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LOUISIANA USED MOTOR VEHICLE COMMISSION  
STATE OF LOUISIANA

REGULAR MEETING  
NOVEMBER 26, 2018  
BEGINNING AT 9:30 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. JEFFEREY BRITT

7 MR. TONY CORMIER

8 MR. RICKY DONNELL

9 MR. GEORGE FLOYD

10 MR. STEPHEN OLAVE

11 MR. MATTHEW PEDERSON

12 MR. DINO TAYLOR

13 MR. RICHARD WATTS

14

15

16

17 REPRESENTING THE LOUISIANA USED MOTOR

18 VEHICLE COMMISSION:

19

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

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

## 1       ALSO PRESENT:

2               MS. KIM BARON

3               MR. DEREK PARNELL

4               MS. MONA ANDERSON

5               MR. MONROE ALLMOND

6               MS. EMILY DOMANGUE

7               MR. JOHN MCKOWEN

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1 (Pledge of Allegiance)

2 MR. POTEET:

3 Roll call.

4 MS. BARON:

5 John Poteet?

6 MR. POTEET:

7 Here.

8 MS. BARON:

9 George Floyd?

10 MR. FLOYD:

11 (No response.)

12 MS. BARON:

13 Tony Cormier?

14 MR. CORMIER:

15 Here.

16 MS. BARON:

17 Matthew Pederson?

18 MR. PEDERSON:

19 Here.

20 MS. BARON:

21 Richard Watts?

22 MR. WATTS:

23 Here.

24 MS. BARON:

25 Steve Olave?

1 MR. OLAVE:

2 Here.

3 MS. BARON:

4 Ricky Donnell?

5 MR. DONNELL:

6 Here.

7 MS. BARON:

8 Darty Smith?

9 MR. SMITH:

10 (No response.)

11 MS. BARON:

12 Dino Taylor?

13 MR. TAYLOR:

14 Here.

15 MS. BARON:

16 And Jefferey Britt?

17 MR. BRITT:

18 Here.

19 MS. BARON:

20 Mr. Chairman, we have a quorum.

21 MR. POTEET:

22 Very good.

23 Do we have anyone here today for  
24 public comments?

25 MS. BARON:

1                   We do not.

2                   MR. POTEET:

3                   All right. The last meeting,  
4                   September, we need the adoption and approval  
5                   of the minutes. Has everybody had a chance  
6                   to read those? I'm assuming so.

7                   Motion?

8                   MR. OLAVE:

9                   I make a motion, Mr. Chairman.

10                  MR. DONNELL:

11                  Second.

12                  MR. POTEET:

13                  Mr. Olave. Second from Mr.  
14                  Donnell.

15                  Next, we've got items for  
16                  discussion and action, financial matters.  
17                  It looks like we've got an audit today,  
18                  right, or a review of the audit. Mr.  
19                  McKowen.

20                  MR. MCKOWEN:

21                  Thanks, Mr. Chairman.

22                  Did everybody get a copy of my  
23                  report?

24                  MR. POTEET:

25                  It looks like this.

1 MR. McKOWEN:

2 Okay. I did audit your financial  
3 statements as of June 30th of this year.  
4 Once again, in my opinion, it's fairly  
5 stated in accordance with Generally Accepted  
6 Accounting Principles. This year, I did  
7 emphasize two matters. So if you look at  
8 page 2 of my report in the very front, it  
9 says: "As disclosed in note 8 of the  
10 financial statement, the net pension  
11 liability of the Commission is 2 million  
12 dollars."

13 I wanted to point out this year  
14 that that's just an estimate. It's  
15 actuarially determined, but for an entity of  
16 this size, it's -- I can promise you it's  
17 not going to be 2 million dollars, whether  
18 it's a million or 3 million dollars. But I  
19 just wanted to make sure everybody realized  
20 that -- I shouldn't say it's a number that's  
21 pulled out of the air, because the actuaries  
22 have determined that number, but it's a wild  
23 estimate.

24 MR. POTEET:

25 So it's just an actuarial

1 assessment?

2 MR. McKOWEN:

3 That's correct. Similarly, the  
4 second matter that I want to bring to your  
5 attention is that there are new -- a new --  
6 there is a new statement from Governmental  
7 Accounting Standards Board that went into  
8 effect for the year that I audited, which  
9 increases your pension liability by  
10 \$650,000. Again, it's just an estimate.

11 And just for those of you who  
12 have not been on a -- on a commission  
13 before, these are liabilities that the state  
14 -- that all the states have built up over  
15 the years and folks are finally saying,  
16 well, we need to let people know, need to  
17 let the public know, that these debts are  
18 out there. Sooner or later, your employees  
19 here are going to retire and you owe them  
20 for their pension and for their health  
21 insurance for the rest of their lives. So  
22 it's a lot of money. But, anyway, it  
23 doesn't change anything. It's just  
24 something that is now recognized.

25 So I'm going to skip over to



1 Derek's discussion and analysis. Most of  
2 this is just numbers that we're going to  
3 look at in other places. So to save time,  
4 let's skip over to page 11. That's your  
5 statement of net position or your balance  
6 sheet. The end of the year was 3 million 2  
7 in cash. You've got \$750,000 in  
8 investments. That's all the CDs. You had  
9 accounts receivable. That's all from  
10 hearings and fines and that number was  
11 80,000. So you had current assets of right  
12 at 3 million dollars. You had capital  
13 assets, fixed assets, of 174,000. So your  
14 total assets were 3 million 2.

