

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
FUND ADVISORY BOARD

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:03 p.m., on August 15, 2013.

BEFORE:

Lori B. Overland
Certified Court Reporter
In and For the State of
Louisiana

ASSOCIATED REPORTERS, INC.

(225) 216-2036

A P P E A R A N C E S

Grady Gaubert
Chairman

Tom Harris
Roger Bright
Jeff Baker
Ryan Wooten
Karyn Andrews
Cy Morin
Perry Theriot
Durwood Franklin
Shawn Ivey

Melissa Vizinat
Jason Efferson
Shawn King
Vince Sagnibene
Sarah Wilkes
Kodi Brignac
Todd Perry
Paige Menier
Rhonda Cook
Linda Hicks

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

32

REPORTER'S CERTIFICATE

33

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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MR. GAUBERT:

Good afternoon. We'll go ahead and call the meeting to order. May I have the roll call, please? Perry, could you start it off?

MR. THERIOT:

Perry Theriot, LDEQ Legal.

MR. FRANKLIN:

Durwood Franklin, DEQ Trust Fund.

MR. BAKER:

Jeff Baker, DEQ Trust Fund.

MR. HARRIS:

Tom Harris, DEQ Underground Storage Tanks.

MR. BRIGHT:

Roger Bright, Jones Environmental.

MR. GAUBERT:

Grady Gaubert, Louisiana Oil Marketers.

MR. IVEY:

Shawn Ivey, PPM Consultants.

MR. WOOTEN:

Ryan Wooten, Louisiana Oil Marketers.

MS. ANDREWS:

1 Karyn Andrews, LDEQ Financial
2 Services.

3 **MR. MORIN:**

4 Cy Morin, LDEQ Audit Services.

5 **MS. VIZINAT:**

6 Melissa Vizinat, Trust Fund.

7 **MS. HICKS:**

8 Linda Hicks, PPM Consultants.

9 **MS. COOK:**

10 Rhonda Cook, PPM Consultants.

11 **MR. PERRY:**

12 Todd Perry, PPM Consultants.

13 **MR. KING:**

14 Shawn King, Jones Environmental.

15 **MS. WILKES:**

16 Sarah Wilkes, Jones Environmental.

17 **MS. MENIER:**

18 Paige Menier, DEQ Trust Fund.

19 **MR. EFFERSON:**

20 Jason Efferson, DEQ Trust Fund.

21 **MR. BRIGNAC:**

22 Kodi Brignac, LDEQ.

23 **MR. GAUBERT:**

24 Okay. Thank you. Our first order of
25 business is to adopt and approve the minutes

1 from the last meeting. After reviewing
2 them, I need a motion and a second.

3 **MR. HARRIS:**

4 Motion.

5 **MR. GAUBERT:**

6 Motion by Tom.

7 **MR. IVEY:**

8 I second.

9 **MR. GAUBERT:**

10 Seconded by Shawn. All in favor?

11 (All indicated yes.)

12 **MR. GAUBERT:**

13 All right. Any other consideration of
14 the minutes?

15 (No response.)

16 **MR. GAUBERT:**

17 Then the minutes are approved.

18 Cy Morin, I think, has an audit status
19 report.

20 **MR. MORIN:**

21 Yes. Currently, we have 26 open motor
22 fuel delivery fee cases. Fiscal year '14,
23 we've scheduled two audits, which have not
24 been performed yet. For fiscal year '13, we
25 have 13 outstanding open cases. Eleven of

1 those are in progress. Two are set to be
2 closed. The two cases set to be closed
3 resulted in a net assessment and collection
4 of \$10,534.98. The -- of the 11 in
5 progress, two cases have been assessed and
6 demand letters sent in the amount of
7 \$6,118.53. We received a check today for
8 one of those cases for full payment of
9 \$2,101.95. Seven cases are in the review
10 process. Five have potential assessments,
11 totaling approximately \$16,406.73.
12 Approximately \$5,900 of this has been
13 collected already, which would result in
14 demands for the remaining \$10,467.58. Two
15 cases are potentially clean audits with no
16 assessment, pending review. And we have two
17 that are still in progress at the auditor's
18 desk.

19 For cases prior to fiscal year 2013,
20 there are 11 open cases. Three are set to
21 be closed. One was no assessment, clean
22 audit. One was an assessment and collection
23 of \$86,030.71. And another was a credit
24 issued of \$10,464.01. Eight of the 11 open
25 cases prior to fiscal year '13 are somewhere

1 in the legal process. We have two cases
2 that have promissory notes for -- this
3 represents a balance of \$44,920.42. We have
4 one with a consent agreement which
5 represents \$51,526.08. One in current
6 litigation representing \$11,503.42. One
7 pending litigation for a total of
8 \$15,163.43. And we have three cases that
9 are bankruptcy, no assets pending,
10 uncollectible. The collection files have
11 been closed or will be closed. And that
12 represents \$302,929. These are older fiscal
13 year cases, which were not collected.

14 For fiscal year 2014 to date, we've
15 collected \$3,461.95. And total collected
16 for fiscal year '13 was \$108,667.51. And
17 that's it.

18 **MR. GAUBERT:**

19 Thank you, Cy. That's -- I mean, as
20 taxpayers and owners of the -- you know, as
21 companies that pay into the trust fund, you
22 know, it's only fair that everybody pays
23 their fair share. And I think, you know,
24 for years -- well, several years ago, I
25 don't think there were any audits being

1 done. I think you mentioned that older
2 cases totaled up to about \$300,000 that are
3 in bankruptcies and they're prior to a
4 manual audit. And then now, you know, I
5 don't know the exact amount of the cases.
6 If you have an opportunity, it may help me
7 out, but it seemed to be pretty substantial.

8 **MR. MORIN:**

9 Yes. The total outstanding at this
10 point is \$430,060.99. \$4,016.58 of that is
11 a current assessment. We sent out a demand
12 letter August 1st. And payment is due
13 August 31st. The remaining \$426,044.35 is
14 tied to those legal cases.

15 **MR. GAUBERT:**

16 Yes. And then do we still have two
17 people assigned to audits within the
18 department, or is it --

19 **MR. MORIN:**

20 We have one dedicated motor fuel
21 auditor.

22 **MR. GAUBERT:**

23 Okay. And this seems to be sufficient
24 enough to --

25 **MR. MORIN:**

1 I think so, yes.

2 **MR. GAUBERT:**

3 Is one -- and that's all -- would that
4 be you, Cy?

5 **MR. MORIN:**

6 What's that? No, it's not me. It's
7 Don Wiley.

8 **MR. GAUBERT:**

9 Right.

10 **MR. MORIN:**

11 He's been here for approximately --
12 approximately a year.

13 **MR. GAUBERT:**

14 Okay. Any questions for Cy?

15 (No response.)

