

LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
FEBRUARY 18, 2013
BEGINNING AT 9:37 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
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1 APPEARANCES :

2

3 CHAIRMAN :

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT :

7 MR. GEORGE BREWER

8 MR. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. KIRBY ROY

11 MR. HENRY "DARTY" SMITH

12 MR. DINO TAYLOR

13

14 REPRESENTING THE LOUISIANA USED MOTOR

15 VEHICLE COMMISSION:

16

17 ROBERT W. HALLACK, ESQUIRE
18 HALLACK LAW OFFICE
19 13007 JUSTICE AVENUE
20 BATON ROUGE, LOUISIANA 70816

19

20 SHERI MORRIS, ESQUIRE
21 ROEDEL, PARSONS, KOCH, BLACHE,
22 BALHOFF & McCOLLISTER
23 8440 JEFFERSON HIGHWAY, SUITE 301
24 BATON ROUGE, LOUISIANA 70809

22

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25

1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. BECKY BERTRAND

7 MS. TONYA BURKS

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1 MR. POTEET:
2 George, do you want to lead
3 us in the Pledge?

4 MR. BREWER:
5 Yes, sir.

6 (PLEDGE OF ALLEGIANCE)

7 MR. POTEET:
8 Roll call, Kim.

9 MS. BARON:
10 John Poteet?

11 MR. POTEET:
12 Here.

13 MS. BARON:
14 George Brewer?

15 MR. BREWER:
16 Here.

17 MS. BARON:
18 Dino Taylor?

19 MR. TAYLOR:
20 Here.

21 MS. BARON:
22 Tony Cormier?

23 MR. CORMIER:
24 (No response.)

25

1 MS. BARON:
2 Ron Duplessis?

3 MR. DUPLESSIS:
4 Here.

5 MS. BARON:
6 George Floyd?

7 MR. FLOYD:
8 Here.

9 MS. BARON:
10 Kirby Roy?

11 MR. ROY:
12 Here.

13 MS. BARON:
14 Darty Smith?

15 MR. SMITH:
16 Here.

17 MS. BARON:
18 Douglas Turner?

19 MR. TURNER:
20 (No response.)

21 MS. BARON:
22 Mr. Chairman, we have a
23 quorum.

24 MR. POTEET:
25 Thank you, Kim.

1 Do we have anyone here for
2 public comments today?

3 MS. BARON:

4 We do not.

5 MR. POTEET:

6 Items for discussion, we need
7 an approval of the minutes from the previous
8 meeting. I'm assuming everybody had a
9 chance to read those.

10 MR. SMITH:

11 I make a motion.

12 MR. BREWER:

13 Second.

14 MR. POTEET:

15 Second from Mr. Brewer.

16 All in favor, say "Aye."

17 (All "Aye" responses.)

18 MR. POTEET:

19 Any opposed?

20 (No response.)

21 MR. POTEET:

22 All right. It's approved.

23 Mona, are you ready to do the
24 financial stuff?

25 MS. ANDERSON:

1 If you will turn in your
2 packet to your financial statements, the
3 balance sheet is on Page 1, and the
4 operating account balance at the end of
5 January was \$1,487,000 compared to the end
6 of January last year, \$1,300,000. Our
7 accounts receivable hearings and fines
8 balance remains \$91,900.

9 On Page 2 of the balance
10 sheet are our deferred revenues. The
11 deferred revenues for 2013 that we have left
12 to distribute are approximately \$25,000 and
13 the 2014 revenues are \$279,252. That's
14 compared to \$214,000 last year at this time.

15 Turning on to Page 3, the
16 income statement, the revenues for January
17 were \$114,300 and year to date \$899,493.
18 The salaries and related benefits on this
19 page and the following page, Page 4, were up
20 slightly from the same period last year due
21 to the additional staff that we hired in
22 February and May of 2012. The remaining of
23 the expenditures were lower than last year.

24 The year-to-date expenditures
25 -- if you'll turn on to Page 5, the year to

1 date expenditures were up about \$8,800. We
2 had \$514,000 last year and \$522,900 this
3 year. The year-to-date net income was
4 \$376,563 compared to \$424,393 last year.
5 Again, that main difference is we had a
6 refund that's going to show up in the next
7 few months on the statements.

8 If you turn the page to Page
9 6 is the revenue, expenditure and fund
10 balance report. Again, you can see our net
11 revenue of \$376,563, and the following page
12 is a graphical representation of those same
13 figures.

14 On Page 8 the accounts
15 receivable hearings and fines, as I said,
16 the balance remains the same. We did send
17 the first three accounts there, Crownline,
18 Proline and Doubletree, to the AG's Office
19 along with the Sundance account, which was
20 not on here. Scott's Enterprise and Adcock
21 Auto Parts have been sent certified copies
22 of the invoices. Those balances should be
23 paid by them. We've not been paid to date
24 and we sent certified copies. The next step
25 would be to refer them to the Attorney

1 General's Office. All of the remaining
2 accounts, we're waiting on -- like Knight
3 Affordable, Car Boyz and Affordable Imports,
4 we're waiting on insurance bond companies to
5 respond and follow up e-mails have been sent
6 to them.

7 On the following page, our
8 certificates of deposit, we renewed the
9 Concordia Bank certificates with Concordia.
10 We had found a few other banks that had a
11 little bit higher rate, but they were not
12 able to set up the CDs in the manner that we
13 wanted. So we renewed at .55 with
14 Concordia.

15 On the following page, we're
16 about to begin working on our contracts, and
17 you can see a list there of our contracts
18 and the limits on the contracts that we'll
19 be renewing. We'll just be extending the
20 dates this year. On Keith Horton's
21 contract, as we had discussed during the
22 budget when we approved the budget, we upped
23 his contract from \$20,000 to \$30,000.

24 And last but not least, I
25 would like to give you a copy of a memo that

1 was sent out by the Division of
2 Administration. There has been a change in
3 the mileage, the way mileage is paid by the
4 State, and that will affect most everyone's
5 personal -- what we consider personal
6 mileage. That would be where you use your
7 personal car to come to and from meetings.
8 Unfortunately, we contacted the Division of
9 Administration and asked if there were any
10 exceptions to this for self-generated
11 agencies, for Commissioners coming to
12 meetings, and they said, well, you can
13 request that they make an exception. But I
14 think her words were, unless it's a one
15 million percent justification, then the
16 answer is probably going to be no. So in
17 that vein, what this says is that they're
18 going to allow us to pay up to 99 miles at
19 51 cents per mile. Above that, if you
20 travel more than 99 miles, there is a State
21 contract with Enterprise Rent-A-Car that
22 they would prefer to be accessed. And while
23 we understand that, you know, that's going
24 to present a problem for most people to
25 reserve a car for one meeting, we will

1 request that they make an exception. But,
2 like I said, we were told that it would be a
3 slim chance that, you know --

4 MS. MORRIS:

5 They did something like this
6 several years ago similar, and it was some
7 contact, you had to reserve the car and the
8 licensing agencies that I worked with, what
9 they would do was, they documented that they
10 tried to comply with it and it really didn't
11 work, because Enterprise didn't have the --
12 I don't know that it was Enterprise, it
13 might have been somebody else. They didn't
14 -- the staff would call to reserve the
15 vehicles and they wouldn't be able to rent
16 them for a single day, turn around trip, and
17 so -- and, then, we calculated the cost that
18 it would be plus you have to put gas in the
19 vehicle and all that sort of stuff and
20 really it came out more money. So you might
21 want to document it for the next couple of
22 meetings, and then apply -- then, we applied
23 for the exception and we had specific data
24 to show that it really would have cost the
25 State more money and it wasn't available --

1 the cars weren't available in certain
2 locations. The Commissioners or the Board
3 Members would have had to drive 40 miles to
4 pick up the car and such like that.