15 Your -- I'm going to skip over to  
16 short-term liabilities. All of that is just  
17 accounts payable and payroll taxes and that  
18 kind of thing. But your long-term  
19 liabilities, again, you've got 3 million 6  
20 of that now with all these pensions and  
21 liabilities that you need to recognize. And  
22 what that's done is thrown you into a  
23 negative position in terms of your net  
24 assets at the end of the year. You're not  
25 alone there. Everybody is in the same

1 position.

2 Page 12 is your statement of  
3 revenue. You had total revenues for the  
4 year of a million 385. Total expenses for  
5 the year a million 385. You made \$14 for  
6 the year. But you did have interest income  
7 as non-operating. So that is down at the  
8 bottom. You had total income for the year  
9 of 37,000 after you include the interest.

10 So, again, you've got a deficit  
11 at year end of 394,000. Cash flows, you've  
12 got 181,000 less in cash than you did last  
13 year. Primarily, you bought some more CDs.

14 The notes, I'm not going to go  
15 through all of that. I took a look at it  
16 this morning. The only thing that I might  
17 point out is note 14 on page 34. And that,  
18 again, talks about your other  
19 post-employment benefits, liability. That's  
20 new this year.

21 Page 37 is your budget  
22 comparison. Y'all were a little light on  
23 revenues this year compared to what you had  
24 estimated, but other than that, it looked  
25 fine.

1           Page 44 discloses your per diems.  
2           Page 45 discloses Derek's salary and  
3           benefits. Page 46 is my report on your  
4           internal control and compliance and  
5           everything looked fine there. I had no  
6           findings.

7           And then, finally, the last  
8           section starting on page 50, your agreed  
9           upon procedures that the legislative auditor  
10          now requires. And they throw in something  
11          new every year just to say got you on  
12          something. So number -- which one was it?  
13          Number 20-B under ethics, they want to know  
14          this year if there's any documentation  
15          showing that all employees have looked at  
16          the ethics policy in the last year. No.  
17          Where -- it came out of the blue. So we  
18          just said no. Well, could it -- or y'all  
19          said, no, but we'll care of that next year.

20                 MS. BARON:

21                         Yes, we will.

22                 MR. MCKOWEN:

23                         Mr. Chairman, that's my report.

24                 MR. POTEET:

25                         Okay.

1 MR. McKOWEN:

2 All good.

3 MR. POTEET:

4 Anybody have any comments?

5 (No response.)

6 MR. POTEET:

7 I have a couple of comments. One  
8 is, I want to congratulate Mona and the  
9 staff here. I don't know if every agency  
10 looks as clean and as good as this does, but  
11 it's a compliment to everybody here in the  
12 office, you know. When something like this  
13 comes out, people tend to be bored by these  
14 kinds of things. You know why? Because  
15 everything is going right. It's boring when  
16 it -- the more boring it is, the better  
17 things are. So I'm proud of all of you.  
18 You've all done a great job. And, you know,  
19 so my compliments to an excellent, excellent  
20 staff.

21 And, Mr. McKowen, thank you once  
22 again. We'll be seeing each other like this  
23 for a few years.

24 MR. McKOWEN:

25 Okay. I'll see you next year.

1 MR. POTEET:

2 All right. Thank you.

3 MR. OLAVE:

4 I make a motion pertaining to  
5 whatever is pertinent at this moment in  
6 time.

7 MR. POTEET:

8 But we do need to approve that,  
9 don't we?

10 MS. MORRIS:

11 We just accept it.

12 MR. POTEET:

13 We just accept it. I need a  
14 motion to accept it. Mr. Olave made a  
15 motion.

16 MR. OLAVE:

17 Whatever is pertinent.

18 MR. POTEET:

19 I think it's a motion to accept.

20 MR. WATTS:

21 Second.

22 MR. POTEET:

23 All in favor, say, "Aye."

24 (All "Aye" responses.)

25 MR. POTEET:

1 All right. So let's see.  
2 Financial report. Mona.

3 MS. ANDERSON:

4 Okay. So since we didn't have an  
5 October meeting, the September and October  
6 financials are in your package. You can  
7 review the September statements at your  
8 convenience and we'll discuss both of them  
9 as we go through October.

10 So on page -- pages 1 and 2, you  
11 have the statement of net position. These  
12 financials include the adjusting journal  
13 entries from the audit. Things changed a  
14 little bit. The balance in the operating  
15 account at the end of October was  
16 \$2,054,893. And it had decreased in  
17 September, but it increased 77,000 in  
18 October due to the renewals. The fines  
19 accounts receivable remained the same for  
20 September and October. Non-current assets  
21 decreased due to surplusung some older  
22 equipment we had and we also recorded the  
23 depreciation for the '17 -- I'm sorry, the  
24 '18 -- '17-'18 fiscal year. Current  
25 liabilities have normal balances for

1 payables and employee benefits.

2 On page 2, the long-term  
3 liabilities include the deferred inflows for  
4 2019, which were \$280,915. And the deferred  
5 inflows for 2020, which at the beginning of  
6 renewals was 59,755.