16 **MR. GAUBERT:**

17 Thank you for that report.

18 **MR. MORIN:**

19 You're welcome.

20 **MR. GAUBERT:**

21 The next item would be the financial
22 services report from Ms. Karyn.

23 **MS. ANDREWS:**

24 Thank you. If you turn to --

25 **MR. HARRIS:**

1 Perry Theriot has to leave early. Is
2 there any way we could have his report? I'm
3 sorry, Karyn.

4 **MR. THERIOT:**

5 It's a very quick report.

6 **MR. GAUBERT:**

7 Okay. That's fine.

8 **MR. THERIOT:**

9 But I do have a court appearance in 15
10 minutes.

11 **MR. GAUBERT:**

12 Okay. I'm sorry. Is it okay with
13 you, Ms. Karyn?

14 **MS. ANDREWS:**

15 Not a problem.

16 **MR. THERIOT:**

17 On our third party claims, we've been
18 doing well. We have had no new ones filed
19 this quarter. We did report one filed last
20 meeting, and that's the only new one we've
21 had in this fiscal year. So if there are
22 any other questions that you guys might have
23 about any legal matters?

24 **MR. GAUBERT:**

25 I don't. Anybody else does?

1 (No response.)

2 **MR. GAUBERT:**

3 Okay.

4 **MR. HARRIS:**

5 Thank you.

6 **MR. GAUBERT:**

7 Okay. Well, Mr. Perry, we --

8 **MR. THERIOT:**

9 I appreciate you letting me do mine.

10 **MR. GAUBERT:**

11 Okay. Thank you. Ms. Karyn?

12 **MS. ANDREWS:**

13 Thank you. If you could turn to Tab
14 4. This is a final report from fiscal year
15 2013. Our fiscal year ended on June 30th,
16 and we actually closed the books on August
17 14th, which was yesterday. As you'll note
18 here, we transferred at the beginning of the
19 year \$55,644,214.10 into the trust fund at
20 the beginning of the year. We transferred
21 as reimbursements \$11,666,687.42. We also
22 transferred to the environmental trust fund
23 for expenditures of the tanks program and
24 trust fund sections that were over the UST
25 federal and environmental trust fund fees

1 that were collected. That amount was
2 \$3,101,356.30. I would like to note that
3 this is approximately \$1.1 million over the
4 amount from fiscal year '12, which that was
5 primarily due to the overhead rates and a
6 reduction in federal dollars.

7 Current liabilities on the sites is
8 approximately \$70 million. This leaves a
9 negative balance after obligations of
10 \$6,793,675.22.

11 All right. If you'll turn the page.
12 This is an informational report concerning
13 our interest revenue from the trust fund.
14 Interest revenue collected inception to date
15 is \$6,386,252. Expenditures are
16 \$1,228,330.06. Details of the expenditures
17 are also included. You'll note here that no
18 expenditures in fiscal year '13 were made.

19 **MR. GAUBERT:**

20 Are there -- there will be expenses in
21 fiscal year 2013?

22 **MS. ANDREWS:**

23 In 2014?

24 **MR. GAUBERT:**

25 No, '13.

1 **MS. ANDREWS:**

2 2013 has been closed. So this is the
3 final report for 2013.

4 And on the next page, this report
5 details how we calculate the amount
6 transferred from the motor fuel trust fund.
7 This details the revenues and expenditures.
8 And if you have any questions, I can go over
9 those. I would like to provide for
10 informational purposes, we had previously
11 discussed our overhead with the indirect
12 rate. Our last year's approved rate from
13 EPA was 60.86 percent. And so we applied
14 that rate, which was 30.43. Our new
15 approved rate, which we'll be using for
16 fiscal year '14 is 57.56 percent. So the
17 rate that we'll be using for the trust fund
18 will be 28.78 percent. So there will be a
19 slight reduction next year. I project that
20 the overhead estimate will be about
21 \$990,000.

22 **MR. GAUBERT:**

23 Versus approximately?

24 **MS. ANDREWS:**

25 It was -- it wound up being about \$1.1

1 million. And that was really primarily due
2 to like -- I think I discussed in the
3 previous reports, in one of the previous
4 reports we looked at, the amount had
5 increased. It was -- we had some federal
6 dollars that were reduced. And so our
7 dollars for salaries are -- came from trust
8 fund a little bit more so overhead actually
9 increased a little bit more than our
10 projections had -- that we had expected.
11 Sequestration dollars didn't get finalized
12 until about March of the year. And our
13 projections that we have presented to all of
14 the groups had been done prior to that date,
15 so -- but it will be a reduction from -- we
16 believe it'll be a reduction from what it
17 was this year. Probably about \$110,000
18 less.

19 **MR. GAUBERT:**

20 Good. Does that complete your report,
21 Ms. Karyn?

22 **MS. ANDREWS:**

23 Yes.

24 **MR. GAUBERT:**

25 Any questions for Ms. Karyn?

1 (No response.)

2 **MR. GAUBERT:**

3 Thank you.

4 Vince, I see you have joined us. In
5 other business, if you could give us an
6 update on the pending lawsuit, we'll -- do
7 you have an update?

8 **MR. SAGNIBENE:**

9 There's not much of an update, other
10 than it's moving forward. I talked to Megan
11 this morning. And they got a couple of
12 companies to sign a totaling agreement which
13 allows prescription to go on and not
14 prescribe. And we'll be filing -- they will
15 be filing suits against -- this Friday
16 against the companies that did not file the
17 totaling agreement.

18 **MR. GAUBERT:**

19 Okay. And what agreement? What's --

20 **MR. SAGNIBENE:**

21 Totaling agreement. It did not -- and
22 I'm not an attorney. It doesn't allow
23 prescription to prescribe. Like if we're
24 over a year and a half, it stops
25 prescription.

1 **MR. GAUBERT:**

2 Okay. And the lawsuit would be to get
3 the information from those particular
4 companies?

5 **MR. SAGNIBENE:**

6 I hadn't talked to the attorneys. I
7 assume to recover --

8 **MR. GAUBERT:**

9 Recover information at this time, yes.

10 **MR. SAGNIBENE:**

11 Yes.

12 **MR. GAUBERT:**

13 Okay. We can talk about it some more
14 --

15 **MR. SAGNIBENE:**

16 All right.

17 **MR. GAUBERT:**

18 -- later.

19 **MR. SAGNIBENE:**

20 And I know the next question you're
21 going to ask, have I seen the bill yet?

22 **MR. GAUBERT:**

23 Have you seen it?

24 **MR. SAGNIBENE:**

25 No. I haven't seen the bill yet.

1 **MR. GAUBERT:**

2 Okay. Well, when you do, if you can
3 let us know what that is --

4 **MR. SAGNIBENE:**

5 I'll be happy to.

6 **MR. GAUBERT:**

7 -- we'd appreciate it.

