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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
JULY 21, 2014
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. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. KIRBY ROY

11 MR. HENRY "DARTY" SMITH

12 MR. DINO TAYLOR

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17 REPRESENTING THE LOUISIANA USED MOTOR
18 VEHICLE COMMISSION:

19

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

21

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

24

25

1 ALSO PRESENT:

2
3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MS. ANNA DOW

8 MR. NESTOR GUILLORY

9 MS. ANGELA KIRBY

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1 (Pledge of Allegiance.)

2 MR. POTEET:

3 Roll call, please.

4 MS. BARON:

5 John Poteet?

6 MR. POTEET:

7 Here.

8 MS. BARON:

9 George Brewer?

10 MR. BREWER:

11 Here.

12 MS. BARON:

13 Dino Taylor?

14 MR. TAYLOR:

15 Here.

16 MS. BARON:

17 Tony Cormier?

18 MR. CORMIER:

19 (No response.)

20 MS. BARON:

21 Ron Duplessis?

22 MR. DUPLESSIS:

23 Here.

24 MS. BARON:

25 George Floyd?

1 MR. FLOYD:

2 Here.

3 MS. BARON:

4 Kirby Roy?

5 MR. ROY:

6 Here.

7 MS. BARON:

8 And Darty Smith?

9 MR. SMITH:

10 Here.

11 MS. BARON:

12 Mr. Chairman, we have a quorum.

13 MR. POTEET:

14 Thank you. Is anyone here for
15 public comments today?

16 MS. BARON:

17 Not at this time.

18 MR. POTEET:

19 Okay. We'll start off with
20 approval of minutes from the previous
21 meeting. I'm assuming that everybody has
22 had a chance to read those. So I will
23 entertain a motion.

24 MR. SMITH:

25 I'll make a motion.

1 MR. BREWER:

2 Second.

3 MR. POTEET:

4 Smith, and a second.

5 All in favor, say, "Aye."

6 (All "Aye" responses.)

7 MR. POTEET:

8 Any opposed?

9 (No response.)

10 MR. POTEET:

11 It passes.

12 The next thing we have is the
13 financial matters, review of the financial
14 report. Mona.

15 MS. ANDERSON:

16 Okay. If you turn in your packet
17 to your financial statements for the month
18 ending June 2014, these statements are
19 unaudited statements. We've just recently
20 begun working with our auditor. You
21 probably received in your -- in the mail
22 your related party questionnaires, which
23 we'll need completed and put in an envelope
24 for the auditor. If you didn't receive it,
25 you do have one in your binders.

1 In the pocket of the binder
2 there, you have a copy of it if you'd like
3 to fill it out and leave it today.

4 Okay. Starting on Page 1, the
5 statement of net position, our cash in the
6 bank was \$1,461,530. And if we -- in
7 reviewing the cash flow, if we take out the
8 current liabilities and deferred inflows,
9 there was an increase in cash over last year
10 of \$117,000.

11 Under accounts receivable
12 hearings and fines, our balance for the
13 month was \$201,650, which was an increase
14 over last month. Under equipment, the
15 equipment increased by \$4,000 for the
16 purchase of a new server and software --
17 related software that's going to be
18 installed the latter part of July, and
19 August. Our current server was just
20 requiring constant servicing to allow space.
21 So we purchased a new server and that will
22 be being installed shortly.

23 Under current liabilities at the
24 bottom of the page, the balance was \$68,312.
25 We've already accrued the payables and the

1 payroll for the month of June, those
2 services that were provided in June in
3 anticipation of the audit.

4 On Page 2, the deferred revenues
5 were \$269,050. Moving on to the revenue,
6 expenses, and change in net position on Page
7 3, the year-to-date revenues were
8 \$1,327,013, which was up \$187,400 from last
9 year. The fee revenue was up \$35,000 and
10 the remainder of that was in the fines that
11 increased this year.

12 Under year-to-date salaries and
13 related benefits were \$799,800 compared to
14 \$725,800 last year at the same time. Under
15 maintenance/other, we did -- we had some
16 expenses for replacement of the building's
17 fixtures, which have not -- had not been
18 updated since the building was built, so
19 some improvements there.

20 And on Page 5, the expenditures
21 year to date were \$1,025,273. There was a
22 positive net change in position year to date
23 of \$301,739 compared to \$144,855 last year,
24 a large part of that being the increase in
25 the fines.

1 Moving on to Page 6, another
2 report of the revenues, expenses, and net
3 position, which shows you the comparison of
4 month-to-date figures, and the following
5 page is a graph of those figures showing a
6 slight uptick in June of this year.

7 And Page 8 shows you how we ended
8 up the year in fee revenues. Of course, our
9 largest increase was in UD revenues and
10 auction transaction fees, and then our
11 hearing costs and fines.

12 On Page 9, the certificate of
13 deposit summary remains the same this month.
14 We'll be looking to replace the CD there at
15 Community Trust. So we'll be investigating
16 rates at that time in August.

17 On Page 10, the accounts
18 receivable hearings report, our total for
19 the month was \$201,650. Of that, we added
20 \$161,800 in June. Those fines are- related
21 to Lauco, Sharp's, and Sign & Drive, and we
22 collected \$500 on T&S Auto. And so unless
23 there are any questions, Mr. Chairman, that
24 concludes my report.

25 MR. POTEET:

1 Thank you, Mona.

2 Does anybody have any questions
3 for Mona?

4 (No response.)

5 MR. POTEET:

6 No questions. You must have done
7 a really good job.

8 All right. So how about I
9 entertain a motion for approve.

10 MR. ROY:

11 (Makes motion.)