7 As John explained to you, the  
8 OPEB liability increased with the audit by  
9 approximately \$647,000 for a total of  
10 \$1,444,918. And that's because when they --  
11 just as with the pension liability, when  
12 they start this out, they make you do a  
13 prior period adjustment and adjusted at  
14 audit. So we kind of get a double hit on  
15 the first year that it's recognized.

16 And if you'll turn on to the  
17 statement of revenues, expenses, and changes  
18 in net position, the year-to-date revenues  
19 were \$284,234 compared to 297,787 last year.  
20 This was due to the timing of some auction  
21 transaction fees. On page 4, the salaries  
22 and related benefits were \$40,000 higher  
23 than the previous year. The prior and  
24 current year adjustments to OPEB liability  
25 affected those totals. So when we recognize

1           it on the balance sheet, you also have to  
2           recognize the expense on -- and so we did  
3           that at the beginning of the July.

4                       The remainder of the expenses  
5           were lower. And overall expenses were  
6           approximately \$30,000 higher than the  
7           previous year. And on page 5, the change in  
8           net position for the month was a positive  
9           \$11,640. And for the year -- well, the year  
10          to date was a negative \$125,763. Page 6 has  
11          a four-year comparison -- revenue  
12          comparison, so that you can compare the two  
13          year license fees for '18-'19 to the  
14          comparable '16-'17 fees. And page 7 is a  
15          visual depiction of that report.

16                      Page 8 is the year-to-date budget  
17          to actual expenditures and that -- this  
18          chart reflects the agency expenditures on  
19          the right -- I'm sorry, the -- yes, agency  
20          expenditures on the right, which should be  
21          approximately one-third of the budget at  
22          this time. Page 9 is the certificate of  
23          deposit summary and there were no changes in  
24          the certificates of deposit for October.  
25          Page 10 is the accounts receivable hearing



1 fines. The fines assessed in September were  
2 \$5,550 and 1,250 was collected. There was  
3 no Commission meeting in October. So there  
4 were no changes for October.

5 And unless there are any  
6 questions, Mr. Chairman, that concludes my  
7 report on the financial statements for  
8 October -- for September and October.

9 MR. POTEET:

10 Does anyone have any questions?

11 (No response.)

12 MR. POTEET:

13 I think we're happy with that. I  
14 need a motion to accept the financial  
15 statements.

16 MR. OLAVE:

17 I make that motion, Mr. Chairman.

18 MR. POTEET:

19 Mr. Olave.

20 Second?

21 MR. CORMIER:

22 Second.

23 MR. POTEET:

24 Second right here, Mr. Cormier.

25 All in favor, say, "Aye."

1 (All "Aye" responses.)

2 MR. POTEET:

3 Any opposed?

4 (No response.)

5 MR. POTEET:

6 The motion carries.

7 All right. The next thing on our  
8 agenda is the proposed fiscal budget for  
9 2019-2020. Mona.

10 MS. ANDERSON:

11 In your packet, you have the  
12 proposed 2019-2020 budget. On page BC-1,  
13 the budgeted revenues are \$1,593,970, which  
14 is an approximate 1 percent increase over  
15 what was budgeted for '18-'19. As John  
16 said, we didn't have a lot of increase in  
17 fees this past year. So we only budgeted --

18 MR. POTEET:

19 That's -- hang on. Has everybody  
20 found it yet?

21 MR. WATTS:

22 I found it.

23 MR. POTEET:

24 Okay. Go ahead, Mona.

25 MS. ANDERSON:

1           Okay. So we only increased -- we  
2           only budgeted a 1 percent increase. The  
3           total license fees are \$1,438,177. And the  
4           proposed enforcement fines are 130,000,  
5           okay. We're going to be flipping around  
6           these pages quite a bit. So if you'll turn  
7           to BC-6a, these are the recommended salaries  
8           and related benefits in compliance with the  
9           State of Louisiana, Civil Service  
10          Compensation Redesign Plan. The state  
11          employees who had successful evaluations  
12          will receive a market adjustment increase in  
13          July each year in an attempt to bring the  
14          state salaries in line with the market. The  
15          increase will be 2 to 3 percent, depending  
16          on the employee's current rate of pay. The  
17          retirement contributions are stable at this  
18          time. So we haven't had any increases.

19                 The group health insurance, we  
20          will not anticipate an increase in  
21          January of 2019. However, OGB expects us to  
22          have a 4 percent increase for the following  
23          two to three years. So this budget  
24          anticipates that 4 percent increase. On  
25          BC-6b, which is the next page, this reflects

1 the Board's compensation and all of these  
2 figures are carried forward to BC-6. So you  
3 have your total salaries and related  
4 benefits on BC-6.

5 Moving on to BC-7, there's a  
6 schedule of travel expenses. This reflects  
7 travel for both Commissioners and for staff.  
8 And the state approved some increases in  
9 lodging and meals this year. On BC-8, the  
10 operating expenses, this budget includes a  
11 15 percent increase in operating expenses  
12 over the '18-'19 budgeted expenses.

13 Maintenance, there's a  
14 Maintenance/Other category that includes  
15 things, like, our alarm, janitorial, lawn  
16 care. The miscellaneous expenses include  
17 bank fees and merchant fees for the online  
18 transactions. BC-9 is our professional  
19 services contract. And, again, we are  
20 budgeting at the maximum the contract as a  
21 precautionary measure. We rarely reach the  
22 maximum of our contracts.

