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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
FEBRUARY 23, 2015
BEGINNING AT 9:30 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES :

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. TONY CORMIER

9 MR. RON DUPLESSIS

10 MR. GEORGE FLOYD

11 MR. STEPHEN OLAVE

12 MR. KIRBY ROY

13 MR. HENRY "DARTY" SMITH

14 MR. DINO TAYLOR

15

16

17

18 REPRESENTING THE LOUISIANA USED MOTOR
19 VEHICLE COMMISSION:

20

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

21

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

1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MR. NESTOR GUILLORY

8 MR. ERIC STRODERT

9 MR. DWAYNE TAMBLING

10 MS. JENNIFER VALLO

11 MS. SHANTEL LAGE

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1 (Pledge of Allegiance.)

2 MS. BARON:

3 John Poteet?

4 MR. POTEET:

5 Here.

6 MS. BARON:

7 George Brewer?

8 MR. BREWER:

9 Here.

10 MS. BARON:

11 Dino Taylor?

12 MR. TAYLOR:

13 Here.

14 MS. BARON:

15 Tony Cormier?

16 MR. CORMIER:

17 Here.

18 MS. BARON:

19 Ron Duplessis?

20 MR. DUPLESSIS:

21 Here.

22 MS. BARON:

23 George Floyd?

24 MR. FLOYD:

25 Here.

1 MS. BARON:

2 Kirby Roy?

3 MR. ROY:

4 Here.

5 MS. BARON:

6 Darty Smith?

7 MR. SMITH:

8 Here.

9 MS. BARON:

10 Steve Olave?

11 MR. OLAVE:

12 Here.

13 MS. BARON:

14 Mr. Chairman, we have a quorum.

15 MR. POTEET:

16 Okay. All right. Do we have
17 anyone here for public comments today?

18 MS. BARON:

19 We do not.

20 MR. POTEET:

21 So we need the approval of the
22 minutes from the January meeting.

23 MR. SMITH:

24 I'll make a motion.

25 MR. POTEET:

1 I have a motion.

2 A second?

3 MR. BREWER:

4 Second.

5 MR. POTEET:

6 Second from George.

7 All in favor, say, "Aye."

8 (All "Aye" responses.)

9 MR. POTEET:

10 Any opposed?

11 (No response.)

12 MR. POTEET:

13 All right. That's done.

14 The next thing on our agenda is
15 the review of financial reports. So, Mona.

16 MS. ANDERSON:

17 Okay. If you turn in your
18 packets to the financial statements for the
19 month ending January 31, 2015, on the
20 statement of net position, the cash in the
21 bank increased to \$1,782,055. Hearings and
22 fines accounts receivable increased to
23 \$533,150. The current liabilities at the
24 bottom of the page is \$39,417.

25 And on Page 2, you will notice

1 that the long-term liabilities only have the
2 fee -- second year fee revenue for 2016,
3 effective January 1st when we moved \$282,350
4 to revenue as it was fully earned the second
5 year of those licenses. The remaining
6 deferred revenue was \$271,765.

7 On Page 3, your statement of
8 revenues, expenses, and changes in net
9 position, year-to-date revenue was
10 \$1,304,419 and that was compared to \$881,000
11 last year, but, again, the big increase last
12 year, we moved those revenues on a portion
13 basis throughout the renewal year and this
14 year, we changed our procedure and moved all
15 of the revenue for that second year
16 effective 01/01. Under expenses, the
17 salaries and related benefits increased
18 \$22,449 and nearly all of that was due to
19 the increases in retirement and health
20 insurance costs. The remainder of the
21 expenses increased \$23,000.

22 And on Page 5, your -- the
23 year-to-date net position was \$695,684. On
24 Page 6, you can see the revenues compared on
25 a month-to-month basis, and, again, that big

1 what are we doing about that \$115,000?

2 MS. BARON:

3 It's going to be collected from
4 the bond company. That's going to be a
5 claim against the surety. It's just going
6 to be \$20,000.

7 MR. POTEET:

8 \$20,000 bond.

9 MS. BARON:

10 Yes.

11 MR. BREWER:

12 That's all that they have?

13 MS. BARON:

14 Yes.

15 MR. POTEET:

16 All right. Anybody else have any
17 questions?

18 (No response.)

19 MR. POTEET:

20 I need a motion for approval of
21 the financials.

22 MR. ROY:

23 I move.

24 MR. POTEET:

25 Kirby.

1 Second?

2 MR. OLAVE:

3 Second.

4 MR. POTEET:

5 Second Steve.

6 All in favor, say, "Aye."

7 (All "Aye" responses.)

8 MR. POTEET:

9 Any opposed?

10 (No response.)

11 MR. POTEET:

12 All right. That passes. Thank
13 you, Mona, good job.

14 Regulation of golf carts.

15 MR. PARNELL:

16 This was -- in other words, this
17 was something that was brought up by one of
18 our licensees, Tim's Custom Cars. He was
19 scheduled to be here at the meeting today,
20 but he decided not to come, because his
21 situation got handled and rectified.

22 I've had Nestor Guillory kind of
23 working with Office of Motor Vehicles and
24 Tim just to try to figure out or see what --
25 what they can do to help out the situation.

1 I have -- I think we have with us today
2 Jennifer Vallo. She's with DPS, Office of
3 Motor Vehicles. She's the manager in the
4 Lafayette area. And Ms. Shantel Lage. They
5 -- they are here as well to help us kind of
6 -- kind of go through the situation, what
7 we're dealing with.

8 We know that -- now that carts
9 can be inspected, must be inspected by a
10 post certified peace officer who has
11 received requirement training. Prior to --
12 initially when they were going out to try to
13 certify these golf carts, there was a
14 requirement of having that 17 digit VIN
15 number in the system, but now, as I
16 understand it, the serial number could be in
17 place rather than the VIN number. So I
18 would ask Mr. Guillory if he can kind of
19 talk about what his investigation into it
20 was and what he found and I will have our
21 guests from Office of Motor Vehicles kind of
22 help out.

23 MS. GUILLORY:

24 I had two different of our -- the
25 first two licensees in my district for the

1 golf carts that they're trying to get
2 compliant, they initially ran into a deal --
3 when they contacted state police, state
4 police refused to do an inspection, because
5 their form requires the 17 digit VIN number
6 and when I first met with state police --
7 actually with Sergeant Loque out of Troop I,
8 he said, well, I did tell those guys that,
9 because at this point, that's what we have
10 to go by, because they're training up to
11 that point you have to have a 17 digit
12 identification.

13 At some point, I did get with Ms.
14 Shantel and Ms. Jennifer over at Office of
15 Motor Vehicles and I think Jennifer pointed
16 out that, yes, they had worked on an
17 interface to be able to use a serial number
18 where you didn't have to have that 17 digit
19 VIN.

20 So at that point, I got with the
21 Troop Commander at Troop I, Captain Robin,
22 and they have a trooper that's assigned to
23 desk duty right now and Trooper Johnson came
24 out and we did a test run on one of the
25 carts. We put in the serial number and we

1 worked out what needed to be on the
2 inspection form, because I was licensed in
3 the past to do inspections.