5 MR. POTEET:

6 They would end up spending 99
7 cents to go get the car.

8 MS. ANDERSON:

9 That was a mile.

10 MR. POTEET:

11 Ninety-nine cents per mile to
12 go get the car.

13 MS. MORRIS:

14 It's 51 cents per mile to go
15 get the vehicle, and then it was unclear as
16 to whether those rented vehicles were
17 covered under our risk management policy for
18 auto vehicle coverage. So you might want to
19 just, for the next three meetings, kind of
20 go through the exercise, and then you might
21 be able to get them to change. But if
22 everybody just says, I'm not going to turn
23 in my mileage, then they don't really
24 understand the issue with it. So I think
25 they did eventually accept it for Commission

1 Members from the last time they tried.

2 MR. POTEET:

3 How long did that last?

4 MS. MORRIS:

5 Two or three months.

6 MR. POTEET:

7 It didn't last long.

8 MS. ANDERSON:

9 Well, the original memo came
10 out -- it came out right before the end of
11 February. Let's see. It was dated January
12 17 and they finalized it the Friday before
13 February started and I was, like, okay, you
14 didn't tell us this in advance, you know,
15 how can we comply with this, and it was much
16 more restrictive than this. So then they
17 came out with this second memo.

18 Sheri, do you think if I
19 called and tried to get some facts and
20 figures on renting, that would be
21 sufficient, then they won't have to do this?
22 I could -- I know what -- their mileage and
23 all.

24 MS. MORRIS:

25 I think what we did was we

1 tried to reserve them for the next -- the
2 day of the next meeting. So the staff just
3 tried to reserve them, but really in most of
4 the locations that were more than 99 miles
5 away --

6 MR. TAYLOR:

7 Do they open at 5:00 in the
8 morning when I leave?

9 MR. POTEET:

10 So you would have to get it
11 two days before.

12 MS. ANDERSON:

13 Right, and how can that be
14 cheaper than 51 cents a mile?

15 MR. POTEET:

16 Right.

17 MS. MORRIS:

18 It is an inexpensive way,
19 because it's a statewide contract. So it's
20 cheaper than probably any of us could rent a
21 rental car, but I think if you actually try
22 to do it for the locations and calculate the
23 cost, it may not come up less expensive and
24 that's the -- you just can't say we don't
25 want to cooperate or we don't --

1 MS. ANDERSON:

2 You have to get it approved.

3 MS. MORRIS:

4 But then the availability of
5 the cars is also an issue, especially if
6 there's a Superbowl going on or if there's
7 some event going on in the state, it's near
8 impossible. They move all of their cars to
9 the location where the event is, and so we
10 couldn't get a car, you know, outside of
11 Monroe or something like that. So we just
12 kind of got the staff -- they were intending
13 to comply, but it just -- administratively,
14 it just didn't work. So you might want to
15 just go ahead and schedule it for the next
16 meeting and see if it works.

17 MR. POTEET:

18 So I would have to drive from
19 Hammond to Baton Rouge to get a rental car,
20 because the Hammond branch only has two
21 kinds of cars, vans and luxury cars.

22 MS. MORRIS:

23 That's another thing, you
24 can't rent a luxury car. It's restricted to
25 the type of car you can rent, too.

1 MR. POTEET:

2 They have other cars, but
3 they're always out on rent.

4 MS. ANDERSON:

5 Right. Everybody wants the
6 economy.

7 MR. POTEET:

8 So the closest place for me
9 to go would be Baton Rouge. So I will drive
10 to Baton Rouge, rent the car, and you'll pay
11 me my mileage for driving here to get the
12 car. Then, you'll pay me for the car.
13 Then, I've got to put gas in the car.

14 MS. BARON:

15 Then, your mileage back to
16 the Enterprise place.

17 MR. POTEET:

18 No wonder this state is going
19 broke.

20 MS. MORRIS:

21 I think you would have to
22 give them some specific examples like that,
23 because it sounds like a good --

24 MR. POTEET:

25 And then you have one here,

1 Enterprise rental dealer, when he leaves for
2 the meeting. So he's going to have to rent
3 the car for two days.

4 MS. MORRIS:

5 It might be for three days.

6 MS. ANDERSON:

7 I mean, from what you're
8 telling me, it sounds like there will be --

9 MR. POTEET:

10 That's a pretty good example.

11 MS. ANDERSON:

12 -- more than one agency that
13 has the one-millionth justification.

14 MS. MORRIS:

15 I think we just look at the
16 Commissioners that are outside the 99 mile
17 range and try to make it work.

18 MR. TAYLOR:

19 Because I'm going to have to
20 rent on Saturday and it's going to cost the
21 state twice -- can you forward that to
22 whoever, is that possible?

23 MR. PARNELL:

24 We will.

25 MS. ANDERSON:

1 We'll send it with
2 documentation.

3 MR. POTEET:

4 Is that it?

5 MS. ANDERSON:

6 Yes, sir, if we'll just
7 approve the financials.

8 MR. POTEET:

9 Any questions for Mona on the
10 financial report?

11 MR. DUPLESSIS:

12 I do. I guess it's more for
13 Derek. Roy Hebert are we -- I guess we
14 renewed his contract. Are we still using
15 him?

16 MR. PARNELL:

17 We do, but not in a large
18 capacity, you know. He does help.
19 Especially with him being so long working in
20 state government, he does help us understand
21 things a little bit better. We do use him,
22 yes.

23 MR. DUPLESSIS:

24 Got it.

25 MS. ANDERSON:

1 We used him at audit when we
2 had that issue -- you know, different issues
3 that were beyond the scope, you know, of
4 normal audit.

5 MR. DUPLESSIS:

6 Okay. Thank you.

7 MR. POTEET:

8 All right. Do we have a
9 motion to approval the financial statement?

10 MR. BREWER:

11 I make a motion.

12 MR. POTEET:

13 Second?

14 MR. TAYLOR:

15 Second.

16 MR. POTEET:

17 Dino.

18 All in favor, say, "Aye."

19 (All "Aye" responses.)