23 On BC-10, we have other charges,  
24 which are basically our programs and IT  
25 related expenses and -- such as accounting

1 and the licensing program. On BC-11, this  
2 is our acquisition budget. We budget for at  
3 least one vehicle each year to replace our  
4 oldest vehicle. The rate of the vehicles  
5 has gone up. So we anticipate, maybe,  
6 another increase by the time this budget  
7 occurs. And we also budgeted 15,000 in --  
8 to purchase outdated equipment that we'll  
9 probably have to replace. We're finding  
10 that computers are not so much five-year  
11 life as two- to three-year life now.

12 So turning back to BC-3, on BC-3,  
13 the -- this summarizes the budget revenue  
14 and expenses and the estimated net position.  
15 The budgeted decrease in net position for  
16 '19-'20 is \$17,493. However, again, we have  
17 some expenses that are budgeted higher than  
18 they normally are as a precautionary  
19 measure. Please note that this budget does  
20 not include the net position liability nor  
21 the OPEB liability in here, because those  
22 are not based -- they can only be included  
23 due to the actuarial figuring of the -- of  
24 those liabilities. So we can't include that  
25 in our -- we can't budget for that, if you

1 will.

2 And so unless anyone has any  
3 questions, that concludes my report on the  
4 proposed 2019-'20 budget. And we'll need a  
5 resolution to adopt that budget.

6 MR. POTEET:

7 Okay. Does anybody have any  
8 questions?

9 (No response.)

10 MR. TAYLOR:

11 I make a motion.

12 MR. POTEET:

13 I've got a motion to resolve --  
14 to adopt the 2019-2020 budget.

15 MR. OLAVE:

16 I second the motion, Mr.  
17 Chairman.

18 MR. POTEET:

19 Mr. Olave.

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.

2 MR. TAYLOR:

3 I have one question back to our  
4 financials. Have we ever received anything  
5 from the Attorney General on anybody we've  
6 ever turned over to them?

7 MS. ANDERSON:

8 Originally, when we first turned  
9 over some accounts, we had some that were  
10 fairly easy to collect. They have since  
11 instituted some spreadsheets that we  
12 complete to send them the information. And  
13 it looks to me like the focus of most of  
14 their collection efforts are on student  
15 debt. So our amounts, you know, are small  
16 compared to that. So, no, I have not  
17 received any collection since that original  
18 amount.

19 MR. BRITT:

20 Question: Has anybody ever  
21 reached out and sat down and met with them  
22 to see what -- about changing their  
23 priorities and doing what their job is to  
24 do?

25 MS. ANDERSON:

1 I have reached out to our contact  
2 there.

3 MR. BRITT:

4 I mean, he's not running for  
5 Governor. So, I mean, he can do his job  
6 now.

7 MS. ANDERSON:

8 We did have one -- I did have one  
9 investigator call me. He contacted one of  
10 our higher fined ex-dealers and -- who  
11 basically told him that he had paid that  
12 already and he hadn't. And then the dealer  
13 just never got in touch with him again. And  
14 so that was the last I heard on that one.

15 MR. BRITT:

16 Mr. Chairman, do you think that  
17 it would be appropriate for Mr. Parnell to  
18 set up a meeting with the head investigator  
19 at the Attorney General's Office and have a  
20 lunch or discuss this in person, so we can  
21 get some direction on which way they're  
22 going to go?

23 MR. POTEET:

24 All right. Two things about  
25 that. The first answer -- the simple answer



1 is yes. And then the second one is,  
2 Mr. Parnell and I do have an administrative  
3 meeting set up with the Governor for the  
4 next -- sometime in the next few weeks and  
5 this would be a topic of conversation.

6 MR. BRITT:

7 Good.

8 MR. POTEET:

9 This has been bothering me a  
10 little bit, too. So, you know, whatever  
11 their priorities are, I at least like them  
12 to say publicly, this is our priority, we're  
13 not going to go after your cases or we are  
14 or anything over 5, we will, anything over  
15 25 --

16 MR. BRITT:

17 Because if they're not, we need  
18 to be -- we need to be thinking in a  
19 different direction --

20 MR. POTEET:

21 You're exactly right.

22 MR. BRITT:

23 -- how we're going to facilitate  
24 what we need to facilitate.

25 MR. POTEET:

1 Right.

2 MR. BRITT:

3 And there are other avenues. But  
4 we need to get that done and do it  
5 legislatively and tag team with somebody  
6 else, because there are other departments  
7 out there capable of collecting this money  
8 for us.

9 Dino, I appreciate you bringing  
10 that up.

11 MR. POTEET:

12 I appreciate you bringing that up  
13 too, because that is something that --

14 MS. ANDERSON:

15 Also, I think if they could  
16 report to us on the progress. I've  
17 requested reports from our contact before.  
18 I get what's akin to an aged receivable  
19 report from them, but there is nothing on  
20 there that says what --

21 MR. POTEET:

22 You know that.

23 MS. ANDERSON:

24 I know how they are. And there's  
25 nothing on there that says what sort of

1           efforts have been made. Maybe, they have  
2           and they just haven't reported to us or have  
3           the capacity to do so. I don't know.