4 So all of the form except for
5 that one, that was the one thing they taught
6 us in class was you do not inspect anything
7 that doesn't have -- that you can't put 17
8 digits in there. That has been changed, and
9 so we did one and we actually did a test run
10 on a cart.

11 Ms. Lage was in the office that
12 day and she was able to put it in. She put
13 in what needed to be put in code-wise for a
14 golf cart and she was able to generate a
15 registration. So we know that it can be
16 done now. I think the biggest -- the thing
17 right now is moving forward was -- the most
18 recent question was about the taxes, right.

19 MS. VALLO:

20 Right.

21 MS. GUILLORY:

22 Whether or not people -- people
23 that find out about -- you know, that they
24 have to register their carts now by law, if
25 they bought a cart in the past, it was

1 always sold as a commodity. So the people
2 that were doing it legitimately would report
3 -- they would collect the taxes and remit
4 them to the parish and the state, and so we
5 had a guy that went to do his cart with his
6 invoice showing that he had paid that and at
7 first there was some confusion in Breaux
8 Bridge about it and they rejected it. So
9 there was no mechanism in place for them to,
10 what's the word I'm looking for, not --

11 MS. VALLO:

12 I don't know.

13 MR. GUILLORY:

14 -- they couldn't -- you couldn't
15 collect taxes. There was no way to exempt
16 them, because the only way for an exemption
17 on an ATV was for farm use, and golf carts
18 are classified on that inspection form as an
19 ATV. So we got to that point and I think
20 now -- y'all want to jump in here as far as
21 how we're going to handle the taxes?

22 MS. VALLO:

23 From what I understand, there's a
24 dealership who is selling golf carts and
25 they've already collected the taxes. So now

1 at this point, when they're coming in to
2 register the golf cart, we're unsure of how
3 we're supposed to just collect state tax
4 when they've already collected the Parish
5 initially.

6 MR. GUILLORY:

7 I am finding out that they are
8 collecting the full --

9 MS. VALLO:

10 They are collecting the full --

11 MR. GUILLORY:

12 -- the full eight point or
13 whatever the parish tax combined is.

14 MS. VALLO:

15 Well, if they are actually
16 collecting those and it's listed on the
17 invoice, then they can show it as taxes
18 paid.

19 MR. GUILLORY:

20 And that's if it's on the
21 invoice.

22 MS. VALLO:

23 It's on the invoice.

24 MR. GUILLORY:

25 Okay. And does that invoice need

1 to be notarized, because there was some
2 question about that. In the law, it says
3 that the bill of sale -- legal bill of sale
4 notarized or an original invoice.

5 MR. PARNELL:

6 If you look in the packet, there
7 is the Office of Motor Vehicles --

8 MS. VALLO:

9 Yes. It's listed as itemized
10 invoice from dealer to purchaser or original
11 notarized bill of sale or invoice from the
12 owner. So if it's a bill of sale, then we
13 need it to be notarized. If it's an
14 invoice, then, no.

15 MR. GUILLORY:

16 The one thing when I originally
17 spoke to her was that the dealer only
18 indicated he collected the parish part of
19 the tax, but he actually -- when he went
20 back and pulled the records, he collected
21 the entire amount and had already submitted
22 it.

23 So with that said, now we know to
24 advise them moving forward that as long as
25 they -- that consumer, he decides -- and

1 here's where the trick is. Now, they are
2 classified as ATVs, if you go on to any
3 federal or state lands or you live in a
4 municipality like maybe -- Youngsville is
5 one of the first ones, their Sugar Mill
6 Ponds, they now allow golf carts to be used
7 within that private community or that
8 development. The trick is, is that they're
9 also required to have an inspection sticker
10 from the Office of Motor Vehicles on the
11 back showing that it's been registered and
12 they paid their taxes on it.

13 The mechanism in the law right
14 now as far as enforcement goes, Wildlife and
15 Fisheries, it's an automatic forfeiture of
16 your property. They seize it and you have
17 no leg to stand on, because it came into
18 play with the ATVs and they weren't
19 registering them. So that was the mechanism
20 that went into play.

21 Talking to the Chief of
22 Youngsville, he basically will write them a
23 summons and bring them in before the Mayor's
24 court to find out why they haven't done it.
25 And I did explain to them that really up

1 until just recently, that this was going to
2 be in effect, but it hadn't actually passed
3 in the 2013 and it was taken up again in
4 early '14.

5 MR. PARNELL:

6 Well, we wrote some legislation
7 in our language last year in the 2014
8 legislative session that would allow us to
9 go in and use a golf cart as a -- what's it
10 called, ATV, all terrain vehicle.

11 MS. MORRIS:

12 Right. The New Car Commission
13 had changed their definition, so that it
14 fits under ATV, but our definition of ATV
15 has been changed. So last year, we
16 incorporated it under ATV, so that dealers
17 selling only used carts would be regulated
18 by this Commission.

19 MR. POTEET:

20 So was the issue -- I'm a little
21 confused. Was the issue with the dealer or
22 with the consumer?

23 MR. GUILLORY:

24 Initially, with the dealer. The
25 dealer -- we -- as of -- in my district that

1 I know of, I have two dealers that got into
2 compliance that we had originally met with.
3 Some of them decided they're just not going
4 to sell them anymore, but these two guys
5 wanted to. You know, they actually -- they
6 do all of their stuff legitimately. They
7 can show taxes submitted for every cart they
8 ever sold, whether it's charge, or cash, or
9 check. They wanted to get in compliance and
10 what happened was, when they initially were
11 given a copy of the law and they contacted
12 state police, they wanted to get their carts
13 registered ahead of time. That way, when
14 they -- when they do a sale, they're going
15 to do a form -- we suggested a form that
16 notifies that consumer, this is the law,
17 you're responsible for your taxes and
18 registration on this vehicle, because
19 they're not required -- now that they're
20 moving under the -- you know, becoming used
21 car dealers, they have the option not to
22 collect that tax, because as far as I know,
23 there were some questions about the ATVs.
24 There was a rule with ATVs that the ATV
25 dealer had to collect it, but I haven't

1 gotten anything more on that. And so does
2 anybody know?

3 MR. DUPLESSIS:

4 I don't think that's the case.

5 MR. GUILLORY:

6 Because I understood that it was
7 just a rule they had put in place to try and
8 curtail that, and then it just kind of went
9 by the wayside.

10 MS. MORRIS:

11 We did have a complaint many
12 years ago that people were -- in Louisiana,
13 it was mandatory to collect the tax. So
14 people were going to Mississippi and buying
15 them and bringing them back. They might
16 have had a rule at that time.

17 MR. POTEET:

18 So if you buy the ATV -- golf
19 cart, if you buy the golf cart out of state,
20 what are you supposed to do as a consumer?

21 MR. GUILLORY:

22 As a consumer here in Louisiana,
23 you're required to register that cart --
24 you're required to get it inspected and go
25 and register the vehicle.