8 **MS. ANDREWS:**

9 We will make sure on our financial
10 report, we will line item that for you.

11 **MR. GAUBERT:**

12 Okay.

13 **MS. ANDREWS:**

14 So that that will be noted for you.

15 **MR. GAUBERT:**

16 Good. Thank you.

17 **MR. SAGNIBENE:**

18 Karyn, backing up to that indirect
19 rate again. Did we ever get that memorandum
20 signed between us and the trust fund saying
21 that whoever would be in this position would
22 follow EPA's indirect rate? You remember we
23 had talked about that?

24 **MS. ANDREWS:**

25 No, I'm not aware of that.

1 **MR. SAGNIBENE:**

2 Okay. Well, that's something I want.
3 Because I don't want the next guy to come in
4 here and jack up ya'll indirect rate.

5 **MR. GAUBERT:**

6 Yes, we had talked about that. Yes.
7 It seems that the formula that, you know, we
8 all agreed to is going to be a reduction, it
9 equates to a reduction next year.

10 **MR. SAGNIBENE:**

11 Yes. What we'll do, we'll follow
12 EPA's indirect rate. I don't want somebody
13 to come in here and if the EPA says it's 30
14 and jack it up to 60. That's -- that's --
15 they can't.

16 **MR. GAUBERT:**

17 Right.

18 **MR. SAGNIBENE:**

19 So we need to get with Perry.

20 **MR. GAUBERT:**

21 So it worked for next year. Hopefully
22 it works long term.

23 **MR. SAGNIBENE:**

24 Yes.

25 **MR. GAUBERT:**

1 All right. Mr. Jeff Baker?

2 **MR. BAKER:**

3 Yes, sir. If ya'll could refer to Tab
4 Number 5 in your packets. These are the
5 figures for the fourth quarter of fiscal
6 year 2013. During the fourth quarter of
7 fiscal year 2013, the trust fund received
8 203 applications, totaling \$3,373,209. 239
9 applications were processed for payment
10 during the fiscal year, totaling \$3,215,312.
11 And 22 applications were returned with
12 deficiencies. For sites in the corrective
13 action phase, the outstanding liability of
14 the corrective action plan, budget and
15 estimated costs to reach closure end of --
16 of June 2013, was \$34,793,569. The
17 additional obligation recognized for non-
18 capped sites, plus the projected motor fuel
19 trust fund and environmental trust fund
20 transfers is \$34,921,986. This obligation
21 value includes the new indirect rate
22 transfer amount previously discussed by
23 Karyn earlier in this meeting and at the
24 last board meeting. At the end of June
25 2013, the trust fund had 83 pending

1 applications to process which had late
2 requested amounts totaling \$1,478,026. Of
3 this amount, the estimated requested
4 obligation related to cap budget and closure
5 costs was \$1,192,725.

6 If ya'll will turn to the legal size
7 sheet at the last page of your packet.
8 Please note that number of trust fund sites
9 that received a no further action status
10 during this period was seven. The number of
11 trust fund sites that received a no further
12 action status during the entire fiscal year
13 of 2013 was 27. The number of potential
14 trust fund sites that were reviewed and made
15 eligible during this past quarter was nine.
16 And the number of potential trust fund sites
17 that were reviewed and made eligible during
18 this past fiscal year was 29.

19 Points of interest. The department
20 has continued to work on a revised trust
21 fund reimbursement application form. The
22 new Microsoft Excel version of the form was
23 tested in-house and was sent to two of the
24 RACs for beta testing. These two RACs both
25 have a large number sites, and were

1 excellent test subjects for the new tool.
2 The testing has gone well with numerous
3 minor changes and suggestions from the RACs.
4 The new Excel version will include a field
5 drop down with existing unit prices, and
6 will automatically characterize and sum the
7 various portions of the application on the
8 part five summary page, which will greatly
9 reduce the number of errors that we get. We
10 completed our testing of the Excel version
11 and will be emailing the board members the
12 Microsoft Word and Excel versions of the new
13 documents within the next day or so. Also
14 included in the email will be a user guide
15 to highlight changes of the new version and
16 to answer anticipated frequently asked
17 questions. This will give the board members
18 the opportunity to make comments and
19 suggestions. It is our hope to send the new
20 versions out to the RAC communities for
21 implementation for the first quarter of
22 fiscal year 2014. The new version will be
23 provided to the RAC community around the 1st
24 of September, 2013, which will give them one
25 month to become familiar with the new tool

1 prior to them working on the first quarter
2 of 2014 applications during the month of
3 October, 2013. That would give them a month
4 to get familiar with the tool prior to
5 having to use it in October.

6 Do ya'll have any questions about
7 that?

8 **MR. GAUBERT:**

9 The new tool will become mandatory?
10 Is that the --

11 **MR. BAKER:**

12 It will be -- it will reflect the new
13 guidance document unit rates. It will
14 reflect just a new way -- it's just a new
15 form for reimbursement applications. It's
16 -- there's nothing dramatically different
17 about it other than we tried to make it more
18 streamline. We got rid of some fields that
19 we didn't feel were useful that -- and we
20 added a couple of additional fields that
21 would give us additional information to help
22 us review the applications. We created an
23 Excel version to help the users fill out the
24 form. It has drop downs with the unit rates
25 on it. It automatically does summations.

1 It pulls numbers and does checks. And in
2 many ways, it actually inhibits a user from
3 making a math error, where on the current
4 form, we find numerous math errors.

5 Another point of interest is, we --
6 due to recent vacancies within the trust
7 fund staff, we've hired two new trust fund
8 application reviewers, Kodi Brignac and
9 Paige Menier. They're in the back of the
10 room. Paige and Kodi, will ya'll stand up,
11 please? I told them I was going to -- I
12 told them I was going to make them tell us
13 about themselves. I was just picking on
14 them. Kodi is going to be reviewing
15 applications related to sites in the Capitol
16 region, as well as the sites in St. Landry
17 Parish. Paige will be reviewing
18 applications relating to sites in the
19 southwest region, as well as Acadia,
20 Evangeline, St. Martin and St. Mary
21 Parishes. And that concludes mine.

22 **MR. GAUBERT:**

23 Okay. Is there any questions for Mr.
24 Jeff? That's a good report, Mr. Jeff.
25 Thank you very much.

1 I do have one question. At an earlier
2 meeting, it was brought to my attention that
3 we were suppose to develop a list of slow
4 sites, the sites that were taking, you know,
5 an extra long time to close. To my
6 knowledge, the slow site list has not been
7 developed. Is there a possibility that you
8 do -- that you can develop a slow site list
9 and get it to the -- well, who would we get
10 that to? Who needs a copy of the slow site
11 list? Would that be the --

12 **MR. IVEY:**

13 I would say all of them.

14 **MR. GAUBERT:**

15 All the RACs?

16 **MR. IVEY:**

17 Yes, all the RACs would need a copy of
18 it. And if your site is on there, you need
19 to start moving it.

20 **MR. GAUBERT:**

21 Yes. So each site would be whatever
22 RAC associated with it?

23 **MR. IVEY:**

24 Right.

25 **MR. GAUBERT:**

1 So I guess the slow site list should
2 go to the appropriate RACs?

3 **MR. BAKER:**

4 Yes, sir. We can do that. We have
5 developed a draft of that report. And we
6 have provided it to the -- to Tom and to
7 some of the team leaders to make them aware
8 of these sites and have them start
9 contacting the RACs and try to get them
10 moving from that perspective. But we
11 definitely can provide it to the RAC
12 community.