20 MR. POTEET:

21 Any opposed?

22 (No response.)

23 MR. POTEET:

24 Okay. That passes.

25 We've got an invoice payment

1 we have to look at here.

2 MR. PARNELL:

3 Commissioners, you will find
4 -- in your packet Attorney Sheri Morris'
5 bill for January, 2013 is attached. I have
6 reviewed the bill. I have asked accounting
7 to review calculations, the hours versus the
8 amount listed, and accounting did concur
9 that the total amount in our calculation is
10 correct, and I have as well gone through the
11 bill and looked at professional services
12 versus the dates and hours, and I found it
13 to be correct as well. I ask that you
14 approve the bill of services totaling for
15 January 23 of Sheri Morris of \$4,637.50.
16 You'll notice in that bill that about \$2,000
17 of that was when we were kind of working
18 with the rent-to-own Lancer Insurance
19 contingent liability concern, for
20 discussions going back and forth. We did
21 find there were admitted carriers, but it
22 just took some time to get it done.

23 Does anybody have any
24 questions about his Morris' invoice?

25 (No response.)

1 MR. POTEET:
2 All in favor -- excuse me.
3 We need a motion to approve the invoice.

4 MR. TAYLOR:
5 I make a motion.

6 MR. POTEET:
7 We've got a motion.
8 Second?

9 MR. FLOYD:
10 Second.

11 MR. POTEET:
12 Second from George.
13 All in favor, say, "Aye."
14 (All "Aye" responses.)

15 MR. POTEET:
16 Any opposed?
17 (No response.)

18 MR. POTEET:
19 All right. We'll pay that
20 invoice.

21 Let's see, legal matters and
22 pending litigation. Mr. Hallack.

23 MR. HALLACK:
24 Same stuff as last month.
25 We're set for the appeal -- oral arguments

1 on the appeal of A-1 Autoplex for the third
2 Monday in March. I think that's going to be
3 at one o'clock. So I can probably do both
4 the same day.

5 MR. POTEET:

6 That's the same day as our
7 next meeting.

8 MR. HALLACK:

9 Yes, sir.

10 And Value Imports, like I
11 said, the Court of Appeals has scheduled it
12 to be heard in March. We expect an opinion
13 within four to six weeks after that.

14 MR. POTEET:

15 So not much there, just see
16 what happens. Okay.

17 And then, we've got -- what
18 is this next thing? Oh, this is the Motor
19 Vehicle Sales Finance Act. Derek.

20 MR. PARNELL:

21 This was something that we
22 kind of talked about in the past, Motor
23 Vehicle Sales Finance Act. It's in Chapter
24 10, 9229.36. It refers to an instance when
25 a sales finance license is not required.

1 Specifically, that section of the law states
2 that a licensed motor vehicle dealer may
3 retain at any one time, from time to time
4 thereafter, a maximum of 12 vehicles. And
5 the phrase "a licensed motor vehicle dealer"
6 refers only to LMVC licensed dealers.

7 That's something we kind of talked about, I
8 think at our last meeting if I'm not
9 mistaken, but I just want to make sure that
10 we have a clear understanding on that
11 specifically and what that means as it is
12 moving forward with having 12 contracts.

13 The second matter in this is
14 -- also deals with does a dealer who is an
15 indirect lender need to hold a finance
16 license. When a dealer performs in-house
17 financing, we know that for sure that you
18 have to have a finance license to do that,
19 but according to the Motor Vehicle Sales
20 Finance Act, we're just trying to get some
21 clarity on what constitutes instances when a
22 dealer must hold a license. What I did was,
23 I spoke with the Motor Vehicle Commission
24 with Lessie House. She was unavailable to
25 come here today to kind of discuss these

1 matters with us, but I can put her on
2 conference call. She did -- if you will
3 take a moment, I'll patch her through and we
4 can kind of discuss both matters if you see
5 fit.

6 MR. POTEET:

7 Okay. This is the -- kind of
8 what Commissioner Taylor brought up last
9 meeting, and it seems to me, if I remember
10 right, we had -- there's sort of like a gray
11 area almost, but Lessie is trying to darken
12 the gray.

13 MR. PARNELL:

14 No. I'm not saying she's
15 trying to do that, but I just want to get --
16 I want to make sure our dealers know exactly
17 what they should be doing versus what we
18 perceive to be the correct thing to do
19 because of -- on the second issue, you know,
20 we always said that, you know, you don't
21 need a finance license if you do in-house
22 financing, but if I'm an indirect lender and
23 if I'm originating a loan, per se, I'm not
24 approving a loan, but if everything is going
25 on in my office -- the discussion came up

1 last month, does that person need to hold a
2 finance license, and I just want to make
3 sure we have some clarity on that.

4 MR. TAYLOR:

5 What was that conclusion when
6 you got to -- what was your conclusion when
7 you got through talking to her, what did she
8 say?

9 MR. PARNELL:

10 She said if the loan
11 originates in that dealer's office that you
12 do need to have a finance license.

13 MR. BREWER:

14 You're not legal to take a
15 credit app unless you have that license.

16 MR. PARNELL:

17 That's what I understood her
18 to say, yes. And I told her we do have some
19 dealers, it's a large number, that do that
20 day to day, you know, and I don't know if
21 that's something we want to --

22 MR. BREWER:

23 We need to let our dealers
24 know.

25 MR. DUPLESSIS:

1 Well, let me say this just
2 because it's either clear or not clear in
3 this particular law, that doesn't have
4 anything to do with the rest of the laws in
5 the Office of Financial Institutions and
6 other compliance that we have to have. So,
7 to me, if we were to, if you will, take safe
8 harbor in this, this may be the safest
9 easiest to do that we can provide for our
10 dealers. That's my thought. I'm not sure
11 it precludes you from having any other
12 licenses, but if you want to cling on to
13 something, this is probably your easiest and
14 best provision right here.

15 MR. POTEET:

16 So what we think right now is
17 that it would be best for dealers to get a
18 license through --

19 MS. BARON:

20 Just a finance license.

21 MR. PARNELL:

22 A finance license -- just in
23 -- when we talked about it and the
24 circumstances that surrounded the indirect
25 lending. Like I was telling you guys in the

1 last meeting, my initial thought was that
2 you would need that just because of what
3 takes place in the dealership's office.
4 And, seemingly, that's exactly what they're
5 suggesting needs to happen as well. But,
6 like I said, we probably have probably have
7 -- probably half of our dealers are probably
8 doing that, that process, that don't have
9 finance licenses, and so that's going to be
10 a large number that we would force them to
11 actually have to go to the Motor Vehicle
12 Commission to get a sales finance license.