1 MR. POTEET:

2 Is that only if it's being used
3 by -- on --

4 MR. GUILLORY:

5 Anything other than non-farm. If
6 you use it for anything other than farm
7 purposes, what's classified as farm
8 purposes, then --

9 MR. POTEET:

10 So if I buy one for my dealership
11 or my auction and it never goes off that
12 property, I've got to still get it
13 registered?

14 MR. GUILLORY:

15 Legally, yes.

16 MR. POTEET:

17 All right.

18 MR. GUILLORY:

19 Or are you taking a chance that
20 you'll get caught? Probably not, because it
21 will never leave your private property, but
22 the law does state that -- by Louisiana law,
23 they are supposed to be registered.

24 MR. POTEET:

25 So a consumer buying a vehicle --

1 a used golf cart in Mississippi or Texas --

2 MR. GUILLORY:

3 And brings it back here.

4 MR. POTEET:

5 -- brings it back and he would
6 take his bill of sale down to the tax office
7 --

8 MR. GUILLORY:

9 Yes.

10 MR. POTEET:

11 -- they're going to know -- the
12 Office of Motor Vehicles is going to know
13 what to do with it?

14 MR. GUILLORY:

15 Yes.

16 MS. VALLO:

17 Yes. They'll have to take it
18 back up for physical inspection.

19 MS. GUILLORY:

20 But, I mean, if he just goes
21 there, because he heard he has to get it
22 registered, they'll notify him that all he
23 has to do is go to the state police or any
24 law enforcement. Like in Lafayette Parish
25 -- it's the only one I know, Lafayette

1 Parish has six deputies. That's all they
2 are there for is to do an inspection --
3 vehicle inspections and state police, every
4 -- every trooper with state police, with the
5 exception of some of the older guys that
6 aren't trained, they are able to --

7 MR. POTEET:

8 They'll even come to your
9 auction. We have people out there
10 inspecting almost daily. So for me it's not
11 a big issue if I had to do something, but
12 just a regular consumer, they'll come to
13 your house?

14 MS. VALLO:

15 Yes.

16 MS. GUILLORY:

17 You can call and schedule to go
18 to your home or -- or you can go to the --
19 on your way to the Department of Motor
20 Vehicles or any one of the inspection
21 stations, you are going to pass by a
22 sheriff's department -- you know, if you're
23 going to pass by the sheriff's department or
24 substation, city police, you just need to
25 call and find out, because a lot of them do

1 have at least one guy on staff that works
2 the day shift that can do an inspection.

3 MR. POTEET:

4 Okay.

5 MS. BARON:

6 Going back to the bill of sale,
7 the bill of sale has to be notarized but the
8 invoice does not?

9 MS. VALLO:

10 Correct.

11 MS. BARON:

12 Okay.

13 MS. GUILLORY:

14 Do y'all have any questions for
15 these ladies while they're here?

16 MR. TAYLOR:

17 I would like to clarify
18 something. If it has a VIN number and a
19 title, in state or out of state, I still
20 have to the title it in my name, I still
21 have to have it inspected; did I hear that
22 correctly?

23 MR. GUILLORY:

24 If it has a title, if you -- what
25 is it, MOV for a title?

1 MS. VALLO:

2 MSO, yes, manufacturer --

3 MR. TAYLOR:

4 Okay. So on this bill of sale
5 transfer, I have to go have it inspected,
6 but if has a title --

7 MS. VALLO:

8 Then you do not --

9 MR. TAYLOR:

10 -- I am fine, and take my title
11 and throw it down and pay the taxes like a
12 car?

13 MR. POTEET:

14 That would happen like if you
15 bought it brand new.

16 MR. GUILLORY:

17 And I think moving forward, now
18 that the new car guys, you know, they're
19 having to get them done, so they can issue
20 that deal. So I'm hoping in the next, you
21 know, 24 months -- what's coming in now --
22 because that's normally the flow cycle of
23 used cars. They come out new. They go into
24 leases with golf courses and what-not, and
25 then they come out of that lease inventory

1 and they become available for sale.

2 MR. BREWER:

3 Can you explain about they can
4 seize the property?

5 MR. POTEET:

6 Wildlife and Fisheries.

7 MR. GUILLORY:

8 Wildlife and Fisheries -- if
9 you're caught on state or federal land and
10 you do not have a registration on that ATV
11 --

12 MR. BREWER:

13 Just on their property?

14 MS. MORRIS:

15 Public property.

16 MR. GUILLORY:

17 Now, in municipalities that are
18 going to allow them on the road, they make
19 it clear to you when you get your permit to
20 use them on the road. Youngsville, they
21 didn't have this in their -- in their little
22 -- their town rules or law, but they're
23 going to change it. They are going to make
24 an amendment to it to where the only way to
25 get that little certificate to use it in

1 town, you have to have a registration. You
2 have to get the registration from DMV.

3 MR. BREWER:

4 In our parish, they're illegal to
5 put on the street. In fact --

6 MR. GUILLORY:

7 Is that low speed vehicles or
8 golf carts?

9 MR. BREWER:

10 Golf carts. So, yes, they gave
11 my son's mother-in-law a ticket for riding
12 his kids in a subdivision.

13 MR. POTEET:

14 All right. Any more questions
15 about -- do you ladies have anything else
16 you want to add?

17 MS. VALLO:

18 No.

19 MR. GUILLORY:

20 Do y'all have any questions while
21 they're here?

22 Any Office of Motor Vehicles
23 questions? She is here, so she can answer
24 them.

25 MR. POTEET:

1 Do y'all have anything? We've
2 got them here.

3 (No response.)

4 MR. POTEET:

5 All right. Thank you, ladies.

6 All right. Let's see. The next
7 thing we have on our agenda is the
8 discussion of additional location
9 requirements. I think he have Eric Stroder
10 here from the LIADA.

11 MR. STRODERT:

12 So I'm here on behalf of Don's
13 Wholesale dealership in Lafayette,
14 Louisiana. We ran into an issue -- our
15 first issue was actually about 30 days ago
16 when we got written up for a violation of
17 having a vehicle that wasn't parked where it
18 was supposed to be parked, which was one
19 particular vehicle out of place, and so
20 through that process we were already
21 currently landlocked at that location.

22 So we've been trying to acquire
23 more property to put more inventory and sell
24 more cars. So we did. So we acquired a
25 large piece of property adjacent to the

1 building that we're currently at, within
2 roughly 60 feet or so of the building is the
3 property. But this is what we ran into
4 according to -- one of the officers came by
5 and said we can't have our cars parked
6 there, and so there's that -- we can't have
7 them on display, because that -- our license
8 doesn't have that registered address, which
9 is normal. But this is the problem that we
10 have. I'm going to kind of read through
11 this, so we're kind of -- so we're on the
12 same page.

13 Basically, dealerships are
14 landlocked due to the growth limited due to
15 the property limitations and must -- and
16 dealers must acquire a new dealer's license
17 to grow their expanding facility. So
18 dealers attempting to grow their current
19 business by acquiring more property within a
20 close proximity of the current facility to
21 handle additional customer parking and/or
22 increased inventory for display.