13 **MR. GAUBERT:**

14 Right. And there may be a RAC
15 associated with a particular site that is
16 not moving it for a particular reason. And,
17 you know, I guess I would suggest that if
18 that is the case, that we let the other
19 RACs, you know, look at the site and, you
20 know, provide a proposal to get it closed,
21 to get a site closed. That's just a
22 suggestion, though, from me that -- you
23 know, to move those slow sites. It's been
24 an issue, I think, and -- you know, that I
25 think ya'll guys want to get these sites

1 closed. And I think it would be good to get
2 them off the books.

3 **MR. SAGNIBENE:**

4 Jeff had developed a list. The
5 problem was the explanation side of it. I
6 wanted to know why. And that's what he had
7 to do for me. So he has a list. He's just
8 working on the explanations of it.

9 **MR. GAUBERT:**

10 Sure.

11 **MR. SAGNIBENE:**

12 But I just don't want to give you a
13 list of slow sites and -- and there's a
14 reason sometimes.

15 **MR. GAUBERT:**

16 Right.

17 **MR. SAGNIBENE:**

18 Maybe we'll address each one in the
19 explanation column. But I think -- don't
20 you have that, Jeff?

21 **MR. BAKER:**

22 Yes, sir. We do. And that's what
23 we've been working with Tom on.

24 **MR. SAGNIBENE:**

25 Okay.

1 **MR. BAKER:**

2 And working with some of the program
3 managers.

4 **MR. SAGNIBENE:**

5 Because I want it updated.

6 **MR. GAUBERT:**

7 All right. So you're reviewing the
8 sites -- so there is work going on around
9 the --

10 **MR. BAKER:**

11 Yes. We have not dropped that. We
12 have continued to work on it. And we have
13 run that -- run the numbers about once a
14 quarter. And we look at them. And we've
15 contacted team leaders. And we've contacted
16 those RACs.

17 **MR. GAUBERT:**

18 Okay.

19 **MR. SAGNIBENE:**

20 That list does exist.

21 **MR. GAUBERT:**

22 Okay. Thank you. Any other questions
23 for Mr. Jeff?

24 (No response.)

25 **MR. GAUBERT:**

1 Thank you. Thank you, Jeff.

2 Mr. Theriot's already given his third
3 party claim status. We're moving to our
4 next item which is other business. Before
5 we get into the dates, I notice that Ms.
6 Ravelle Jones is not here with us today.

7 **MR. SAGNIBENE:**

8 She is not.

9 **MR. GAUBERT:**

10 And I understand that she resigned.
11 Whose responsibility would that be to
12 replace her, or is --

13 **MR. SAGNIBENE:**

14 That was LOMA's big conference
15 representative. And we've already sent them
16 a letter for a replacement.

17 **MR. GAUBERT:**

18 Okay. So was that recent, Ms. Ravelle
19 resigned?

20 **MR. SAGNIBENE:**

21 A couple of weeks ago.

22 **MR. HARRIS:**

23 I think it was less than that. I
24 believe it was dated a week ago.

25 **MR. BAKER:**

1 It was last week.

2 **MR. SAGNIBENE:**

3 I know the letter has already went
4 out.

5 **MR. HARRIS:**

6 Oh, here it is, dated August 6th.

7 **MR. GAUBERT:**

8 Okay.

9 **MR. HARRIS:**

10 I'm sure we received it a couple of
11 days after that.

12 **MR. GAUBERT:**

13 Okay. So that -- and that's --

14 **MR. SAGNIBENE:**

15 We're waiting on them to give us a
16 name.

17 **MR. GAUBERT:**

18 Okay. All right. So the proposed
19 dates for the board meetings for 2014:
20 February 13th, June 5th, August 14th and
21 November 13th. Is there any particular
22 conflicts that you know of at this time?
23 (No response.)

24 **MR. GAUBERT:**

25 Without any conflicts, I guess we'll

1 go ahead with those dates. Who would be
2 responsible for that?

3 **MR. BAKER:**

4 We'll make everybody aware and remind
5 them.

6 **MR. GAUBERT:**

7 Okay. Any other business?

8 (No response.)

9 **MR. GAUBERT:**

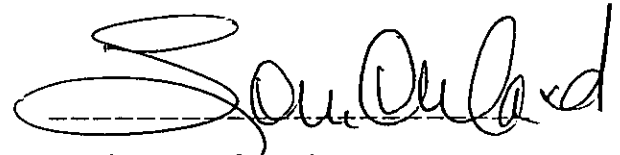
10 That wraps up our meeting. Thank
11 ya'll.

12 **THE MEETING ADJOURNED AT 1:30 P.M.**

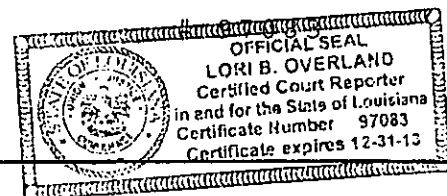
13 * * * * *

C E R T I F I C A T I O N

1
2 I, Lori B. Overland, Certified Court Reporter in
3 and for the State of Louisiana, as the officer
4 before whom this testimony was taken, do hereby
5 certify that the above referenced individual to whom
6 oath was administered, after having been duly sworn
7 by me upon authority of R.S. 37:2554, did testify as
8 hereinbefore set forth in the foregoing pages, that
9 this testimony was reported by me in the stenomask
10 reporting method, was prepared and transcribed by me
11 or under my personal direction and supervision, and
12 is a true and correct transcript to the best of my
13 ability and understanding; that the transcript has
14 been prepared in compliance with transcript format
15 guidelines required by statute or by rules of the
16 board, that I have acted in compliance with the
17 prohibition on contractual relationships, as defined
18 by Louisiana Code of Civil Procedure Article 1434
19 and in rules and advisory opinions of the board;
20 that I am not related to counsel or to the parties
21 herein, nor am I otherwise interested in the outcome
22 of this matter.