13 MR. POTEET:

14 Well, we have used motor
15 vehicle dealers in here. What do you guys
16 think? I mean, what is your --

17 MR. TAYLOR:

18 In the past, we always
19 thought that we were an extension of the
20 lender. That's how we always defined it,
21 whether it was right or whether it was
22 wrong, that my finance manager that day
23 became an extension of -- I kept on using
24 Iberia Bank -- Iberia Bank. That's how we
25 understood it. That's how we interpreted

1 it. Whether that's correct or not, I don't
2 know. I mean, I think that you and Ron are
3 under the impression that y'all believe that
4 we are financing vehicles when we do sign a
5 contract on that desk. When I read my
6 contract with a lender -- I read one this
7 month and it said that they're actually
8 purchasing contracts from a dealer and that
9 kind of that sent -- that sent off a light
10 bulb in my head.

11 MR. POTEET:

12 That kind of solidifies the
13 definition.

14 MR. TAYLOR:

15 It did. Now, with all of
16 that being said, you're going to take a lot
17 of these mom-and-pop-dealers and put them
18 under the regulation of the New Car
19 Commission and I think after y'all sent this
20 out last year, as much as I like the
21 scrupulous dealer taken care of, but, I
22 mean, this is going to go put a lot of
23 regulations on a guy that's barely got a
24 computer in his office and what-have-you.
25 And if we go forward and say that they

1 needed that, there's going to be some type
2 of education, some type of something
3 provided to these guys. I mean, I've been
4 thinking about it from Natchez all the way
5 here. I mean, it's tough.

6 MR. PARNELL:

7 Absolutely.

8 MR. TAYLOR:

9 The New Car Commission does,
10 in my part of the state, regulate our new
11 car stores a lot more than -- a lot more --

12 MR. POTEET:

13 Stringent.

14 MR. TAYLOR:

15 -- yes, than saying our guys
16 are doing bad job. So don't put those words
17 in my mouth. I'll have Montie at my office
18 tomorrow. But, I mean, you're going to take
19 those people and put them into these
20 independent stores and it's going to create
21 some issues, not to say that they're not
22 needed so. So there's my opinion.

23 MR. DUPLESSIS:

24 I've never not had one. So I
25 wouldn't know life without one, and I would

1 enjoy that. But here's the deal. I mean,
2 you're still under federal regulations,
3 Regulation M, Regulation Z, truth in lending
4 dealer, all those things. And I have no
5 problems with New Car Commission at all.
6 The only time is when -- is on my
7 advertising. When I go over and I look at
8 the edge and, boy, it looks good over there
9 and I'm right on the edge, I might get a
10 phone call, but that's how we do business.
11 But, basically, if it is truth in the
12 lending rate, you can back that up. That
13 aspect is almost never regulated, because
14 you can have some buy down points and you
15 can have some other things and it's very
16 obscure in the new car world because the
17 manufacturer has proprietary captive lending
18 association affiliation with somebody. You
19 know, these are all pretty straightforward
20 in the used car world. You don't have those
21 stipends, if you will.

22 So I don't see the New Car
23 Commission as being adversarial. In fact,
24 she's not even enforcing it at this point.
25 So I do think that we owe our dealers an

1 awareness to get them to do the right thing
2 and not put them in harm's way. How do you
3 do that? Well, they could conference call
4 Lessie and get her to do an interagency
5 letter to suit their intentions, but to have
6 our dealers educated in that world is not a
7 bad thing.

8 MR. TAYLOR:

9 It's not.

10 MR. DUPLESSIS:

11 The license is what, 50
12 bucks. It's kind of a mail in deal. It
13 just gives them the --

14 MR. PARNELL:

15 No.

16 MS. BARON:

17 It's like \$500. It's steep.

18 MR. POTEET:

19 \$500 a year.

20 MR. DUPLESSIS:

21 We're going to have to rally
22 for a little adjustment here.

23 MR. HALLACK:

24 Once they get that license,
25 they're subject to other regulations by the

1 New Car Commission such as their advertising
2 regulations.

3 MR. DUPLESSIS:

4 I have not seen that and I
5 think that's going to be an issue, unless
6 they have established used car advertising
7 regulations. The only ones I'm aware of are
8 new car.

9 MR. HALLACK:

10 They're hold used car dealers
11 to their advertising. I think it's
12 something we should just let sleeping dogs
13 lay. I mean, we've done it for 20 years
14 without a problem.

15 MR. BREWER:

16 The dealers that are dealing
17 without the finance license are actually
18 breaking the law, though.

19 MR. HALLACK:

20 Sir?

21 MR. BREWER:

22 If you took a dealer that's
23 trying to do it the right way, he could lose
24 some business. Instead of taking the credit
25 app there at the place of business, you're

1 having to send them down to the finance
2 company and they may not come back.

3 MR. HALLACK:

4 If you have a motor vehicle
5 sales finance license, you're correct. They
6 may have to send the consumer to the banking
7 institution or the finance company.

8 MR. BREWER:

9 Right, and they may or may
10 not come back. So you have a disadvantage,
11 because you're trying to do it the right
12 way. So if they're not going to enforce
13 that law, then I don't understand the just
14 let a sleeping dog lie. That doesn't answer
15 the question. We have a lot of dealers that
16 would like to find out the right way to do
17 it and do we -- should we encourage them to
18 get a finance license.

19 MR. POTEET:

20 Ms. Morris has a suggestion
21 or at least idea here.

22 MS. MORRIS:

23 I think it's just not clear,
24 but, I mean, the law -- the motor vehicle
25 sales finance law became effective in July

1 of 1999 and it was amended in 2005 and in
2 2010. So whatever was an understanding in
3 the past might be that the law changed, and
4 then this Commission didn't really realize
5 it because it wasn't under their
6 jurisdiction, but it might be a good idea to
7 get some clarification from the Attorney
8 General as to whether you're subject to that
9 law, and if you are, possibly certain motor
10 vehicle dealers are exempt if they're
11 holding less than 12 contracts.

12 It's arguable whether the
13 used motor vehicle dealers have to make the
14 argument that you do fall under it because
15 there's no definition of motor vehicle
16 dealer in the sales finance law and the
17 definition of motor vehicle includes a used
18 car, but you might just want to have that
19 clarified with our legislative packet that
20 we're going to send, that it could be a
21 motor vehicle dealer licensed by either
22 Commission. That would be easy to put in
23 Section 8 of 969.36, and then if there is
24 another -- a way of doing business that's
25 been working and we haven't had complaints

1 about it, perhaps that could be incorporated
2 into the law. There could be an exemption
3 -- another exemption.

4 But if Lessie were to retire
5 and Burgess were to retire and the new
6 person came in and said, we're going to
7 enforce this and this is how we interpret it
8 and the Attorney General and the courts
9 agreed with them, I think it could be
10 detrimental to the dealers. I'm not saying
11 that their interpretation is correct, but I
12 don't think you want to fight the battle in
13 that forum. .