4           MR. BRITT:

5                     But one question for past  
6           history, whether it was Richard Ieyoub,  
7           whether it was Buddy Caldwell, whomever the  
8           Attorney General was, what was the rate of  
9           progress with these other Attorney Generals  
10          in collecting this money?

11          MR. TAYLOR:

12                     We never turned it over to them.

13          MR. POTEET:

14                     We didn't start turning over  
15          until --

16          MR. BRITT:

17                     Oh, this was -- okay. How was it  
18          collected prior?

19          MR. POTEET:

20                     Either through our processes of  
21          filing on their bonds and sometimes going to  
22          court. But, generally, we -- that was the  
23          point where we decided we needed to start  
24          going another route. We weren't making  
25          progress on our own, you know. We don't

1           have enough clout to do anything beyond what  
2           we're already doing. So that was -- and I  
3           -- sometimes, at my advanced age, I forget,  
4           but it seems like about three, four years  
5           ago, we started looking into working with  
6           the Attorney General's Office.

7           MR. BRITT:

8                       Well, you know -- and I know we  
9           have both of our lawyers here. The District  
10          Attorney of East Baton Rouge Parish has  
11          authority over every one of these -- every  
12          case in the state of Louisiana. He can --  
13          he can actually -- and y'all will have to do  
14          some research on this. But it's my  
15          understanding that he could probably  
16          dedicate somebody for a fee. I mean, I'm  
17          sure it would cost somebody some money. But  
18          the East Baton Rouge District Attorney's  
19          Office, because we're the governing  
20          authority here, they would have some type of  
21          jurisdiction over it.

22          MR. HALLACK:

23                       I don't think so. And let me say  
24          this: I think -- Sheri, correct me if I'm  
25          wrong -- but they passed a law about three

1 or four years ago saying that the Attorney  
2 General is the preferred collection agency  
3 for the state of Louisiana.

4 MR. POTEET:

5 I think what's they started  
6 doing.

7 MS. MORRIS:

8 The Attorney General expanded  
9 their debt collection to the other debts,  
10 but then there's also the Office of Debt  
11 Collection under the Department of Revenue  
12 that was created after we had signed an  
13 agreement with the Attorney General and we  
14 have the option to switch to that agency or  
15 if you already had a contract in place, you  
16 could stay where you were. We elected to  
17 stay where we were after speaking with both  
18 agencies and what they were -- what their  
19 case loads were and things like that,  
20 because the Department of Revenue has so  
21 many different varied case loads. And I  
22 think at that time, we were having some  
23 communication with them on what we had  
24 turned over. So we didn't think switching.  
25 The agency can also do the collection

1 themselves. But for Robert and I to do it  
2 on an hourly basis, it didn't seem like it  
3 was economically feasible based upon what  
4 the Attorney General's Office is charging  
5 us, a percentage plus costs.

6 So the difficulty with some of  
7 these collections are, they're not -- the  
8 licensees are not in East Baton Rouge  
9 Parish. So you have to go after assets that  
10 are out of parish and some of them out of  
11 state. And some of them are entities that  
12 then -- you know, we revoke their license,  
13 collect on their bonds. The entity doesn't  
14 exist or have assets. So it's not an easy  
15 collection issue, which is I think why  
16 Robert or I would have spent a lot of money  
17 on some of these collections because of the  
18 way the entities are set up and where some  
19 of them are located.

20 MR. POTEET:

21 Is there any -- is there any --  
22 the fact that we're a self-funded agency,  
23 does that matter at all?

24 MS. MORRIS:

25 Does it matter in terms of?

1 MR. POTEET:

2 In terms of collection through  
3 the state. Is the Attorney General --

4 MS. MORRIS:

5 We have to go through the  
6 Attorney General's Office, the Debt of  
7 Collection or collect it ourselves.

8 MR. HALLACK:

9 Well, we can collect it  
10 ourselves.

11 MR. POTEET:

12 Yes. But to Sheri's point, we've  
13 got to be, you know, judicious on how we  
14 spend our money collecting.

15 MR. TAYLOR:

16 Yes. I spend more trying to  
17 collect than I actually collect. And that's  
18 a fact.

19 MR. BRITT:

20 Well, everybody does that. I  
21 mean, it's just --

22 MR. POTEET:

23 Well, I -- go ahead.

24 MR. BRITT:

25 Excuse me. What are the steps --

1 the attorneys, what were the steps that  
2 y'all would have to take for us to -- for  
3 our office to do it?

4 MR. HALLACK:

5 Well, I --

6 MR. BRITT:

7 And is there any of that that  
8 could be dedicated to an employee to side  
9 step -- to the lower the cost of y'all and  
10 y'all oversee it.

11 MR. HALLACK:

12 -- well, I think -- and, Sheri,  
13 can an agency employ another attorney on a  
14 contingency fee basis?

15 MS. MORRIS:

16 We can't on a contingency fee  
17 basis get another attorney that may be more  
18 set up to do collections. Most of the  
19 attorneys that do collections work do  
20 volumes of collections work --

21 MR. HALLACK:

22 Right.

23 MS. MORRIS:

24 -- and they have people that are  
25 trained, you know, a lot of paralegals that



1 are trained to do that. I used to work for  
2 a firm that does a large of number of  
3 collections. And so you have -- in order to  
4 be efficient, you really have to have a  
5 staff.