23 So that's the issue that we're
24 having. According to the laws and the
25 officer that gave us -- and told us about

1 this, he's saying that we must acquire a new
2 dealer's license in order to have the
3 property that is separated by a commercial
4 road. This law is specifically -- in my
5 opinion, this law is specifically targeting
6 the prevention of motor vehicle dealers
7 opening multiple locations in our market
8 without the necessary facility requirements,
9 which is to protect the consumer. And the
10 issue in this particular situation is that
11 -- and I'm speaking on behalf of Don's
12 Wholesale in Lafayette, but I'm also
13 speaking on behalf of many other dealers
14 that are out there and have run into the
15 exact same situation.

16 In order to acquire the property,
17 which is roughly within 60 feet of the
18 current business establishment, the Used
19 Motor Vehicle Commission is telling us that
20 we must have a -- we have to have a new
21 license and in order to have a new license,
22 you have to have a building, you have to
23 have a phone, you have to have a sign and
24 all the necessary requirements, but my issue
25 based upon the property being adjacent to

1 the current facility, this should not
2 require a new building or a new phone or a
3 new anything.

4 The inherent cost is not the
5 dealer license fee. I don't want to get
6 that mistaken that we're concerned about the
7 fee for the licensing issue. I think the
8 trouble that we had was the fact that you --
9 that some dealers -- like in our particular
10 situation in Lafayette, we have a facility
11 worth probably a half a million to a million
12 dollars and we're acquiring more property to
13 enhance the inventory or give those customer
14 a parking spot, so we don't run into
15 violations from the Commission of having a
16 single vehicle or so parked out somewhere
17 where it shouldn't be and customers are
18 parking on the side of our road.

19 So we acquired more property, but
20 it's ridiculous that we would have to go and
21 invest money into a whole new building and a
22 whole new phone just to say that we -- to
23 follow the rules of the Commission that we
24 need that when he have a facility that's
25 within -- literally adjacent to the

1 property, but according to the officer and
2 according to the Commission, there is a
3 commercial road that's preventing us from
4 being able to put cars there.

5 And after looking through -- I
6 went ahead and I printed up -- inside
7 there's a printed up Chapter 29, which is
8 the qualifications and eligibility for
9 licenses, which I didn't see, it will be a
10 little more clear. I also took pictures of
11 the thing. On both pages, if you notice
12 that -- where we're actually parking the
13 vehicles and where our building is at and
14 the argument saying that we don't need a new
15 building or a building on that piece of
16 property based on the fact that it's so
17 close to the current facility.

18 And I'll mention the solutions
19 that the Commission offered, which was that
20 based on the fact that we acquired the
21 property, to just take that property
22 information, bring it down to the parish
23 government, wherever we need to bring it to
24 get it annexed and make sure that physical
25 address gets associated with the dealer's

1 license to avoid all of this, but it's like
2 -- which is okay based on the fact that I
3 own the property and at some point, I'll be
4 able to do that. But the other issue is, is
5 what happens to other dealers that are in
6 the state of Louisiana that are growing
7 their business and have to end up renting a
8 facility or renting land very close to them
9 to basically give customers either a parking
10 option or park more inventory in order to
11 sell more cars.

12 MR. POTEET:

13 The problem I see with the first
14 solution is that -- how many parishes do we
15 have in this state?

16 MR. PARNELL:

17 64.

18 MR. POTEET:

19 So there's 64 different ways of
20 getting something done. So I don't view
21 that as a good long-term solution. It might
22 work in one parish, and then another parish
23 it's slow. Another parish, they just won't
24 do it. Another parish, they can't get to
25 anybody, you know. We know every parish is

1 different. So each government is going to
2 be handled a little bit differently.

3 Does anybody have any comments
4 about any of this?

5 MR. TAYLOR:

6 You know, Eric called me
7 Wednesday or Thursday of last week and we
8 talked about it a little bit, and then I
9 went and talked to a couple other dealers
10 about it, also, and I agree wholeheartedly
11 that he's got a wonderful facility where it
12 is at, and if you look at the pictures, it
13 looks like he bought a piece of -- what is
14 that, some cotton field or something there,
15 some type of agricultural or just a blank
16 lot --

17 MR. STROBERT:

18 Just a blank lot.

19 MR. TAYLOR:

20 -- just across the street. I
21 don't see where we should hold this guy and
22 make him go there and build a new facility.
23 And I wrote down a list of about 8 or 10
24 different things and it would concern me
25 that at end of the day, the law says for him

1 to get a license that he has to follow all
2 of those -- all of these qualifications
3 here, you know, have the building, have the
4 phone, et cetera, et cetera. I think that's
5 ridiculous, also. I do.

6 It's our law right now, but in my
7 opinion, I think we need to do something to
8 kind of clean that up. There's a lot of --
9 a lot of little minor things that I think we
10 need to do. I think it needs to be operated
11 under the same company veil, number one.
12 You've got to have signage either way. I
13 would think so. Of course, you have to
14 check your zoning, which we require you to
15 do already or we already discussed it.
16 Adjacent properties that have a business in
17 between them, I think -- you know, I think
18 it's your own discretion to be able to tell
19 people whether they can or cannot do it and
20 that's about it. I mean, I think it's a
21 little ridiculous myself. I understand the
22 law and I understand what it was trying to
23 do, but I just -- I think -- I think we need
24 to clean that up. That's my opinion.

25 MR. HALLACK:

1 We had a situation with Ronnie
2 Wisenor one time, you know, where somebody
3 was selling travel trailers -- used travel
4 trailers and they did not have enough room
5 to display the travel trailers at their
6 dealership location. So they put them in
7 somebody's pasture and we told them that you
8 had to fence it in. You couldn't display
9 anything there. You couldn't take customers
10 there. If you wanted to show one of those
11 travel trailers, you would have to bring it
12 back to the dealership and show it and we
13 were okay with that. As long as that
14 happened, we didn't make them get a separate
15 licensed location for a holding area -- a
16 storage facility.

17 Is this kind of like what we are
18 talking about here?

19 MR. OLAVE:

20 My first question to the
21 Commission would be, is this something we
22 can deal with on a case-by-case basis?
23 Because I'm in agreement with Dino, I mean,
24 you know, in this particular case, I mean,
25 it's obvious that he shouldn't be able to do

1 business across the street, but is that
2 something we have latitude with, with the
3 way the law sits?

4 MR. TAYLOR:

5 Not today.

6 MR. POTEET:

7 I don't think we have latitude
8 with it. I think we can express our
9 opinions here. I agree with Dino, too. I
10 think, you know, when we're looking at these
11 things, what I always try to think about is
12 what's the purpose, I mean, what's the
13 underlying reason we're going to do it and I
14 think the reason is, essentially we want to,
15 you know, protect consumers and we want to
16 protect our legitimate dealers from
17 curbstoners and if those two things are
18 what's most important here, I don't see how
19 having an adjacent property would be a
20 problem. I mean, I'm not even sure how
21 would a consumer know if you had -- you
22 know, you're on Lot A, and then you buy Lot
23 B next to you, how would you know that
24 that's even a separate property? I mean,
25 the --

1 MR. OLAVE:

2 You can curbstone across the
3 street.

4 MR. POTEET:

5 Yes. My sign might be here, but
6 still, you know, if you go to one of Ron's
7 new car stores, the sign is at one end of
8 the property. It doesn't have a sign every
9 35 feet saying, you know, here's our
10 dealership.