14 MR. HALLACK:

15 I think we know one thing.
16 They're not going to give up any licensees
17 that they think they may be entitled to. So
18 putting somebody on the phone from their
19 agency to ask them their interpretation of
20 the statute, they're obviously going to say,
21 yes, every one of those -- every used motor
22 vehicle dealer in the State of Louisiana
23 must be a motor vehicle sales finance
24 license with our agency. There's no
25 question about that. If you put her on the

1 phone, that's what she's going to say. If
2 you go to the Attorney General's Office, I
3 think the Attorney General's Office will
4 probably agree with the New Car Commission
5 and say, yep, everybody that originates a
6 loan at their dealership must get a license
7 -- a used -- must get a motor vehicle sales
8 finance license through the New Car
9 Commission. If you push that issue, that's
10 what's going to happen. Unless you come up
11 with some legislation or something that they
12 might be agreeable to, you know, they're
13 not. They're not going to do it.

14 MR. DUPLESSIS:

15 I don't know that. I can
16 talk to Lessie. I've known her for years.
17 I've written a lot of legislation with her
18 and for her and in conjunction with her. I
19 don't -- right now they're kind of having
20 fits with a couple things, you know, like
21 the rent-to-own versus lease and that sort
22 of thing. I have no fear of talking to her,
23 especially if it's -- if that is the
24 interpretation.

25 MR. HALLACK:

1 It is a real slippery rock
2 right now.

3 MR. DUPLESSIS:

4 But this is in the session.

5 MR. HALLACK:

6 We've lived for years without
7 anybody bringing to it to the front. I
8 would just hate to see it brought to the
9 front, and then our dealers have to deal
10 with it.

11 MR. BREWER:

12 So what should we tell our
13 dealers, it's okay to do it and break the
14 law?

15 MR. HALLACK:

16 I'm not saying that they're
17 breaking the law. All I'm saying is that
18 we've lived for years without enforcing it.
19 I think if we wake this sleeping dog up,
20 they're going to start expecting our dealers
21 to comply with it. Now, that last
22 provision, the exemption of the 12
23 transactions, doesn't apply to our dealers,
24 but we may have to live with that because
25 that's something that is on the burner for

1 them, but I don't know about the rest.

2 MR. BREWER:

3 Suppose a consumer goes to a
4 used car dealer and they know the law and
5 they give a credit app there at that
6 dealership knowing and ask the guy if he has
7 a license to finance, they have a pretty
8 good case against the guy. They could set
9 up him up.

10 MR. HALLACK:

11 Yes, that's true, but I don't
12 know why somebody would want to do that,
13 number one. But the other problem is also
14 for the banks. If a bank wants to get these
15 loans from a good used car dealer, basically
16 -- and the used car dealer doesn't want to
17 get a motor vehicle sales finance license,
18 the bank is going to have to set up an
19 employee at that dealership to do those
20 transactions. So I think it just -- it
21 opens up a huge can of worms, really.

22 MS. MORRIS:

23 You've got to work with OFI,
24 too.

25 MR. POTEET:

1 I think the can is already
2 open.

3 MR. DUPLESSIS:

4 Yes, the can is open.

5 MR. POTEET:

6 I kind of agree with you,
7 Robert, but I think the can is already open.

8 MR. HALLACK:

9 Until they bring a dealer in
10 for a violation, until they bring in a
11 dealer who originated the loan at his
12 dealership and gave it to the bank, I don't
13 think that it's open. I don't see them
14 doing that. They picked up a dealer in
15 Shreveport -- and let me tell you, the fine
16 is outrageous, \$1,000 per transaction.
17 That's huge. They found a dealer of ours in
18 Shreveport that did five transactions and
19 they fined him \$5,000.

20 MR. DUPLESSIS:

21 But I don't think our fine is
22 low if that's the case.

23 MR. HALLACK:

24 Sure. But we don't license
25 new car dealers, though, you know. They can

1 afford \$5,000.

2 MR. DUPLESSIS:

3 But they're in possession of
4 the law. We're not in possession of the
5 law.

6 MR. HALLACK:

7 But I think that -- like I
8 said, the biggest risk I see is them being
9 able to regulate our dealers like in
10 advertising. I mean, that's part of their
11 problem. That's why they brought us that
12 advertisement of that dealer in Shreveport
13 and said, look here, he's saying that, you
14 know, he can finance for this and finance
15 for that and we believe that's false
16 advertising and we can fine him for that.

17 MR. TAYLOR:

18 Why can't we manage it like
19 the New Car Commission manages it, because
20 you're double regulating. If you get the
21 New Car Commission involved in there, once
22 again, I do believe and what I see is that
23 there's a lot more regulation that probably
24 should be laid into some of these guys the
25 way they advertise and what they do in the

1 finance office, not necessarily regulation,
2 but education. But why is the New Car
3 Commission able to handle that and that is a
4 possibility for us to handle it ourselves?

5 MR. HALLACK:

6 Well, that's what we should
7 really be talking about because the
8 exemption that is in this law is -- the
9 exemption that's in the motor vehicle sales
10 finance law is an exemption only for new car
11 dealers. So, right, why shouldn't this law
12 be under our care? That's what is in our
13 authority. That's what really should happen
14 here, but they're not going to give it up.

15 MR. DUPLESSIS:

16 You don't --

17 MS. MORRIS:

18 They're not losing anything
19 they don't have at this point.

20 MR. DUPLESSIS:

21 That's correct.

22 MR. HALLACK:

23 But that's really what it
24 should be about. The exemption to this law
25 is only for new car dealers. So, therefore,

1 only used car dealers have to comply with
2 the Motor Vehicle Sales Finance Act. That
3 should be something that comes under our
4 authority.

5 MR. DUPLESSIS:

6 But, Robert, the exclusion is
7 12 in-house contracts is the way I read it.
8 And new car dealers -- I'm here to tell you,
9 it's very rare that you take in an outside
10 buy here, pay here contract. You just don't
11 finance. I mean, I would rather buy for my
12 aunt and uncle and cousins or whatever car
13 than to finance them one for them. It just
14 creates too many problems and you're just
15 not set up for that.

16 MR. HALLACK:

17 But, Ron, that's the whole
18 point. New car dealers don't do 12
19 contracts or more. Used car dealers do tons
20 of them, hundreds a year.

21 MR. POTEET:

22 So as we understand -- as I
23 understand this right now, we've got kind of
24 a hole -- we're in a hole here. We've got
25 -- the new car guys are the ones that are

1 regulating this, but the law doesn't even
2 make sense to them to some degree for a new
3 car dealer.