6 MR. BRITT:

7 I guess my question was: Would  
8 it be prudent for us just to have a  
9 paralegal work out of this office on a  
10 contract basis to do the majority of the  
11 work to cut down on the cost of having y'all  
12 do it?

13 MS. ANDERSON:

14 We investigate -- you know,  
15 because when I came onboard, some of my  
16 background is for profit. And so seeing old  
17 accounts like that was, like, no, we're not  
18 doing this.

19 MR. BRITT:

20 Okay.

21 MS. ANDERSON:

22 But we tried that, because we had  
23 some older accounts that I had consulted  
24 with Robert and he advised these entities  
25 were doing business in other states and we

1 attempted to get some collection firms and  
2 we were advised by the state that it needed  
3 to go through the Department of Justice.  
4 But -- and the -- on the debt recovery  
5 thing, what they do is they tag them or --  
6 in case they get refunds on their taxes,  
7 then we are entitled to payment before they  
8 get the refund. But, like she said, a  
9 number of these people just stop -- when  
10 they get these really big fines, they stop  
11 doing business here, they move to Texas, and  
12 they do business there. That's been the  
13 case on some of these accounts that we have.  
14 And my understanding was that we cannot  
15 pursue outside collection -- some type of  
16 outside collection agency or person, that it  
17 must go through the state.

18 MR. BRITT:

19 That's what I was talking about,  
20 in-house.

21 MR. POTEET:

22 Well, and the other issue you  
23 have with any kind of collection is what's  
24 the motivation of the person that's being  
25 chased down? I mean, you know, if they're

1           -- you know, if they've already been --  
2           their license has been suspended, they may  
3           not own any property. They may not -- you  
4           know, what's their motivation to pay us?  
5           You've got to get -- I've always found in  
6           collections, you've got to have some type  
7           leverage. You've got to have some  
8           motivation, you know, I want my license back  
9           or I want this or I want that. So I think  
10          that it's something that definitely Derek  
11          and I can discuss in our meeting at least  
12          briefly and just get a little bit more to  
13          that point. I don't think -- I don't think  
14          it would be a good idea for us to hire  
15          somebody to do it. I'm not saying no  
16          definitely --

17                 MR. BRITT:

18                         Right.

19                 MR. POTEET:

20                         -- but I -- the more I think  
21          about it, I think about, you know, my  
22          ability to collect.

23                 MR. BRITT:

24                         Oh, it would have to be something  
25          worked out in-house with the other

1 employees, some of the current staff to  
2 assist the attorneys. That was my point.

3 MR. OLAVE:

4 Well, the other issue there, too,  
5 is we definitely don't want to send a  
6 message that you can, you know, break the  
7 law. We can take your license, but then all  
8 you have to do is close up and we're not  
9 going to pursue you. That sends a message,  
10 too, you know, that that's okay to do it.

11 MR. POTEET:

12 That's one of the things I think  
13 -- you know, whenever we go after somebody's  
14 bond, I think that that is a message that we  
15 will go after your bond, so.

16 MR. BRITT:

17 If you can get to their driver's  
18 license or their hunting license.

19 MR. HALLACK:

20 In the past, what we normally did  
21 was we asked a field investigator to follow  
22 up and see where the debtor -- where he was  
23 in life. And a lot of them went to work for  
24 new car dealers. I know -- Performance Cars  
25 and Trucks, we know that those two guys

1           actually made a lot of money off of their  
2           illegal activity and had nice homes and  
3           whatnot. But one of them went to work for a  
4           new car dealer in Texas and I don't know  
5           what --

6           MR. TAYLOR:

7                     Actually, he's back at Parts  
8           South.

9           MR. POTEET:

10                    I had somebody not too long ago  
11           came to the auction that owed me quite a bit  
12           of money. And they were being registered --  
13           they wanted to register to represent a car  
14           dealer in Texas, a new car dealer. And, you  
15           know, I -- we called the dealer and said,  
16           this guy can't, and the dealer was, like,  
17           well, he's a great employee, so I guess  
18           we'll just not do business with you. I  
19           mean.

20           MR. HALLACK:

21                    But, you know, we do have two  
22           very sizable judgments. One is a  
23           multi-million dollar judgment that's against  
24           a Georgia business. And when we looked into  
25           sending it to a Georgia counsel to collect

1           it for us, that's when the State told us  
2           that we needed to go through them to collect  
3           it against an out-of-state resident. And  
4           the Attorney General's Office at that time  
5           told us they had some kind of reciprocating  
6           agreement with the Georgia Attorney  
7           General's Office to collect that debt. It's  
8           -- like I said, it's a multi-million dollar  
9           judgment. I don't know if it's ever been  
10          collected or not.

11           MS. ANDERSON:

12                     It is still on their reports. I  
13           asked them for a report and they're still on  
14           the report.

15           MR. TAYLOR:

16                     When was that?

17           MR. POTEET:

18                     That was before 2012.

19           MR. HALLACK:

20                     Number one, we need to check to  
21           make sure that judgment hasn't expired,  
22           because judgments expire after 10 years.