11 So as far as the across the
12 street thing would be, I tend to be pretty
13 much in agreement that it falls in the same
14 category. Now, I think if you have
15 something across the street -- again, I'm
16 just stating my opinion here -- if you have
17 something across the street, you would be
18 required to put up a sign and there should
19 be something that says, you know, this is
20 Don's Wholesale and this is also Don's
21 Wholesale with a phone number and a website
22 or whatever it is you would have to put on
23 there, and put maybe something that says,
24 main office located across the street.

25 So, you know, my feeling is as

1 long as it's adjacent and to me across the
2 street is maybe stretching the term
3 adjacent, but I don't see any problem in
4 protecting our consumers and protecting
5 legitimate dealers by allowing somebody to
6 have adjacent property. That's my opinion.

7 Now, I think that we could
8 certainly say, you know, there are some very
9 small businesses like -- the one that comes
10 to mind is a Rally's hamburgers. It doesn't
11 take up much space. So you could be on the
12 other side of the Rally's, but on the other
13 hand, you could be here and have a Walmart
14 between you and have the other location. I
15 think definitely the Walmart location, you
16 would have to say, well, that's far enough
17 away, you're going to have to have a
18 different license and everything. So -- but
19 if I had a Rally's between me and my
20 property, maybe that's something we might
21 have some latitude in. I don't know. So
22 that -- I'm throwing all of that out there.

23 I'm in agreement. I don't think
24 it does anything. I don't think this law
25 helps consumers. I don't think it helps us

1 properly regulate dealers in terms of
2 curbstoning. So does anybody else have any
3 opinion about it? I'd like to see us change
4 the law or change the wording or give
5 ourselves some latitude in that area.

6 MR. CORMIER:

7 I agree with y'all. I think with
8 the proper signage, you know, just maybe a
9 little more detail, you know, to know it is
10 the same business just for additional
11 inventory, because you don't have any choice
12 where your property is. You can't buy
13 behind. You can't buy on the side. You
14 have to go across the street. So I don't
15 see an issue with it. I really don't. We
16 just have to be looking out for other
17 dealers that have similar situations, but, I
18 mean, it's across the street, you know.

19 MR. DUPLESSIS:

20 How does the New Car Commission
21 handle it? Because I know they've had --
22 that's fairly common, especially in New
23 Orleans. I know Lakeshore and I know Ray
24 Brandt has it where there's -- you're on
25 tight quarters, and then they have storage

1 lots. Those are not -- and then they have
2 certain conditions. Even used car lots can
3 have off premises. I have multiple
4 addresses on my property. One of them just
5 includes the address in the license.

6 MR. POTEET:

7 Well, that's what I was just
8 asking. Just make sure that you have a
9 license --

10 MR. DUPLESSIS:

11 Make sure you have a sign and a
12 phone number on the sign and we'll call it a
13 day.

14 MR. POTEET:

15 That's one of the questions I
16 had. I mean, can we have more than one
17 address on the license? I think when you do
18 that, the problem with that -- Ron, I think
19 that now you're getting into the -- because
20 you could say, these two addresses, 123 Main
21 Street and 345 Smith Street.

22 MR. DUPLESSIS:

23 Well, the main location also
24 included.

25 MR. POTEET:

1 Yes. I think if we go back to
2 what Robert was saying, I just can't imagine
3 if I'm located here and 15 miles away, maybe
4 2 miles away, I've got a storage lot --

5 MR. TAYLOR:

6 Two blocks.

7 MR. POTEET:

8 -- that might be different, but
9 here we're talking about everything is sort
10 of connected. I mean, the street is in
11 between, but, I mean, I would be for
12 allowing the addresses, too, but you'd have
13 to have something that would have to say --
14 I think you'd have to have something that
15 would have to say, you can have more than
16 one address, but the addresses must be
17 adjacent and that just is kind of flipping
18 around how you would word the whole thing.

19 MR. DUPLESSIS:

20 We can rewrite it in the session.
21 I don't think that's an issue, but what do
22 we do in the meantime, should we just
23 suspend the violation and put it under
24 advisement until --

25 MR. POTEET:

1 I'd be for doing that.

2 MR. HALLACK:

3 Well, it's a rule and regulation.

4 MR. PARNELL:

5 It wasn't a violation.

6 MS. BARON:

7 It wasn't a violation.

8 MR. DUPLESSIS:

9 This is under State law.

10 MR. HALLACK:

11 It's actually a rule and
12 regulation. So you can change it on your
13 own.

14 MR. PARNELL:

15 Just a requirement for the
16 additional location, just the established
17 place of business that we're talking about
18 not requiring that dealer to have?

19 MR. POTEET:

20 Yes. What I would say is, okay,
21 the way it's worded now -- and you guys that
22 are dealers, correct me if I'm wrong on
23 this, because you probably have it
24 memorized -- but right now, if I have one
25 location, I've followed all the rules, I got

1 my license, I got my bathroom, my sign, my
2 phone, et cetera, I'm right here. Now I go
3 next door, I got to get another sign,
4 another bathroom, another phone, another
5 license, et cetera, et cetera, et cetera.
6 So the -- what we're saying is we want it to
7 be associated. You don't need another
8 building. You don't need another phone to
9 be answered. You don't need another
10 license, but you would have to have
11 something designated publicly, a sign that
12 says, Don's Wholesale and maybe something
13 that says that's where the main office is or
14 something, but it would have to be in an
15 adjacent location. It couldn't be -- you
16 couldn't have anything in between. Now --

17 MR. GUILLORY:

18 The only word I would ask, you
19 know, if you -- if y'all go down this road
20 to change would be an unobstructed adjacent
21 location, because if you've got a big tree
22 line or you've got a building like what
23 you're talking about, that's -- well, then
24 you've got consumers walking from that
25 facility coming across other property to get

1 to their office.

2 MR. POTEET:

3 Well, the only thing I would say
4 about that is, yes, I agree. I think we --
5 Derek and I talked about, you know, you've
6 got a street, somebody is walking across the
7 street, but aren't there dealers across the
8 street from each other? I mean, how --

9 MR. GUILLORY:

10 I understand.

11 MR. POTEET:

12 And if you -- if you're -- let's
13 think of this from -- from a logical
14 standpoint. If I'm out driving around and
15 I'm looking for used cars and I whip into
16 the lot on this side and I look around and I
17 say, I've got to go over there to talk to
18 somebody. So I get back in my car and drive
19 around, I saw this Camaro over here.

20 I think that's -- I mean, maybe
21 we're stretching it a little bit, but --
22 and, again, I'm trying to think of what
23 we're accomplishing by doing that other than
24 creating more expense for the dealer. I
25 don't see how we're helping the consumer or

1 how we're stopping curbstoning, and if
2 there's some other issue that this does or
3 something this prevents, let me know, but
4 that's the way I see it right now. I think
5 we're putting an undue burden on the dealer.