23 

24 Lori Overland C.C.R.



In The Matter Of:

*DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND*

*MEETING
August 15, 2013*

*Associated Reporters Incorporated
(225) 216-2036*

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In The Matter Of:
DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND

MEETING
August 15, 2013

Associated Reporters Incorporated
(225) 216-2036

Page 1

1
2
3 STATE OF LOUISIANA
4 DEPARTMENT OF ENVIRONMENTAL QUALITY
5 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
6 FUND ADVISORY BOARD
7
8
9
10
11
12 The above-entitled meeting was held at the
13 LDEQ, Galvez Building, Conference Center, 602
14 North 5th Street, Baton Rouge, Louisiana,
beginning at 1:03 p.m., on August 15, 2013.
15
16
17
18
19 BEFORE:
20 Lori B. Overland
21 Certified Court Reporter
22 In and For the State of
23 Louisiana
24
25

Page 2

1 A P P E A R A N C E S
2
3 Grady Gaubert
Chairman
4 Tom Harris
5 Roger Bright
6 Jeff Baker
7 Ryan Wooten
8 Karyn Andrews
9 Cy Morin
10 Perry Theriot
11 Durwood Franklin
12 Shawn Ivey
13
14 Melissa Vizinat
15 Jason Efferson
16 Shawn King
17 Vince Sagnibene
18 Sarah Wilkes
19 Kodi Brignac
20 Todd Perry
21 Paige Menier
22 Rhonda Cook
23 Linda Hicks
24
25 * * * * *

Page 3

1 I N D E X
2
3 EXAMINATION: PAGE (S) :
4 None
5 EXHIBITS:
6 None
7 REPORTER'S PAGE 32
8 REPORTER'S CERTIFICATE 33
9
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11 * * * * *
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Page 4

1 * * * * *
2 MR. GAUBERT:
3 Good afternoon. We'll go ahead and
4 call the meeting to order. May I have the
5 roll call, please? Perry, could you start
6 it off?
7 MR. THERIOT:
8 Perry Theriot, LDEQ Legal.
9 MR. FRANKLIN:
10 Durwood Franklin, DEQ Trust Fund.
11 MR. BAKER:
12 Jeff Baker, DEQ Trust Fund.
13 MR. HARRIS:
14 Tom Harris, DEQ Underground Storage
15 Tanks.
16 MR. BRIGHT:
17 Roger Bright, Jones Environmental.
18 MR. GAUBERT:
19 Grady Gaubert, Louisiana Oil
20 Marketers.
21 MR. IVEY:
22 Shawn Ivey, PPM Consultants.
23 MR. WOOTEN:
24 Ryan Wooten, Louisiana Oil Marketers.
25 MS. ANDREWS:

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1 Karyn Andrews, LDEQ Financial
2 Services.
3 MR. MORIN:
4 Cy Morin, LDEQ Audit Services.
5 MS. VIZINAT:
6 Melissa Vizinat, Trust Fund.
7 MS. HICKS:
8 Linda Hicks, PPM Consultants.
9 MS. COOK:
10 Rhonda Cook, PPM Consultants.
11 MR. PERRY:
12 Todd Perry, PPM Consultants.
13 MR. KING:
14 Shawn King, Jones Environmental.
15 MS. WILKES:
16 Sarah Wilkes, Jones Environmental.
17 MS. MENIER:
18 Paige Menier, DEQ Trust Fund.
19 MR. EFFERSON:
20 Jason Efferson, DEQ Trust Fund.
21 MR. BRIGNAC:
22 Kodi Brignac, LDEQ.
23 MR. GAUBERT:
24 Okay. Thank you. Our first order of
25 business is to adopt and approve the minutes

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1 from the last meeting. After reviewing
2 them, I need a motion and a second.
3 MR. HARRIS:
4 Motion.
5 MR. GAUBERT:
6 Motion by Tom.
7 MR. IVEY:
8 I second.
9 MR. GAUBERT:
10 Seconded by Shawn. All in favor?
11 (All indicated yes.)
12 MR. GAUBERT:
13 All right. Any other consideration of
14 the minutes?
15 (No response.)
16 MR. GAUBERT:
17 Then the minutes are approved.
18 Cy Morin, I think, has an audit status
19 report.
20 MR. MORIN:
21 Yes. Currently, we have 26 open motor
22 fuel delivery fee cases. Fiscal year '14,
23 we've scheduled two audits, which have not
24 been performed yet. For fiscal year '13, we
25 have 13 outstanding open cases. Eleven of

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1 those are in progress. Two are set to be
2 closed. The two cases set to be closed
3 resulted in a net assessment and collection
4 of \$10,534.98. The - of the 11 in
5 progress, two cases have been assessed and
6 demand letters sent in the amount of
7 \$6,118.53. We received a check today for
8 one of those cases for full payment of
9 \$2,101.95. Seven cases are in the review
10 process. Five have potential assessments,
11 totaling approximately \$16,406.73.
12 Approximately \$5,900 of this has been
13 collected already, which would result in
14 demands for the remaining \$10,467.58. Two
15 cases are potentially clean audits with no
16 assessment, pending review. And we have two
17 that are still in progress at the auditor's
18 desk.
19 For cases prior to fiscal year 2013,
20 there are 11 open cases. Three are set to
21 be closed. One was no assessment, clean
22 audit. One was an assessment and collection
23 of \$86,030.71. And another was a credit
24 issued of \$10,464.01. Eight of the 11 open
25 cases prior to fiscal year '13 are somewhere

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1 in the legal process. We have two cases
2 that have promissory notes for - this
3 represents a balance of \$44,920.42. We have
4 one with a consent agreement which
5 represents \$51,526.08. One in current
6 litigation representing \$11,503.42. One
7 pending litigation for a total of
8 \$15,163.43. And we have three cases that
9 are bankruptcy, no assets pending,
10 uncollectible. The collection files have
11 been closed or will be closed. And that
12 represents \$302,929. These are older fiscal
13 year cases, which were not collected.
14 For fiscal year 2014 to date, we've
15 collected \$3,461.95. And total collected
16 for fiscal year '13 was \$108,667.51. And
17 that's it.
18 MR. GAUBERT:
19 Thank you, Cy. That's -- I mean, as
20 taxpayers and owners of the - you know, as
21 companies that pay into the trust fund, you
22 know, it's only fair that everybody pays
23 their fair share. And I think, you know,
24 for years - well, several years ago, I
25 don't think there were any audits being

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1 done. I think you mentioned that older
2 cases totaled up to about \$300,000 that are
3 in bankruptcies and they're prior to a
4 manual audit. And then now, you know, I
5 don't know the exact amount of the cases.
6 If you have an opportunity, it may help me
7 out, but it seemed to be pretty substantial.
8 MR. MORIN:
9 Yes. The total outstanding at this
10 point is \$430,060.99. \$4,016.58 of that is
11 a current assessment. We sent out a demand
12 letter August 1st. And payment is due
13 August 31st. The remaining \$426,044.35 is
14 tied to those legal cases.
15 MR. GAUBERT:
16 Yes. And then do we still have two
17 people assigned to audits within the
18 department, or is it -
19 MR. MORIN:
20 We have one dedicated motor fuel
21 auditor.
22 MR. GAUBERT:
23 Okay. And this seems to be sufficient
24 enough to -
25 MR. MORIN:

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1 I think so, yes.
2 MR. GAUBERT:
3 Is one - and that's all - would that
4 be you, Cy?
5 MR. MORIN:
6 What's that? No, it's not me. It's
7 Don Wiley.
8 MR. GAUBERT:
9 Right.
10 MR. MORIN:
11 He's been here for approximately -
12 approximately a year.
13 MR. GAUBERT:
14 Okay. Any questions for Cy?
15 (No response.)
16 MR. GAUBERT:
17 Thank you for that report.
18 MR. MORIN:
19 You're welcome.
20 MR. GAUBERT:
21 The next item would be the financial
22 services report from Ms. Karyn.
23 MS. ANDREWS:
24 Thank you. If you turn to -
25 MR. HARRIS:

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1 Perry Theriot has to leave early. Is
2 there any way we could have his report? I'm
3 sorry, Karyn.
4 MR. THERIOT:
5 It's a very quick report.
6 MR. GAUBERT:
7 Okay. That's fine.
8 MR. THERIOT:
9 But I do have a court appearance in 15
10 minutes.
11 MR. GAUBERT:
12 Okay. I'm sorry. Is it okay with
13 you, Ms. Karyn?
14 MS. ANDREWS:
15 Not a problem.
16 MR. THERIOT:
17 On our third party claims, we've been
18 doing well. We have had no new ones filed
19 this quarter. We did report one filed last
20 meeting, and that's the only new one we've
21 had in this fiscal year. So if there are
22 any other questions that you guys might have
23 about any legal matters?
24 MR. GAUBERT:
25 I don't. Anybody else does?

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1 (No response.)
2 MR. GAUBERT:
3 Okay.
4 MR. HARRIS:
5 Thank you.
6 MR. GAUBERT:
7 Okay. Well, Mr. Perry, we --
8 MR. THERIOT:
9 I appreciate you letting me do mine.
10 MR. GAUBERT:
11 Okay. Thank you. Ms. Karyn?
12 MS. ANDREWS:
13 Thank you. If you could turn to Tab
14 4. This is a final report from fiscal year
15 2013. Our fiscal year ended on June 30th,
16 and we actually closed the books on August
17 14th, which was yesterday. As you'll note
18 here, we transferred at the beginning of the
19 year \$55,644,214.10 into the trust fund at
20 the beginning of the year. We transferred
21 as reimbursements \$11,666,687.42. We also
22 transferred to the environmental trust fund
23 for expenditures of the tanks program and
24 trust fund sections that were over the UST
25 federal and environmental trust fund fees

1 that were collected. That amount was
2 \$3,101,356.30. I would like to note that
3 this is approximately \$1.1 million over the
4 amount from fiscal year '12, which that was
5 primarily due to the overhead rates and a
6 reduction in federal dollars.

7 Current liabilities on the sites is
8 approximately \$70 million. This leaves a
9 negative balance after obligations of
10 \$6,793,675.22.

11 All right. If you'll turn the page.
12 This is an informational report concerning
13 our interest revenue from the trust fund.
14 Interest revenue collected inception to date
15 is \$6,386,252. Expenditures are
16 \$1,228,330.06. Details of the expenditures
17 are also included. You'll note here that no
18 expenditures in fiscal year '13 were made.

19 MR. GAUBERT:

20 Are there -- there will be expenses in
21 fiscal year 2013?

22 MS. ANDREWS:

23 In 2014?

24 MR. GAUBERT:

25 No, '13.

1 million. And that was really primarily due
2 to like - I think I discussed in the
3 previous reports, in one of the previous
4 reports we looked at, the amount had
5 increased. It was - we had some federal
6 dollars that were reduced. And so our
7 dollars for salaries are - came from trust
8 fund a little bit more so overhead actually
9 increased a little bit more than our
10 projections had - that we had expected.
11 Sequestration dollars didn't get finalized
12 until about March of the year. And our
13 projections that we have presented to all of
14 the groups had been done prior to that date,
15 so -- but it will be a reduction from - we
16 believe it'll be a reduction from what it
17 was this year. Probably about \$110,000
18 less.

19 MR. GAUBERT:

20 Good. Does that complete your report,
21 Ms. Karyn?

22 MS. ANDREWS:

23 Yes.

24 MR. GAUBERT:

25 Any questions for Ms. Karyn?

1 MS. ANDREWS:

2 2013 has been closed. So this is the
3 final report for 2013.

4 And on the next page, this report
5 details how we calculate the amount
6 transferred from the motor fuel trust fund.
7 This details the revenues and expenditures.
8 And if you have any questions, I can go over
9 those. I would like to provide for
10 informational purposes, we had previously
11 discussed our overhead with the indirect
12 rate. Our last year's approved rate from
13 EPA was 60.86 percent. And so we applied
14 that rate, which was 30.43. Our new
15 approved rate, which we'll be using for
16 fiscal year '14 is 57.56 percent. So the
17 rate that we'll be using for the trust fund
18 will be 28.78 percent. So there will be a
19 slight reduction next year. I project that
20 the overhead estimate will be about
21 \$990,000.

22 MR. GAUBERT:

23 Versus approximately?

24 MS. ANDREWS:

25 It was - it wound up being about \$1.1

1 (No response.)

2 MR. GAUBERT:

3 Thank you.

4 Vince, I see you have joined us. In
5 other business, if you could give us an
6 update on the pending lawsuit, we'll - do
7 you have an update?

8 MR. SAGNIBENE:

9 There's not much of an update, other
10 than it's moving forward. I talked to Megan
11 this morning. And they got a couple of
12 companies to sign a totaling agreement which
13 allows prescription to go on and not
14 prescribe. And we'll be filing - they will
15 be filing suits against - this Friday
16 against the companies that did not file the
17 totaling agreement.

18 MR. GAUBERT:

19 Okay. And what agreement? What's --

20 MR. SAGNIBENE:

21 Totaling agreement. It did not - and
22 I'm not an attorney. It doesn't allow
23 prescription to prescribe. Like if we're
24 over a year and a half, it stops
25 prescription.

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1 MR. GAUBERT:
2 Okay. And the lawsuit would be to get
3 the information from those particular
4 companies?
5 MR. SAGNIBENE:
6 I hadn't talked to the attorneys. I
7 assume to recover -
8 MR. GAUBERT:
9 Recover information at this time, yes.
10 MR. SAGNIBENE:
11 Yes.
12 MR. GAUBERT:
13 Okay. We can talk about it some more
14 -
15 MR. SAGNIBENE:
16 All right.
17 MR. GAUBERT:
18 -- later.
19 MR. SAGNIBENE:
20 And I know the next question you're
21 going to ask, have I seen the bill yet?
22 MR. GAUBERT:
23 Have you seen it?
24 MR. SAGNIBENE:
25 No. I haven't seen the bill yet.