4 MR. DUPLESSIS:

5 Absolutely.

6 MR. POTEET:

7 So why -- back to
8 Commissioner Taylor's point, why can't we
9 write our own legislation?

10 MR. HALLACK:

11 Because they'll lose money.

12 MR. DUPLESSIS:

13 Well, we'd have to get them
14 to --

15 MR. TAYLOR:

16 They don't have it. They
17 don't have it right now.

18 MR. HALLACK:

19 Well, they want it.

20 MR. DUPLESSIS:

21 We don't now, but they would
22 also have to be able to control that law and
23 they really don't want, in my opinion, the
24 rent-to-own lease conflict. If you ask
25 Lessie and you ask Burgess to go do

1 legislation for them, you know, I think they
2 would like to be rid of that. They weren't
3 in favor of taking the recreational and
4 motorcycle dealers? They thought we -- we
5 all know how that went down, but, in
6 reality, if we don't give them a heads up
7 and we write this legislation, they're going
8 scream bloody murder, foul. So, you know, I
9 think we can go to them ahead of time and I
10 think it is good as a Commission and say,
11 look, this is what we did. This is a
12 conflict. Help us resolve it.

13 MR. POTEET:

14 I think that makes sense and
15 I think also Ms. Morris indicated that maybe
16 we should get an opinion from the AG, but I
17 think that it's a good idea for us to go to
18 them and say, look, do you really want to
19 start regulating 3,000 used car dealers in
20 addition to all the other things?

21 MR. DUPLESSIS:

22 Yes, and educating them.

23 MR. POTEET:

24 And educating them.

25

1 MR. DUPLESSIS:

2 But the AG's letter is going
3 to take how long, Sheri? I mean, that's
4 going to put us so far down in discussion.

5 MR. HALLACK:

6 We can ask for that.

7 MR. DUPLESSIS:

8 Right.

9 MS. MORRIS:

10 Maybe we could informally
11 meet with them and see what problems they
12 see or even OFI, because OFI regulates
13 different groups that do consumer financing.
14 I mean, you can finance furniture, fences,
15 all sorts of things.

16 MR. HALLACK:

17 I've been to the OFI and --

18 MR. POTEET:

19 So you think the AG is going
20 to drag it out?

21 MR. HALLACK:

22 No, I don't think that at
23 all. I just think you have powerful people
24 -- politically powerful people in Louisiana
25 are your new car dealers, period, period.

1 They can get things accomplished with the
2 Attorney General's Office that a used car
3 dealer normally can't do. But when you try
4 to enforce this the way you think it's
5 written, you're going to have 3,500 people
6 screaming bloody murder that they're being
7 regulated by two different agencies, and
8 then you'll probably get some legislative
9 action then.

10 MS. MORRIS:

11 It has to be under one or the
12 other.

13 MR. POTEET:

14 So maybe what we need to do
15 then is rather than call her -- I think
16 rather than call her, maybe what we need to
17 do is maybe we should have Derek and Ron
18 start -- Ron, are you in agreement with
19 this?

20 MR. DUPLESSIS:

21 Yes, I'm sorry. Let me
22 recite a situation. That will clear this
23 up.

24 MR. POTEET:

25 Okay.

1 MR. DUPLESSIS:

2 This is going to take away --
3 this may take away some fears, but it may
4 not make you sleep well tonight. The new
5 car dealers did the exact same thing a few
6 years ago.

7 And, Sheri, you remember that
8 vividly.

9 They interpreted -- they
10 misinterpreted the ad valorem tax statute.
11 Well, I was part of the negotiating team. I
12 had what we dubbed was the good guys and at
13 the end of the day, we were sued, a class
14 action suit. We settled while not admitting
15 any wrongdoing whatsoever and we proceeded
16 over the next five years to pay out 13
17 million dollars. So, yes, and you can look
18 it up. And the bottom line is when is this
19 actually going to happen in the way that --
20 the downside for the dealers, which I think
21 we're here to balance the scales of
22 equation. I think we owe them a position of
23 defense in letting them know the laws.
24 Basically, you're going to have a rogue
25 dealer that has a common rogue finance

1 company that puts out a lot of bad loans and
2 we've seen that here. You're going to have
3 a litigation lawyer, especially with TILA,
4 come in, grab those books, and then it's
5 going to start filtering down, class action
6 suit, and now you're worried about your
7 dealers paying 500, the class action suit.
8 The new car dealers have to spread it out
9 over eight years and pay 13 million. So
10 that's the reality of how it's actually
11 going to take place. I'm not saying that
12 those lawyers are evil, I have my own
13 opinion, but they had clients and the
14 dealers lost.

15 MR. POTEET:

16 Well, I think that our
17 mission here is to regulate and to some
18 degree to protect used car dealers and
19 consumers. Does everybody agree with that?
20 So in the interest of regulating them, we
21 see something here where there's a hole
22 somewhat in the law. So we need to try to
23 figure out a way to get that fixed and fix
24 that gap. And in terms of protecting them
25 or letting them know, we need to work on

1 that, so we can properly educate them, so
2 they don't get some kind of class action
3 suit or they don't get somebody coming like
4 Mr. Brewer is saying, you know, and saying,
5 you filled this thing out and, you know,
6 you're not licensed and, you know, all of
7 these things go wrong. I think that the
8 proper -- Ron has suggested, and I think the
9 proper thing to do is to go to the New Car
10 Commission and say, look -- and present it
11 to them in that sense, do you really want to
12 regulate 3,000 or 3,500 used car dealers on
13 top of what you already have. I don't think
14 they're going to want to do that in exchange
15 to your point, Mr. Hallack, the \$500 per
16 license they're going to get. And then, we
17 can come up with a dollar figure that makes
18 more sense in our world.

19 Does that all make sense to
20 everybody? We're all on the same page?

21 MR. HALLACK:

22 I think we need to get some
23 data. We need to find out how many used
24 motor vehicle dealers are finance -- are
25 originating loans. I'm assuming it's about

1 100 percent, right?

2 MR. TAYLOR:

3 I don't think so. I was
4 reading it the other day and there are so
5 many independent dealers that have three and
6 four cars that they own and I'm going to
7 say, like, 70 percent, maybe. I'm just
8 guessing.

9 MR. POTEET:

10 But it's a big number. It's
11 more than 2,000 dealers and the point is --
12 I mean, I -- in the auction business -- I
13 don't do it, but in the auction business, I
14 do deal with repossessions and I know every
15 single one of these lenders, that they're
16 hot to get more business. So how do they
17 get it? They go to these used car dealers
18 and they said, fill out this paperwork. So
19 we know that they're aggressively pursuing
20 that business and they're aggressively
21 pursuing that business through used car
22 dealers. So if you're saying it's 70,
23 you're talking about probably 2,500 to 2,800
24 dealers and I think we owe it to our
25 constituents to look into this deeper and

1 figure out a way to properly regulate them
2 without making their lives any more
3 miserable than we're going to, and to
4 protect the consumers, too.

5 MR. HALLACK:

6 Well, the other data -- we
7 need to know how many used motor vehicle
8 dealers actually have a motor vehicle sales
9 finance license.