6 MR. DUPLESSIS:

7 We're making a big deal out of
8 nothing.

9 MR. OLAVE:

10 Is there anything we could do on
11 like a case-by-case basis, though?

12 MR. POTEET:

13 Well, I don't think we have to.
14 I think we -- I mean, maybe if we get to the
15 point where somebody -- you know, I will go
16 back to my Rally's example, if you've got
17 some kind of little tiny thing in between
18 your two lots, maybe that might be something
19 we've got to work at, but I think we can
20 rewrite this thing, because according to Mr.
21 Hallack, it's a rule and regulation. We can
22 --

23 MR. DUPLESSIS:

24 Yes. We can -- what I'm looking
25 at is R.S. 32:791 and it's a promulgated

1 rule. This is not a statute. So we can
2 take this under consideration and we can
3 have it rewritten to accommodate --
4 accommodate not only this situation, but the
5 ones coming in the future. So this is not
6 something that we have to legislate.

7 MR. POTEET:

8 Can we get this rewritten within
9 30 days?

10 MR. DUPLESSIS:

11 Yes. I'm sure we can.

12 MS. MORRIS:

13 The New Car Commission -- but I
14 pulled up their rules and I don't see it in
15 their current rules, but they used to have
16 that it could be within so many feet or so
17 many blocks, but there are some restrictions
18 to it, because Lakeside Toyota is the one
19 that I remember.

20 MR. DUPLESSIS:

21 Exactly, Lakeside, right.

22 MS. MORRIS:

23 But after Hurricane Katrina, I
24 think they bought the property in between
25 and all attached, but there was a block --

1 on the next block, they had to have --

2 MR. DUPLESSIS:

3 That was the poster child for
4 this.

5 MS. MORRIS:

6 And then I know the Cosmetology
7 Board has satellite classrooms that can be
8 on an adjacent property, but you are
9 restricted as to what type of operations can
10 occur on there. So there are those boards
11 that I think that have had to -- have had
12 restrictions and I think some of them are by
13 distance, maybe by site.

14 So there are some restrictions
15 that it can't be two separate properties
16 that are, you know, functioning separately.

17 MR. PARNELL:

18 As long as we have clear
19 restrictions, I don't know that that would
20 be a problem.

21 MR. POTEET:

22 Yes, and I think we can come up
23 with something that would make them happy
24 and make all of us happy. Again, whenever
25 I'm looking at things like this, who are we

1 protecting here and how -- how are we
2 protecting them, and this -- I don't see
3 this as protecting anyone. It just seems
4 like an undue burden and we can certainly
5 fix that.

6 MR. STROBERT:

7 Thank you.

8 MR. POTEET:

9 All right. Thanks, Derek.

10 Is there any more discussion on
11 that?

12 (No response.)

13 MR. POTEET:

14 All right. Next on the agenda is
15 the ratification of imposed penalties.

16 MR. PARNELL:

17 All right. Ratification of
18 imposed penalties.

19 Commissioners, you'll find in
20 your packets a chart of the dealerships that
21 I have imposed penalty against and
22 violations of the LUMVC statute. Each
23 dealer has signed a stipulated agency order
24 and has made payment of the civil penalty.
25 I have determined that the public interest

1 can be served without further administrative
2 proceedings. On the chart, if you notice --
3 I'll go through and I'll kind of -- and I'll
4 ask for your ratification at the end.

5 The first one we have on the
6 chart is Angelo's Auto, case number
7 2014-9 -- excuse me 790. They're in
8 violation of committing three counts of
9 fraudulent act in selling, one count of
10 non-delivery of title, and two counts of
11 misuse of temporary tags. Their fine amount
12 that they paid was \$2,750.

13 The second one on the list was
14 Geaux-Geaux Auto Sales, LLC. Their case
15 number was 2014-871. They had nine counts
16 of employing an unlicensed salesperson, one
17 count of non-delivery of title. Their fine
18 amount that they have paid is \$1,150.

19 The third one on the list is
20 Don's Wholesale. The case number was
21 2014-872, one count of parking vehicles in a
22 right-of-way. The fine amount that has been
23 paid is \$300.

24 The fourth on the list is
25 Southern Auto Direct. The case number is

1 2014-874. They're in violation of one count
2 of business sign being removed, seven counts
3 of committing a fraudulent act and 18 counts
4 of operating from an address not shown on
5 the license, which the fine amount was
6 \$4,150.

7 The last one on the list is RCA
8 Auto -- Used Auto. The case number is
9 2014-741. They're in violation of one count
10 of business sign being removed and the fine
11 amount was \$300. That has been paid.

12 I ask that you ratify the imposed
13 civil penalties assessed and accept the
14 signed stipulated agency orders and
15 payments.

16 MR. POTEET:

17 I need a motion.

18 MR. TAYLOR:

19 (Makes motion.)

20 MR. CORMIER:

21 Second.

22 MR. POTEET:

23 All in favor, say, "Aye."

24 (All "Aye" responses.)

25 MR. POTEET:

1 Any opposed?

2 (No response.)

3 MR. POTEET:

4 Okay. Next thing.

5 MR. PARNELL:

6 All right. If you'll turn with
7 me in your packets at -- toward the end of
8 the packet, compliance investigation and
9 complaint totals. The first report that's
10 in your binder is the alleged issue counts.
11 There were 102 alleged issues for the month
12 of January 2015. The second report that
13 you'll see is the case report, which
14 illustrates that there were 74 cases that
15 were assigned in the month of January.
16 Twelve of those cases have been completed.
17 Sixty-two of those cases remain open
18 investigation.

19 And the last document is the
20 summary report, which illustrates the total
21 of number of cases that were closed for the
22 month, which is 28.

23 Other things that have been
24 happening, the five day -- there were eight
25 five-day notices that were issued. Twenty

1 physical inspections took place. Assisted
2 dealers to get delivered -- get titles
3 delivered to consumers, there were five of
4 those that took place. There were 59 site
5 visits done. Two audits have been conducted
6 and 15 violation tickets have been issued.
7 Assisted with consumers receiving funds was
8 \$4,500. And that's all I have on
9 investigation complaints totals. Are there
10 any questions on that?

11 (No response.)

12 MR. PARNELL:

13 The next thing is the general
14 information. Toward the end of last year,
15 we received a letter from the Division of
16 Administration, Officer of Commissioners,
17 Louisiana fleet management program. It was
18 for the fiscal year 2014 for under utilized
19 vehicles. Louisiana Property Assistance
20 conducted an analysis on the State for a
21 12-month period and what they showed was
22 that we have two vehicles of our agency that
23 were being under utilized. What they want
24 us to do every month is to use those
25 vehicles 15,000 a month. During that time,

1 we did not have investigators that -- we do
2 not -- we have now on force and what they
3 did was, they used -- it was pretty much old
4 information that they used. So what we did
5 was, we sent a letter to Louisiana Property
6 Assistance just asking if they'll allow an
7 exception for us to continue use of those
8 vehicles. We've definitely begun using
9 those vehicles much more with the adding of
10 new investigators. We're just waiting to
11 hear a response from them as of right now.