23           MR. POTEET:

24                     Well, it hasn't been 10 years,  
25           but it would be a good thing to check.

1 We'll follow up on it. Derek and I will  
2 follow up on it. Thanks for bringing it up.

3 Ratification of imposed  
4 penalties. We got a whole list of them.

5 I'm sorry. We've got an invoice  
6 for Mr. Hallack.

7 MR. PARNELL:

8 Commissioners, you will find in  
9 your packet Attorney Hallack's bill for  
10 services for September of 2018. This was  
11 scheduled to be on the -- on the Commission  
12 meeting in October. I have reviewed the  
13 services performed and Mona has reviewed the  
14 time and they are correct. In addition, I  
15 have sent the full detailed bill of services  
16 for review to Commissioner Olave and he's  
17 notified me today that everything was okay  
18 with this. So Attorney Hallack's bill for  
19 services for September of 2018 is \$4,162.50.  
20 Commissioners, I ask that you approve  
21 payment of Attorney Hallack's bill.

22 MR. BRITT:

23 I make a motion.

24 MR. OLAVE:

25 Second the motion.

1 MR. POTEET:

2 Second.

3 All in favor, say, "Aye."

4 (All "Aye" responses.)

5 MR. POTEET:

6 Any opposed?

7 (No response.)

8 MR. POTEET:

9 Now, ratification.

10 MR. PARNELL:

11 All right. Commissioners, you'll  
12 find in your packet ratification of imposed  
13 penalties. Keep in mind this is for two  
14 months, October and November 2018 -- I'm  
15 sorry, September and October. I apologize.  
16 I will announce the names, as always, of the  
17 dealers that have been listed on this list.

18 Do we have any representation?

19 Anyone present for any dealer?

20 MS. BARON:

21 No, sir, we do not.

22 MR. PARNELL:

23 I will go through the list. A2Z  
24 Automotive & Used Cars, LLC, from Baton  
25 Rouge, Louisiana, \$1,250. Auto Brokers of



1 America, LLC, from Lafitte, Louisiana,  
2 \$1,450. Jefferson Autoplex, LLC, from  
3 Kenner, Louisiana, fine amount was \$1,700.  
4 B. Michelli Enterprises, LLC, doing business  
5 as Michelli's Autoplex, Hammond, Louisiana,  
6 fine amount was \$1,100. L.C. Speedway  
7 Motors, LLC, doing business as Speedway  
8 Motors, from Lake Charles, Louisiana, fine  
9 amount is \$700. Wil's Used Auto Repairs,  
10 LLC, from Crowley, Louisiana, fine amount is  
11 \$100. Xpress Wholesale, LLC, from  
12 Youngsville, Louisiana, fine amount is \$250.  
13 L.C. Speedway Motors, LLC, doing business as  
14 Speedway Motors, from Lake Charles,  
15 Louisiana, fine amount is \$200. Ben's  
16 Imports, LLC, from Baton Rouge, Louisiana,  
17 fine amount is \$150. J & J Auto Brokers,  
18 LLC, from Slidell, Louisiana, fine amount is  
19 \$200. Ideal Auto Sales, Incorporated, from  
20 St. Martinville, Louisiana, fine amount is  
21 \$100. SD Motors, Incorporated, from  
22 Springfield, Louisiana, fine amount is \$800.  
23 Casandra Richard, individually and doing  
24 business as Ms. Gator's Auto Sales, from New  
25 Iberia, Louisiana, fine amount is \$100.

1 Nidak's Enterprises, LLC, doing business as  
2 Coach's Carts, from Slidell, Louisiana, fine  
3 amount is \$450. The Salesman, LLC, from  
4 Crowley, Louisiana, fine amount is \$150. M  
5 R & E Sales, LLC, doing business as M R & E  
6 Sales, from St. Martinville, Louisiana, fine  
7 amount is \$200. Breaux's Auto Sales, LLC,  
8 from Abbeville, Louisiana, fine amount is  
9 \$100. Dickerson Auto Sales, LLC, from  
10 Lafayette, Louisiana, fine amount is \$100.  
11 Michael J. Leger, individually and doing  
12 business as Buy-N-Sell Auto Sales, from  
13 Opelousas, Louisiana, fine amount is \$100.  
14 Alfred's Auto Sales, LLC, from Breaux  
15 Bridge, Louisiana, fine amount is \$250. Big  
16 Al's, Incorporated, doing business as Royal  
17 Autoplex, from Hammond, Louisiana, fine  
18 amount is \$200. The total amount of civil  
19 penalties is 900 -- I'm sorry, \$9,650.  
20 Commissioners, I ask that you ratify the  
21 imposed civil penalties assessed.

22 MR. TAYLOR:

23 I make a motion to ratify the  
24 penalties assessed.

25 MR. POTEET:

1 I need a second.

2 MR. BRITT:

3 Second.

4 MR. POTEET:

5 Second Mr. Britt.

6 All in favor, say, "Aye."

7 (All "Aye" responses.)

8 MR. POTEET:

9 Any opposed?

10 (No response.)