10 MS. MORRIS:

11 Well, Lessie should have
12 that.

13 MR. HALLACK:

14 Well, that's just data we
15 need to show her you're not making that much
16 money off of our dealers, number one.
17 Number two, if you want to enforce this and
18 the number is 70 percent or 2,800 dealers --

19 MR. POTEET:

20 They're going to have to hire
21 some more investigators. I mean, if it was
22 presented to me that way, I think the way I
23 would look at it, you've got the revenue on
24 this side, but you've got a lot of
25 responsibility for a relatively small amount

1 of revenue.

2 MR. HALLACK:

3 I just think we need to
4 proceed very stealthy and not rattle the
5 cage because, you know, legislators are
6 always talking about combining the two
7 agencies and this would be a rally point for
8 them to say, oh, my God, here we've got two
9 agencies --

10 MR. POTEET:

11 That's why I'm afraid if we
12 go down that path that -- in fact, I was
13 just thinking why don't we just combine the
14 agencies. No, I don't mean it in the sense
15 that I'm advocating that. I'm just saying
16 that that's the next step, that's the next
17 --

18 MR. TAYLOR:

19 I thought of that on the way
20 in this morning.

21 MR. HALLACK:

22 Don't think it.

23 MR. POTEET:

24 Are you up to that?

25 MR. DUPLESSIS:

1 Not a problem.

2 MR. POTEET:

3 Let's do that and let's see
4 what we can come up with. I think we can
5 come up with something that works for our
6 dealers and that's what we're most concerned
7 about.

8 MR. HALLACK:

9 Just an interagency agreement
10 that things should stay the way they are.

11 MR. POTEET:

12 Yes.

13 MR. TAYLOR:

14 I think I need to talk to my
15 lenders, too. They've got more attorneys.
16 So, evidently, they feel comfortable with it
17 for some reason and I want to know what that
18 reason is.

19 MR. POTEET:

20 And I was just going to say,
21 that kind of goes to Mr. Brewer's point,
22 which is -- you know, he brought this up at
23 the last meeting. As soon as you start
24 putting that out, you're in violation of
25 federal law. You think the bank would know

1 that. I mean, you would think that the
2 banks and the lending institutions would be
3 fully aware of all of the laws and all of
4 the regulations. Yet, they're allowing it
5 to happen. So I think --

6 MR. TAYLOR:

7 I'm going to call and find
8 out.

9 MR. POTEET:

10 We can get some of that in
11 there and put all of this together and see
12 if we can come up with something.

13 Is everybody okay with that?

14 Ms. Morris, did you have --

15 MS. MORRIS:

16 Maybe we can work with the
17 Bankers Association because they have a
18 pretty good -- there are several Louisiana
19 Bankers Association and there's community
20 banks and there are several associations
21 that are very active with the Legislature
22 and I know they have in-house attorneys.

23 MR. POTEET:

24 All right. So we'll move on
25 to -- we didn't come to any conclusions,

1 but that was productive. I mean, we moved
2 to the next step on that. I think it's a
3 very important thing that we get done soon
4 and not waste our time because something is
5 going to come up.

6 MR. PARNELL:

7 This was something that Doug
8 kind of wanted to talk about today, but I
9 didn't know that he wouldn't be here today.
10 But, again, like we said, I do agree that
11 the best option is for us to kind of meet
12 with them away from this forum.

13 MR. POTEET:

14 Yes, I think so. I don't
15 think we should put her on the phone.

16 MR. DUPLESSIS:

17 It doesn't matter to me.

18 MR. POTEET:

19 Okay.

20 Next on the agenda is the
21 Executive Director's report. Derek.

22 MR. PARNELL:

23 All right. The first item on
24 that report is review of the complaint
25 totals, if you turn with me to your packets.

1 I do want to say that the new investigator,
2 Ms. Chyrel Walton, that we brought on last
3 month, she has been a great addition to the
4 staff and the investigators. She has a
5 wealth of knowledge and she's really been
6 getting out there really fast and just
7 understands. She had to kind of pull back a
8 little bit on what she did before. Before
9 with the Office of Motor Vehicles, she was
10 going in with State Police. So when they
11 would come in to see you, they were shutting
12 you down, basically. So she pulled back a
13 little bit. She kind of sees exactly. But
14 knowing the laws is really helpful for us
15 and her. That's why she's out there right
16 now.

17 If you turn with me, the
18 alleged issue counts for the month of
19 January, I have 93 alleged issues. The
20 leading two normally is always non-delivery
21 of title and need license plate and
22 registration.

23 The second report here is the
24 case report, which talks about -- which
25 illustrates the number of assigned cases

1 that were assigned to all of our
2 investigators. The number of cases was 77.
3 The completed number was 9 and that means we
4 have 68 remaining cases that were assigned
5 in the month of January.

6 The last document that you
7 have is the department summary report. It
8 shows -- it illustrates that the case
9 numbers that have been closed for the month
10 of January is 47. To give you a little bit
11 more information, all five investigators,
12 they did -- four -- five day notices were
13 issued in the month of January.

14 Seventy-nine site visits and work orders
15 were done. Titles and registration to get
16 back to the consumers, we had 14 of those
17 done. We assisted consumers in getting
18 refunds in cases where the person did need
19 their refund. We're talking about \$10,150,
20 and we had 62 physical inspections done for
21 the month of January.

22 The next item --

23 MR. POTEET:

24 I have a question.

25 MR. PARNELL:

1 Sure.

2 MR. POTEET:

3 Maybe this is more of a
4 comment, but I'm looking at the assigned
5 cases here and it looks like Investigator
6 Gaudin has a third of the cases.

7 MR. BREWER:

8 And they're all open.

9 MR. PARNELL:

10 Yes. I mean, it's random
11 what area when they all come in.

12 MR. POTEET:

13 She has New Orleans, right?

14 MR. PARNELL:

15 Yes, she has the New Orleans
16 area. So she's always going to have a lot.
17 It's going to look like she has more,
18 usually. What we're going to do -- and a
19 lot of those are one specific person. What
20 we're going to start doing -- as I said, we
21 hired Chyrel Walton on, I'm going to kind of
22 pull her a lot to kind of work with her as
23 well in the New Orleans area, the Baton
24 Rouge area, and District 3, the Lake Charles
25 area.