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1 MR. GAUBERT:
2 Okay. Well, when you do, if you can
3 let us know what that is --
4 MR. SAGNIBENE:
5 I'll be happy to.
6 MR. GAUBERT:
7 -- we'd appreciate it.
8 MS. ANDREWS:
9 We will make sure on our financial
10 report, we will line item that for you.
11 MR. GAUBERT:
12 Okay.
13 MS. ANDREWS:
14 So that that will be noted for you.
15 MR. GAUBERT:
16 Good. Thank you.
17 MR. SAGNIBENE:
18 Karyn, backing up to that indirect
19 rate again. Did we ever get that memorandum
20 signed between us and the trust fund saying
21 that whoever would be in this position would
22 follow EPA's indirect rate? You remember we
23 had talked about that?
24 MS. ANDREWS:
25 No, I'm not aware of that.

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1 MR. SAGNIBENE:
2 Okay. Well, that's something I want.
3 Because I don't want the next guy to come in
4 here and jack up ya'll indirect rate.
5 MR. GAUBERT:
6 Yes, we had talked about that. Yes.
7 It seems that the formula that, you know, we
8 all agreed to is going to be a reduction, it
9 equates to a reduction next year.
10 MR. SAGNIBENE:
11 Yes. What we'll do, we'll follow
12 EPA's indirect rate. I don't want somebody
13 to come in here and if the EPA says it's 30
14 and jack it up to 60. That's -- that's --
15 they can't.
16 MR. GAUBERT:
17 Right.
18 MR. SAGNIBENE:
19 So we need to get with Perry.
20 MR. GAUBERT:
21 So it worked for next year. Hopefully
22 it works long term.
23 MR. SAGNIBENE:
24 Yes.
25 MR. GAUBERT:

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1 All right. Mr. Jeff Baker?
2 MR. BAKER:
3 Yes, sir. If ya'll could refer to Tab
4 Number 5 in your packets. These are the
5 figures for the fourth quarter of fiscal
6 year 2013. During the fourth quarter of
7 fiscal year 2013, the trust fund received
8 203 applications, totaling \$3,373,209. 239
9 applications were processed for payment
10 during the fiscal year, totaling \$3,215,312.
11 And 22 applications were returned with
12 deficiencies. For sites in the corrective
13 action phase, the outstanding liability of
14 the corrective action plan, budget and
15 estimated costs to reach closure end of -
16 of June 2013, was \$34,793,569. The
17 additional obligation recognized for non-
18 capped sites, plus the projected motor fuel
19 trust fund and environmental trust fund
20 transfers is \$34,921,986. This obligation
21 value includes the new indirect rate
22 transfer amount previously discussed by
23 Karyn earlier in this meeting and at the
24 last board meeting. At the end of June
25 2013, the trust fund had 83 pending

1 applications to process which had late
2 requested amounts totaling \$1,478,026. Of
3 this amount, the estimated requested
4 obligation related to cap budget and closure
5 costs was \$1,192,725.

6 If ya'll will turn to the legal size
7 sheet at the last page of your packet.
8 Please note that number of trust fund sites
9 that received a no further action status
10 during this period was seven. The number of
11 trust fund sites that received a no further
12 action status during the entire fiscal year
13 of 2013 was 27. The number of potential
14 trust fund sites that were reviewed and made
15 eligible during this past quarter was nine.
16 And the number of potential trust fund sites
17 that were reviewed and made eligible during
18 this past fiscal year was 29.

19 Points of interest. The department
20 has continued to work on a revised trust
21 fund reimbursement application form. The
22 new Microsoft Excel version of the form was
23 tested in-house and was sent to two of the
24 RACs for beta testing. These two RACs both
25 have a large number sites, and were

1 prior to them working on the first quarter
2 of 2014 applications during the month of
3 October, 2013. That would give them a month
4 to get familiar with the tool prior to
5 having to use it in October.

6 Do ya'll have any questions about
7 that?

8 MR. GAUBERT:

9 The new tool will become mandatory?
10 Is that the -

11 MR. BAKER:

12 It will be - it will reflect the new
13 guidance document unit rates. It will
14 reflect just a new way - it's just a new
15 form for reimbursement applications. It's
16 - there's nothing dramatically different
17 about it other than we tried to make it more
18 streamline. We got rid of some fields that
19 we didn't feel were useful that - and we
20 added a couple of additional fields that
21 would give us additional information to help
22 us review the applications. We created an
23 Excel version to help the users fill out the
24 form. It has drop downs with the unit rates
25 on it. It automatically does summations.

1 excellent test subjects for the new tool.
2 The testing has gone well with numerous
3 minor changes and suggestions from the RACs.
4 The new Excel version will include a field
5 drop down with existing unit prices, and
6 will automatically characterize and sum the
7 various portions of the application on the
8 part five summary page, which will greatly
9 reduce the number of errors that we get. We
10 completed our testing of the Excel version
11 and will be emailing the board members the
12 Microsoft Word and Excel versions of the new
13 documents within the next day or so. Also
14 included in the email will be a user guide
15 to highlight changes of the new version and
16 to answer anticipated frequently asked
17 questions. This will give the board members
18 the opportunity to make comments and
19 suggestions. It is our hope to send the new
20 versions out to the RAC communities for
21 implementation for the first quarter of
22 fiscal year 2014. The new version will be
23 provided to the RAC community around the 1st
24 of September, 2013, which will give them one
25 month to become familiar with the new tool

1 It pulls numbers and does checks. And in
2 many ways, it actually inhibits a user from
3 making a math error, where on the current
4 form, we find numerous math errors.

5 Another point of interest is, we --
6 due to recent vacancies within the trust
7 fund staff, we've hired two new trust fund
8 application reviewers, Kodi Brignac and
9 Paige Menier. They're in the back of the
10 room. Paige and Kodi, will ya'll stand up,
11 please? I told them I was going to - I
12 told them I was going to make them tell us
13 about themselves. I was just picking on
14 them. Kodi is going to be reviewing
15 applications related to sites in the Capitol
16 region, as well as the sites in St. Landry
17 Parish. Paige will be reviewing
18 applications relating to sites in the
19 southwest region, as well as Acadia,
20 Evangeline, St. Martin and St. Mary
21 Parishes. And that concludes mine.