11 MR. POTEET:

12 All right. Thank you, Derek.

13 Next, you've got -- you've got  
14 ratifications of revocations.

15 MR. PARNELL:

16 Commissioners, you'll also find  
17 -- the next chart is the ratifications of  
18 revocations for November. Once again, I  
19 will go through the names. And we don't  
20 have anyone present. So I will go ahead and  
21 begin. J & J Motors of Zachary, LLC, Baton  
22 Rouge, Louisiana, notice of revocation is  
23 November 7th of 2018. Global Auto Group,  
24 LLC, from Baton Rouge, Louisiana, notice of  
25 revocation is October 24th of '18. Mike's

1 Auto Sales, from Alexandria, Louisiana,  
2 notice of revocation is September 11, 2018.  
3 Right Turn Auto Sales, LLC, from Crowley,  
4 Louisiana, notice of revocation is August  
5 6th of '18. Ideal Auto Sales, from St.  
6 Martinville, Louisiana, notice of revocation  
7 is October 22nd of '18. Commissioners, I  
8 ask that you ratify the revocation of  
9 dealers I have just announced.

10 MR. BRITT:

11 I make a motion.

12 MR. POTEET:

13 Motion Mr. Britt.

14 MR. DONNELL:

15 Second.

16 MR. POTEET:

17 Second Mr. Donnell.

18 All in favor, say, "Aye."

19 (All "Aye" responses.)

20 MR. POTEET:

21 Any opposed?

22 (No response.)

23 MR. POTEET:

24 All right. Next, we have the  
25 Executive Director's report.

1 MR. PARNELL:

2 Okay. Commissioners, you will  
3 also find an alleged issue counts chart that  
4 illustrates the amount of alleged issues  
5 that were for the months September and  
6 October. The total number for September and  
7 October was 178 issues. The next document  
8 is a case report, which illustrates the  
9 amount of cases that were assigned to the  
10 investigators for the months of September  
11 and October. There were 104 cases assigned.  
12 The last report that you will see is the  
13 department summary report. For the months  
14 of September and October, there were 83  
15 cases that were closed. For those months,  
16 in additional information, there were 54  
17 physical inspections done by the compliance  
18 investigators. 155 site visits were  
19 conducted. And nine audits were conducted  
20 during that time frame.

21 Other news, the licensing  
22 department, we're doing -- the staff is  
23 doing really well and working through the  
24 license -- the licensees that we're  
25 licensing right now. Everything is going

1 pretty smooth. We haven't had really any  
2 hiccups staff-wise and/or with our  
3 equipment. So we're trying to stay as close  
4 as we can to the 14-day turnaround of the  
5 dealers getting their licenses in a timely  
6 manner. Once they have it, they can get it  
7 to us.

8 Other items that we have is the  
9 vehicle. I just got a call from -- last  
10 week that that vehicle, it did come in.  
11 They are working -- Louisiana Property  
12 Assistance, they are working on checking it  
13 in. Then, they're going to get the GPA  
14 installed in it. And at that point, they'll  
15 call and we will go ahead and trade in the  
16 vehicle that we currently have and that will  
17 be it. So that's pretty much all I have.  
18 Are there any questions, comments, or  
19 concerns.

20 MR. TAYLOR:

21 Just a statement. My barometer  
22 of licensing, you don't have to tell me  
23 because the dealers tell me, because they  
24 call me complaining, I can't get my license.  
25 And so right now, I've received zero calls

1           this year. And last year, I only received  
2           one versus the years prior to that. So  
3           we're doing an excellent job in-house  
4           licensing.

5           MR. WATTS:

6                     I got mine back fast.

7           MR. PARNELL:

8                     Well, we have one additional  
9           staff person that greatly helped a lot and  
10          put that 14-day turnaround. So if someone  
11          submits their application, we need to have  
12          it out within a -- within a certain time  
13          frame. And I think that helped out a great  
14          deal. I haven't received -- I haven't  
15          received any calls this year from any  
16          senators, any state reps, the Governor's  
17          office, any other. Around this time of the  
18          year, it's currently crazy in my office with  
19          state representatives. So we have done --

20          MR. POTEET:

21                     At the auction -- I'm sure Matt  
22          can tell you now that he's on the  
23          Commission, I don't know if anyone had  
24          complained to him before -- but, usually,  
25          the last two weeks of the year and the first

1 two weeks of January, it used to be just,  
2 oh, please. When they start walking towards  
3 me, I get in the car and say, hey, I can't  
4 talk to you. But it's been -- it's been  
5 good. If people know you're on the  
6 Commission, they're going tell you.

7 MR. BRITT:

8 Oh, tell me. Kim, y'all did get  
9 the little girl straight, didn't you? The  
10 girl from Concordia that bought the car down  
11 here I called you about.

12 MS. BARON:

13 Yes, I think so.

14 MR. BRITT:

15 Yes. They call me at home now.  
16 Some former politicians give them my cell  
17 phone number.

18 MR. POTEET:

19 Okay. The next thing on our  
20 agenda is actually the hearing. So is  
21 anybody here for that hearing?

22 MR. HALLACK:

23 No.

24 MR. POTEET:

25 All right. So Mr. Donnell walked



1 out for a minute, I assume. Let's go ahead  
2 and take an adjournment for just a few  
3 minutes and we'll come back in and do the  
4 hearing.

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7 (Meeting adjourned at 10:20 a.m.)  
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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 November 26, 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 December 10, 2018, Baton Rouge,  
15 Louisiana.

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

Betty D. Glissman, CCR

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