12 One of our other vehicles kind of
13 died out on us about two weeks ago. It has
14 about 146,000 miles on it. And, typically,
15 when -- I'm just getting ready to start the
16 process now of -- we budgeted this year to
17 purchase two vehicles. So I'm going to
18 start the process of trying to purchase that
19 vehicle, but as it always is, they kind of
20 have to -- they kind of tell us whether or
21 not we can get the vehicle or not. We have
22 to ask permission to purchase the vehicle.

23 In the past, they've kind of
24 initially rejected the notion that if it
25 just has 146,000 miles on it, it's not

1 really enough. The vehicle has to be in
2 dire traits, you know, for them in order to
3 do that. The one vehicle that we have
4 outside now is no longer running and the
5 cost to get it fixed is about \$2,000 and
6 it's not worth that at all. So what I will
7 do is just have them come pick that vehicle
8 up and I still will try to purchase two more
9 vehicles. But that kind of concludes my
10 report and my general information. Are
11 there any questions or comments?

12 MR. POTEET:

13 Yes, I have a comment. You're
14 talking about the -- what was the name of
15 the group that wanted you to get rid of the
16 car?

17 MR. PARNELL:

18 Louisiana Property Assistance.

19 MR. POTEET:

20 Property Assistance, yes.

21 MR. PARNELL:

22 They want us to get rid of one
23 vehicle that we have.

24 MR. POTEET:

25 Can't you show them that when

1 they did that analysis, you know, our
2 investigator total -- I mean, could we show
3 that at the time, we had this many
4 investigators, because we still had June,
5 didn't we, at that time?

6 MR. PARNELL:

7 We had her at that time, but she
8 wasn't really on the road --

9 MR. POTEET:

10 So here's what we've done. We
11 have -- you know, we added investigators,
12 which we had in our budget, but we had to
13 hire people and we had to go through the
14 process of hiring people and all of that.
15 Now, we're doing more investigation and you
16 can look at these numbers and you can see
17 that. So you just present that and say,
18 look, you're right, back at that time we
19 were not utilizing that vehicle, but now
20 this is where we are today. I mean --

21 MR. PARNELL:

22 The correspondence that we did
23 send did say -- it pretty much said that to
24 them. You know, we kind of broke out the
25 amount of mileage that we're using now and

1 one of those vehicles we're using about
2 3,500 miles per month on that -- per week,
3 I'm sorry, on that vehicle and some of the
4 others are just a little bit lower than
5 that, but we did say that actually exactly
6 pretty much, just so they can understand
7 that at that time -- that information was
8 old information and things have changed with
9 our agency as it continually does. So we
10 just asked to be exempted on it. We just
11 haven't heard anything back as to why.

12 MR. POTEET:

13 But you feel confident that --

14 MR. PARNELL:

15 I feel good about it, but that's
16 my opinion. To me, it's logical. It's in
17 black and white. The difference is very
18 clear, you know, but --

19 MR. OLAVE:

20 Could we perhaps back that up
21 with a letter from the Commissioners, like,
22 you know -- I mean, I don't know if that
23 would help at all, but we go through the
24 budget every week and -- I mean, every
25 month.

1 MR. POTEET:

2 I would only say if we ran into
3 problems, yes. If we run into problems,
4 we'll go to that step, but I think that the
5 letter is going to do it.

6 MS. MORRIS:

7 Another issue that was mentioned
8 in the correspondence was you are on of the
9 few agencies that self-fund the vehicles.
10 So it's not costing the State General Fund
11 any money to keep these vehicles. It's all
12 paid for by this agency and there are not a
13 lot of self-funded agencies with fleet
14 vehicles.

15 MR. DUPLESSIS:

16 This is a fiscal year. They're
17 selling the over 90-day units to pay off the
18 budget cuts.

19 MS. MORRIS:

20 So the money should come back to
21 us. There was some question about whether
22 that would happen or not.

23 MR. DUPLESSIS:

24 They're trying to clear out stuff
25 and raise capital.

1 MS. ANDERSON:

2 And it was from the Division of
3 Administration that it came. So property
4 said they didn't know other than to tell us
5 how to surplus it.

6 MR. POTEET:

7 All right. Any other questions
8 for Derek?

9 (No response.)

10 MR. POTEET:

11 All right. The next thing is the
12 committee reports, legislative session.
13 Ron.

14 MR. DUPLESSIS:

15 I take it, Mr. Parnell, we have
16 not heard anything back from the Governor's
17 Office on the issue of finance license?

18 MR. PARNELL:

19 I spoke with him this morning,
20 Mr. Parker Dearman, and he stated to me that
21 he was still working with his policy
22 director on trying to set up a time for us
23 all to meet. He wants Office of Motor
24 Vehicles as well to be involved in that
25 meeting along with the Motor Vehicle

1 Commission and ourselves. So at this point,
2 he has no definitive date upon which we will
3 have the meeting. He said he's trying to
4 work on it this week to try set up something
5 for it.

6 MR. DUPLESSIS:

7 So that's what's holding that up
8 that issue from moving forward.

9 Ms. Morris, do you have an author
10 for that?

11 MS. MORRIS:

12 He wants to meet with the
13 Governor's Office whether or not we have the
14 support of the Governor's Office.

15 MR. DUPLESSIS:

16 Any other update on any other
17 issue, everything else -- the clean up
18 legislation with Mr. Hallack?

19 MS. MORRIS:

20 We're waiting for this piece to
21 see if we can move forward with it. We do
22 have an author for the clean up.

23 MR. PARNELL:

24 Yes. I spoke with Representative
25 Dave Price, He's been handling our bills for

1 us the last few years. He's on the Commerce
2 Committee and he said he would be happy to
3 continue working with us on our legislation.
4 He did stress he did not want controversial
5 issues. I said, we do have one type of
6 legislation that we're trying to work out
7 with our clean up legislation and we -- but
8 we still have to make a meeting just to make
9 sure that some scrap metal guys are not
10 going to have a lot of opposition for what
11 we're trying to do, but other than that,
12 he's ready to go and he's happy to do it for
13 us.

14 MR. DUPLESSIS:

15 But that issue is going to be --
16 the scrap metal issue is going to be the
17 main body of clean up?

18 MR. PARNELL:

19 Right.

20 MR. DUPLESSIS:

21 And then the finance issue is
22 going to be separate?

23 MR. PARNELL:

24 Right. I think that would be the
25 best way to tackle those issues.

1 MR. TAYLOR:

2 Jay still has not said no, Jay
3 Morris. What he has done is he wanted us to
4 meet with the Governor's Office. He's
5 talked to new car dealers around there and
6 they have some concerns whether we can
7 regulate or whether we will regulate our
8 dealers. They're not even talking to Derek
9 about it. They're not even really aware of
10 the clean up that we've done on advertising
11 already.