1 MR. POTEET:

2 Okay. Thank you.

3 MR. PARNELL:

4 The next item I kind of
5 wanted to talk about is -- this is something
6 that I sent out to you all, the temporary
7 registration license tag. You can find it
8 in your packet. It's a letter dated
9 February 8, 2013 regarding the temp tag
10 database. If you recall, this was something
11 that we -- back in August of 2011 when
12 Commissioner Gautreaux was still there, he
13 was pushing for this to take place.
14 According to the letter, it was going to
15 take effect on April 8 of 2013 and only
16 companies who have properly registered and
17 listed with the user of the Office of Motor
18 Vehicles temp tag database will be permitted
19 to purchase temporary registration license
20 tags. When this went -- I sent out to you
21 all what I understood on the e-mail, it had
22 already been mailed out, but with the
23 e-mails coming back to me, and when I called
24 them to find out, did y'all really mail this
25 out, they hadn't mailed it out, yet. So I

1 don't know when they're going to mail it
2 out, but it was just something that I
3 definitely wanted to get out to you all
4 Commissioners first. We're going to go
5 ahead and put that letter out on the
6 website. We did have the letter -- the
7 initial letter and we had a discussion on
8 how to register out there before. So we'll
9 just go ahead and put that information back
10 out there and make sure we e-mail it out to
11 all of our dealers just reiterating this
12 information to them.

13 But that concludes the
14 Executive Director's report.

15 MR. POTEET:

16 So, presumably, they're going
17 to mail this out before April 8.

18 MR. PARNELL:

19 I hope so, yes.

20 MR. DUPLESSIS:

21 If you read this, we were
22 part of this a couple of years ago, and this
23 is not diabolical, it's just poorly
24 executed.

25 MR. POTEET:

1 I agree with that.

2 MR. DUPLESSIS:

3 It was actually for Homeland
4 Security, but the one thing you need to know
5 is you've got to print your own. So if you
6 don't have a computer, you don't have a
7 printer, you don't have the stock, then
8 you've got to go, I believe, purchase them
9 from a tag agent and, eventually, that will
10 cease, and that's a very short window. So
11 people are going to get upset up on this
12 thing. It's really cool if you print your
13 own, but then you've got to put in the
14 information on each one of them.

15 MR. POTEET:

16 So you have to have the
17 equipment to do it.

18 MR. BREWER:

19 That will eliminate the
20 selling of tags.

21 MR. DUPLESSIS:

22 It does.

23 MR. TAYLOR:

24 It is relatively easy. All
25 of my guys took to it with no problem.

1 MR. POTEET:

2 You're doing it already.

3 MR. TAYLOR:

4 We've been doing it for eight
5 months, yes.

6 MR. POTEET:

7 All right. Does anybody have
8 any comments on Derek's report?

9 (No response.)

10 MR. POTEET:

11 All right. So let's move on
12 to committee reports, discussion of the 2013
13 legislation session. Ron.

14 MR. DUPLESSIS:

15 Well, I really thought this
16 was going to be a piece of cake this
17 session. It has turned out to be very
18 tenuous. I think we already are going to
19 have to address some of the things late than
20 early in our session. So it's going to be
21 pretty much a moving target.

22 But, Robert, you've been lead
23 on this and Sheri has been lead on other
24 parts. Why don't you tell us your side and
25 what you've got going in the legislation you

1 proposed, and then we'll let Sheri clear it
2 up.

3 MR. HALLACK:

4 Well, I think Mr. Parnell has
5 an author. I guess we'll just wait and
6 submit it to the author.

7 MR. PARNELL:

8 I have a meeting scheduled to
9 meet with Representative James tomorrow. He
10 has a budget meeting tomorrow, but he said
11 we can either meet an hour or so before that
12 or after, whichever is fine for us. But I
13 told him I would get back with him later on
14 today just to clear up our schedule and make
15 sure everyone is available to do that on
16 Tuesday and/or Thursday of this week. So
17 whichever dates work better, we'll
18 coordinate that.

19 MR. DUPLESSIS:

20 So do you want to go through
21 the legislation?

22 MS. MORRIS:

23 We really did at the last
24 meeting.

25 MR. DUPLESSIS:

1 I think we're good.

2 MS. MORRIS:

3 I don't think we are going to
4 do anything additional unless we're going to
5 do some work on the sales finance issue, and
6 then we would have to add that at this
7 point.

8 MR. POTEET:

9 That's going to take some
10 more homework before we get to that point,
11 anyway.

12 MR. DUPLESSIS:

13 I agree.

14 MR. POTEET:

15 So to sum up, we're moving
16 along as planned.

17 MR. DUPLESSIS:

18 Let me ask you, when is our
19 pre-filing deadline?

20 MS. MORRIS:

21 It's in late March. The
22 session starts the first week in April.

23 MR. DUPLESSIS:

24 So we have time to clear this
25 up and pre-file it and --

1 MS. MORRIS:

2 And, actually, this bill
3 doesn't have to be pre-filed because I think
4 --

5 MR. HALLACK:

6 It's a fiscal session this
7 year.

8 MS. MORRIS:

9 So, yes, we're going to get
10 it pre-filed, and then if we have to amend
11 it, and then when we meet with
12 Representative James, we'll let him know
13 we're working on some finance issues that
14 might be added at some point later on.

15 MR. DUPLESSIS:

16 If we reduce the amount of
17 the license, I assume that will not be part
18 of fiscal notice?

19 MS. MORRIS:

20 That is going to be a fiscal
21 bill. It's a new fee. So we're going to
22 have to be -- look at how we might be able
23 to get it under --

24 MR. DUPLESSIS:

25 The question is, is it truly

1 a new fee or is it an existing fee that is
2 being reduced and, that way, we can get away
3 from a fiscal note.

4 MS. MORRIS:

5 Right. We're going to have
6 to look at that and see what we can come up
7 with.

8 MR. DUPLESSIS:

9 That's the way I see it.

10 MS. MORRIS:

11 Maybe we do under that new
12 fee classification if we can.

13 MR. DUPLESSIS:

14 Okay. Mr. Chair, that
15 concludes my report.

16 MR. POTEET:

17 All right. So the next thing
18 we have is a hearing. So we need to adjourn
19 for the hearing, right?

20 MS. MORRIS:

21 Yes, so that we have a
22 separate record for the hearing.

23 MR. POTEET:

24 Well, we need a motion to
25 adjourn.

1 MR. SMITH:

2 I make a motion.

3 MR. BREWER:

4 Second.

5 MR. POTEET:

6 All in favor, say "Aye."

7 (All "Aye" responses.)

8 MR. POTEET:

9 Okay. So we'll adjourn for
10 just a few minutes and we'll come back in
11 here, five minutes.

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14 (Meeting adjourned at 10:36 a.m.)

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1 REPORTER'S CERTIFICATE

2
3 I, BETTY D. GLISSMAN, Certified
4 Court Reporter, Certificate No. 86150, in
5 and for the State of Louisiana, do hereby
6 certify that the Louisiana Used Motor
7 Vehicle Commission February 18, 2013 meeting
8 was reported by me in the stenotype
9 reporting method, was prepared and
10 transcribed by me or under my personal
11 direction and supervision, and is a true and
12 correct transcript to the best of my ability
13 and understanding.

14 This February 25, 2013, Baton
15 Rouge, Louisiana.

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