22 MR. GAUBERT:

23 Okay. Is there any questions for Mr.
24 Jeff? That's a good report, Mr. Jeff.
25 Thank you very much.

Page 25

1 I do have one question. At an earlier
2 meeting, it was brought to my attention that
3 we were suppose to develop a list of slow
4 sites, the sites that were taking, you know,
5 an extra long time to close. To my
6 knowledge, the slow site list has not been
7 developed. Is there a possibility that you
8 do - that you can develop a slow site list
9 and get it to the - well, who would we get
10 that to? Who needs a copy of the slow site
11 list? Would that be the -
12 MR. IVEY:
13 I would say all of them.
14 MR. GAUBERT:
15 All the RACs?
16 MR. IVEY:
17 Yes, all the RACs would need a copy of
18 it. And if your site is on there, you need
19 to start moving it.
20 MR. GAUBERT:
21 Yes. So each site would be whatever
22 RAC associated with it?
23 MR. IVEY:
24 Right.
25 MR. GAUBERT:

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1 So I guess the slow site list should
2 go to the appropriate RACs?
3 MR. BAKER:
4 Yes, sir. We can do that. We have
5 developed a draft of that report. And we
6 have provided it to the - to Tom and to
7 some of the team leaders to make them aware
8 of these sites and have them start
9 contacting the RACs and try to get them
10 moving from that perspective. But we
11 definitely can provide it to the RAC
12 community.
13 MR. GAUBERT:
14 Right. And there may be a RAC
15 associated with a particular site that is
16 not moving it for a particular reason. And,
17 you know, I guess I would suggest that if
18 that is the case, that we let the other
19 RACs, you know, look at the site and, you
20 know, provide a proposal to get it closed,
21 to get a site closed. That's just a
22 suggestion, though, from me that - you
23 know, to move those slow sites. It's been
24 an issue, I think, and -- you know, that I
25 think ya'll guys want to get these sites

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1 closed. And I think it would be good to get
2 them off the books.
3 MR. SAGNIBENE:
4 Jeff had developed a list. The
5 problem was the explanation side of it. I
6 wanted to know why. And that's what he had
7 to do for me. So he has a list. He's just
8 working on the explanations of it.
9 MR. GAUBERT:
10 Sure.
11 MR. SAGNIBENE:
12 But I just don't want to give you a
13 list of slow sites and -- and there's a
14 reason sometimes.
15 MR. GAUBERT:
16 Right.
17 MR. SAGNIBENE:
18 Maybe we'll address each one in the
19 explanation column. But I think -- don't
20 you have that, Jeff?
21 MR. BAKER:
22 Yes, sir. We do. And that's what
23 we've been working with Tom on.
24 MR. SAGNIBENE:
25 Okay.

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1 MR. BAKER:
2 And working with some of the program
3 managers.
4 MR. SAGNIBENE:
5 Because I want it updated.
6 MR. GAUBERT:
7 All right. So you're reviewing the
8 sites -- so there is work going on around
9 the --
10 MR. BAKER:
11 Yes. We have not dropped that. We
12 have continued to work on it. And we have
13 run that - run the numbers about once a
14 quarter. And we look at them. And we've
15 contacted team leaders. And we've contacted
16 those RACs.
17 MR. GAUBERT:
18 Okay.
19 MR. SAGNIBENE:
20 That list does exist.
21 MR. GAUBERT:
22 Okay. Thank you. Any other questions
23 for Mr. Jeff?
24 (No response.)
25 MR. GAUBERT:

1 Thank you. Thank you, Jeff.
2 Mr. Theriot's already given his third
3 party claim status. We're moving to our
4 next item which is other business. Before
5 we get into the dates, I notice that Ms.
6 Ravelle Jones is not here with us today.
7 MR. SAGNIBENE:
8 She is not.
9 MR. GAUBERT:
10 And I understand that she resigned.
11 Whose responsibility would that be to
12 replace her, or is --
13 MR. SAGNIBENE:
14 That was LOMA's big conference
15 representative. And we've already sent them
16 a letter for a replacement.
17 MR. GAUBERT:
18 Okay. So was that recent, Ms. Ravelle
19 resigned?
20 MR. SAGNIBENE:
21 A couple of weeks ago.
22 MR. HARRIS:
23 I think it was less than that. I
24 believe it was dated a week ago.
25 MR. BAKER:

1 go ahead with those dates. Who would be
2 responsible for that?
3 MR. BAKER:
4 We'll make everybody aware and remind
5 them.
6 MR. GAUBERT:
7 Okay. Any other business?
8 (No response.)
9 MR. GAUBERT:
10 That wraps up our meeting. Thank
11 ya'll.
12 THE MEETING ADJOURNED AT 1:30 P.M.
13 * * * * *

1 It was last week.
2 MR. SAGNIBENE:
3 I know the letter has already went
4 out.
5 MR. HARRIS:
6 Oh, here it is, dated August 6th.
7 MR. GAUBERT:
8 Okay.
9 MR. HARRIS:
10 I'm sure we received it a couple of
11 days after that.
12 MR. GAUBERT:
13 Okay. So that - and that's --
14 MR. SAGNIBENE:
15 We're waiting on them to give us a
16 name.
17 MR. GAUBERT:
18 Okay. All right. So the proposed
19 dates for the board meetings for 2014:
20 February 13th, June 5th, August 14th and
21 November 13th. Is there any particular
22 conflicts that you know of at this time?
23 (No response.)
24 MR. GAUBERT:
25 Without any conflicts, I guess we'll

1 REPORTER'S PAGE
2 I, Lori B. Overland, Certified Court
3 Reporter, in and for the State of Louisiana, the
4 officer, as defined in Rule 28 of the Federal
5 Rules of Civil Procedure and/or Article 1434(b)
6 of the Louisiana code of Civil Procedure, before
7 whom this sworn testimony was taken, do hereby
8 state on the Record
9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talk overs; that same is the
13 proper method for a Court Reporters's
14 transcription of proceeding, and that the dashes
15 (--) do not indicated that words or phrases have
16 been left out of this transcript;
17 That any words and/or names which could not
18 be verified through reference material have been
19 denoted with the phrase "(inaudible)."

20
21 Lori Overland, C.C.R.
22 # 97083
23
24
25

C E R T I F I C A T I O N

1
2 I, Lori B. Overland, Certified Court Reporter in
3 and for the State of Louisiana, as the officer
4 before whom this testimony was taken, do hereby
5 certify that the above referenced individual to whom
6 oath was administered, after having been duly sworn
7 by me upon authority of R.S. 37:2554, did testify as
8 hereinbefore set forth in the foregoing pages, that
9 this testimony was reported by me in the stenomask
10 reporting method, was prepared and transcribed by me
11 or under my personal direction and supervision, and
12 is a true and correct transcript to the best of my
13 ability and understanding; that the transcript has
14 been prepared in compliance with transcript format
15 guidelines required by statute or by rules of the
16 board, that I have acted in compliance with the
17 prohibition on contractual relationships, as defined
18 by Louisiana Code of Civil Procedure Article 1434
19 and in rules and advisory opinions of the board;
20 that I am not related to counsel or to the parties
21 herein, nor am I otherwise interested in the outcome
22 of this matter.

23
24 _____
Lori Overland C.C.R.

25 # 97083

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