12 MR. PARNELL:

13 They're just operating off the
14 old way of thinking.

15 MR. TAYLOR:

16 That's right. I think their
17 mindset is five years ago or how many ever
18 years ago versus where we're at today. But
19 I went and sat down and talked to the ones
20 that were going to give Jay the most grief,
21 and then he talked to them and he didn't get
22 a lot of opposition out of them. One of
23 them sits on the New Car Commission and one
24 of them is just one of his supporters from
25 Monroe. But once again if we get through

1 the Governor's Office just fine, we might
2 get Jay on it, might.

3 MR. PARNELL:

4 He sits on the Commerce Committee
5 as well where all of the legislation goes.

6 MR. POTEET:

7 Maybe I'm just optimistic, but
8 I've got a feeling if we can all sit down in
9 the same room and have somebody there as
10 sort of a mediator, an independent, to
11 listen to the whole thing, I think our story
12 is pretty good. I mean, it just makes sense
13 that that goes under us and what else -- if
14 you're going to be in the position of
15 regulating a certain group of people, why do
16 you have to have some extra thing that,
17 okay, this part gets regulated by these guys
18 and this part -- I mean, I don't know. It
19 just seems like we have a pretty good story
20 and I think -- Ron has carried the ball
21 again on this. So I feel like if we get in
22 there, it's going to -- when it all gets
23 laid out -- sort of Dino's point, when you
24 get out and talk to them, they may have an
25 initial reaction to it, but then when you

1 sit down and talk to them, it's like, well,
2 maybe it's not such a big deal.

3 MR. HALLACK:

4 It's going to take a strong
5 mediator. The last time we had a problem
6 with them, it was during the Foster
7 administration and Governor Foster actually
8 came in and sat in and said, this is how
9 it's going to be, and they were well behaved
10 children after that, but if you're going to
11 have somebody in there that they think they
12 can push you around, you can forget it.

13 MR. DUPLESSIS:

14 The problem we had under that
15 administration was our children weren't well
16 behaved at that meeting. And I do remember
17 seeing a chair fly across the room. You
18 know, I think there is a case, but the whole
19 thing is and I think the key is, there's no
20 representation from the Used Car Commission
21 on the New Car Commission to regulate the
22 finance act. If that's the case, then I
23 really don't think they're going to want a
24 used car representative, a dealer, on that
25 commission. I'm not sure about that, but I

1 feel fairly safe in saying that.

2 MR. POTEET:

3 How many members is their
4 commission, how many members do they have on
5 their commission?

6 MR. DUPLESSIS:

7 Oh, God, it's like 16 now,
8 because everybody represents -- and I want
9 to say there are like six -- one district or
10 maybe six or eight from the new car side.

11 MR. POTEET:

12 I think it's eight.

13 MR. DUPLESSIS:

14 And they have recreational --

15 MR. HALLACK:

16 They have only one for
17 recreational products -- they have only have
18 three for recreational products.

19 MR. DUPLESSIS:

20 It's a whole group of them, yes.

21 MR. HALLACK:

22 But then they added trucks.

23 MR. DUPLESSIS:

24 There has always been a heavy
25 duty truck dealer. That's always been in

1 place and there's been a separate consumer
2 panel.

3 MR. POTEET:

4 I think -- to your point, I think
5 that, you know, that's one of the things
6 that -- the next logical thing is what we've
7 got, some representation. We've got -- how
8 many dealers do we have, 3,000?

9 MR. HALLACK:

10 3,800.

11 MR. POTEET:

12 3,800 -- we've got 3,800 dealers
13 and we have no representation and we're
14 going to regulate them?

15 MR. HALLACK:

16 We have 3,800 independent used
17 motor vehicle dealers and how many new car
18 dealers do we have, 500?

19 MR. DUPLESSIS:

20 Less than that.

21 MR. HALLACK:

22 3,800 compared to 300.

23 MR. POTEET:

24 Maybe 16 used car dealers. But I
25 think that that's one of the paths that

1 we've got to kind of take is -- to Ron's
2 point, you can't have all of this. I mean,
3 this is major -- this is a major part of
4 their business, at least the ones that do
5 financing and you can't just have them with
6 no representation. That's just -- that may
7 be the ace in the hole, really.

8 MR. DUPLESSIS:

9 Well, I think there's two other
10 aces in the hole, a couple that we ought to
11 think about. Number one, there's a consumer
12 panel for interagency conflicts and I'm not
13 sure all people are aware of that, consumer
14 panel, that an issue couldn't be taken
15 towards the New Car Commission, that would
16 be separate from the New Car Commission.
17 It's two different hearing panels. And the
18 other aspect is, you know, we go to the
19 Governor's Office. You know, we had another
20 issue like this last year and virtually it
21 was out of our hands and it was with the buy
22 here -- the rent-to-own here and the
23 insurance issue. At some point in time, we
24 saw an impressive demonstration by a small
25 group of organized dealers that just said,

1 oh, no, we're not going to take any more,
2 and they went and got their own legislation
3 and they marched on the Capitol year after
4 year after year until they eventually got a
5 small army and won this issue and we were
6 caught in the middle. We represent those
7 dealers. We can't control their issues and
8 -- when it comes to them legislating and
9 being motivated about making change for
10 their own business. So, you know, I think
11 they have to understand that with the most
12 recent rent-to-own insurance, for example,
13 which was last year. So I think a
14 passionate plea by passionate people, that's
15 a hint, could motivate and move the world
16 more than we could at times.

17 MR. HALLACK:

18 Kim has it up on the screen.

19 MS. BARON:

20 There are 14, plus 3. They have
21 heavy truck sales, recreational vehicle
22 sales, motorcycle sales, recreational
23 vehicle sales, again.

24 MR. DUPLESSIS:

25 So it's watered down pretty good.

1 MS. BARON:

2 And three consumer board members.

3 MR. DUPLESSIS:

4 So, actually the new car dealers
5 is somewhat watered down, and to be watered
6 down even more might be fairly repugnant for
7 them.

8 MR. POTEET:

9 If we put 12 representatives on
10 their commission --

11 Do we have anything to put on the
12 agenda right off the top of our heads while
13 we're thinking about it?

14 (No response.)

15 MR. POTEET:

16 All right. So just as a follow
17 up, we're going to work on this and just try
18 to get that out and maybe get a copy to Eric
19 and to all of us and see if you guys have
20 any comments. I think we can get that
21 pretty well taken care of.

22 All right. I think we're set for
23 adjournment.

24

25 (Meeting adjourned at 10:31 a.m.)

REPORTER'S CERTIFICATE

1
2
3 I, BETTY D. GLISSMAN, Certified Court
4 Reporter, Certificate No. 86150, in and for
5 the State of Louisiana, do hereby certify
6 that the Louisiana Used Motor Vehicle
7 Commission February 23, 2015 meeting was
8 reported by me in the stenotype reporting
9 method, was prepared and transcribed by me
10 or under my personal direction and
11 supervision, and is a true and correct
12 transcript to the best of my ability and
13 understanding.

14 This March 9, 2015, Baton Rouge,
15 Louisiana.

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

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