALLACK:

18 Well, you are not technically
19 enforcing federal law. All you are saying is
20 that this is something that is required in an
21 as-is transaction.

22 MR. DONNELL:

23 Okay.

24 MR. WATTS:

25 One more question, Derek. Is ABC

1 still in business? I see you got two different
2 dealer numbers.

3 MR. PARNELL:

4 They are not in business, no.

5 MR. WATTS:

6 ABC is out. He has re-opened
7 somewhere else with another title under another
8 name. I see here.

9 MR. PARNELL:

10 Not that I know of.

11 MS. BARON:

12 They owned HD Buy Here and Pay Here
13 and he is working there, but the LLC is closed.

14 MR. WATTS:

15 So he has a new dealer -- a new name
16 at the same location, right?

17 MS. BARON:

18 No. He has moved his location to
19 Denham Springs.

20 MR. WATTS:

21 All right. He is nowhere on Plank
22 Road no more? He is in Denham?

23 MS. BARON:

24 That is correct. He is in Denham
25 Springs now.

1 MR. WATTS:

2 All right. We need to make motion of
3 all of these to approve them. We've done that,
4 okay.

5 Derek, that's your report next on the
6 agenda.

7 MR. PARNELL:

8 Just give you a brief report where we
9 kind of are on certain issues. The dealer's
10 seminar, last week we were able to start
11 Montie, Stacey, and Perry are primarily the
12 ones that we go to to do the webinars as it
13 relates to the car dealer seminar unless we are
14 able to start having to get back on track. It
15 was about 130 or so dealers ever since the
16 pandemic that hadn't had their dealer's
17 seminar, so we were able to hold six webinars
18 last week so we can complete those dealer
19 seminars. Every month we are going to try to
20 have six or so ongoing just to try to catch up
21 with the dealers that are out there that have
22 not had their dealer seminar.

23 As you recall, the dealer seminar is
24 something that our agency has continued to do.
25 The dealer seminar is specific to new dealers

1 that are coming into business.

2 The next item would be the continuing
3 education. Again, as I said last time, we did
4 complete the process -- well, the application
5 process for our continuing education. The next
6 thing I really have to do is get some -- put a
7 request for proposals out there. We try to
8 advertise in well-known publications and our
9 own websites, including our websites, because
10 the vendors that will meet -- will need to meet
11 the requirements as it relates to hosting the
12 continuing education would still need to get
13 insurance as any of our vendors as the State
14 requires us to do. As of now, we do know that
15 there would be one that we know of. Even
16 still, we still have to go through. They still
17 have to have certain requirements in order to
18 be a vendor for our agency. The Department of
19 Public Safety tag agent -- have been talking a
20 little bit further with Officer of Motor
21 Vehicles Jill Jarreau, and we are kind of going
22 through this application for us to become --
23 basically, we have to go through all of the
24 same process as any person who wants to be a
25 public tag agent in order for our agency to get

1 the ability to provide dealer plates to our
2 dealers. This is a huge courtesy -- I think it
3 is going to be for our agency in order to help
4 our dealers get their dealer plates. It will
5 be much more efficient in my opinion. But, you
6 know, with this, we have to meet all of the
7 requirements which includes -- we have to fill
8 out the auto title company application as well
9 as the public tag agent application, because as
10 they described to me that you cannot have a
11 public tag agent without being an auto title
12 company. What that means is both of those have
13 to require \$100,000 bond that our agency would
14 have to get in order to be able to be a public
15 tag agent and to get out the plates to our
16 dealers.

17 It is a little bit more intense. I
18 kind of estimated this process. It is a little
19 bit more intensive. So I am just trying to
20 work through this to get this accomplished as
21 soon as I can.

22 Did you-all have any questions or
23 comments or concerns as it relates to anything?

24 MR. WATTS:

25 No, I am good. Anybody?

1 MR. DONNELL:

2 I would like to get a room big enough
3 for all of us to come to Baton Rouge next
4 month.

5 MR. WATTS:

6 How do we pursue that?

7 MS. BATON:

8 The only building that's available to
9 us would have been the Archives building and
10 they will not allow it.

11 MR. PARNELL:

12 That is their protocol. I don't know
13 if we have any other suggestions. Ms. Morris?

14 MS. MORRIS:

15 I don't know about the cost, but one
16 of my agencies met last week at the Crowne
17 Plaza which is right behind you-all. They just
18 rented the rooms there.

19 MR. WATTS:

20 I don't know why we couldn't do that
21 either.

22 MR. PARNELL:

23 We can look into the Crown Plaza or
24 if Mr. Britt looks into the police.

25 MR. WATTS:

1 All right. We have items for next
2 agenda. Do you have anything coming up?
3 Anybody else? Anything else?

4 MR. PARNELL:

5 So far just the one thing that I know
6 Commissioner Donnell said he wanted to kind of
7 discuss about buyer's guide.

8 MR. WATTS:

9 Yes. That will be good.

10 All right. Motion for adjournment.

11 MR. DONNELL:

12 Motion.

13 MR. FLOYD:

14 Second.

15 MR. WATTS:

16 This meeting is over.

17
18 (Meeting adjourned at 10:29 a.m.)
19
20
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25

REPORTER'S CERTIFICATE

1
2
3 I, BETTY D. GLISSMAN, Certified Court
4 Reporter, Certificate No. 86150, in and for the
5 State of Louisiana, do hereby certify that the
6 Louisiana Used Motor Vehicle Commission March
7 15, 2021, meeting was reported by me in the
8 stenotype reporting method, was prepared and
9 transcribed by me or under my personal
10 direction and supervision, and is a true and
11 correct transcript to the best of my ability
12 and understanding.

13 This March 30, 2021, Baton Rouge,
14 Louisiana.

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16
17
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19
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21 _____
22 BETTY D. GLISSMAN, CCR
23 CERTIFIED COURT REPORTER
24
25

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