12 MR. POTEET:

13 Mr. Roy.

14 MR. SMITH:

15 Second.

16 MR. POTEET:

17 Second from Mr. Smith.

18 All in favor, say, "Aye."

19 (All "Aye" responses.)

20 MR. POTEET:

21 Any opposed?

22 (No response.)

23 MR. POTEET:

24 The financial statements are
25 approved.

1 Okay. So the next thing on our
2 agenda is that we have invoices we need to
3 approve, I think.

4 MR. PARNELL:

5 Commissioners, please find in
6 your packet Commission Counsel Hallack's
7 bill for services for May and June of 2014.
8 I have reviewed the services performed and
9 accounting has reviewed that the time
10 calculations are correct. The first
11 document is Commission Counsel's bill for
12 May services for May of 2014, which is
13 \$3,543.75, and Commissioner Counsel
14 Hallack's bill for services for June of 2014
15 is \$3,587.50. The total amount for both
16 months of service total \$7,131.25.
17 Commissioners, I'd ask that you approve the
18 payment for both May and June of 2014 for
19 Counselor Hallack's bill of services.

20 MR. POTEET:

21 Any discussion on these invoices?

22 MR. ROY:

23 I'll move on it.

24 MR. POTEET:

25 Okay. We have a move for

1 approval.

2 Second?

3 MR. SMITH:

4 I'll second.

5 MR. POTEET:

6 Second from Mr. Smith.

7 All in favor, say, "Aye."

8 (All "Aye" responses.)

9 MR. POTEET:

10 Any opposed?

11 (No response.)

12 MR. POTEET:

13 We'll approve that -- those
14 invoices.

15 And the next one is Counsel
16 Morris.

17 MR. PARNELL:

18 The next payment of invoices for
19 June 2014 for Commission Counsel Morris,
20 please find in your packet her first bill of
21 services for June of 2014. I reviewed the
22 services as well that were performed and
23 accounting has reviewed the time
24 calculations that they are correct.
25 Commission Counselor's bill for services --

1 Morris' bill for services for June of 2014
2 is \$3,237.50. Commissioners, I'd ask that
3 you approve payment for June 2014 for
4 Counselor Morris' bill of service.

5 MR. POTEET:

6 Any discussion here,
7 Commissioners?

8 (No response.)

9 MR. POTEET:

10 I need a motion.

11 MR. SMITH:

12 I make a motion.

13 MR. POTEET:

14 A motion by Mr. Smith.

15 Second from -- well, a second?

16 MR. TAYLOR:

17 Second.

18 MR. POTEET:

19 Second from Dino.

20 All in favor, say, "Aye."

21 (All "Aye" responses.)

22 MR. POTEET:

23 Any opposed?

24 (No response.)

25 MR. POTEET:

1 All right. So that invoice is
2 approved.

3 All right. So the next thing we
4 have on the agenda, Derek, we've got the
5 discussion of the interagency agreement
6 between our Commission and the Louisiana
7 Auction and Licensing Board.

8 MR. PARNELL:

9 Yes. Commissioners, you'll find
10 in your packet the terms of the interagency
11 agreement. If you remember, we have been
12 working with the Auctioneers Board in the
13 past several months. We've raised a concern
14 -- we'll seek clarity between the two
15 agencies concerning licensing of auctions.
16 The Auctioneers Board Counsel, Anna Dow, and
17 Louisiana Used Motor Vehicle Commission
18 Counsel, Robert Hallack, worked together in
19 developing an interagency agreement that
20 addresses the concerns. Also, we added
21 language that was in our 2014 legislative
22 packet that addresses concerns as well. I
23 will ask Commission Counsel Hallack to go
24 through and detail the fine lines of the
25 agreement.

1 MR. HALLACK:

2 Gentlemen, you may recall that
3 this started as a concern from some
4 licensees that the Auctioneering Board --
5 that they shouldn't have to have a license
6 with both agencies. So what we did work out
7 -- the primary things that are in this
8 agreement are, first of all, retail auctions
9 do not have to have a license as an auction
10 with this Commission. They only have to
11 have a used dealer license. So retail
12 auctions only need a used dealer license.
13 Wholesale auctions are still required to
14 have an auction license from this
15 Commission, unless they're selling vehicles
16 at retail, they don't have to have a used
17 dealer license. I think basically that
18 covers it.

19 MR. POTEET:

20 Can I ask a question, Mr.
21 Hallack?

22 MR. HALLACK:

23 Yes, sir.

24 MR. POTEET:

25 What would -- is there a

1 percentage -- well, let's say, for example,
2 you know, my business is a wholesale
3 auction, only wholesale. We don't retail
4 anything, any time, ever. Would there be
5 some cut off -- suppose I decided to have a
6 Saturday retail auction, would that -- I'd
7 still have to have my license as long as I
8 was selling some cars wholesale. So there
9 doesn't need to be a percentage. And I'm
10 only asking this, because, for example, the
11 National Auto Auction Association requires
12 that you sell 50 percent plus one wholesale
13 to be in that association. We don't have
14 that here. It would just be if you're going
15 to wholesale, you're going to have to have a
16 license regardless of the percentage of your
17 sales.

18 MR. HALLACK:

19 You have to have an auction
20 license with this agency.

21 MR. POTEET:

22 I just want to make that clear
23 for any wholesale auctions that may say,
24 well, I'm retailing 75 percent of my cars.
25 It doesn't matter, as long as you wholesale

1 anything.

2 MR. HALLACK:

3 If you're a wholesaler and you
4 sell five or more used motor vehicles
5 retail, then you have to have a license as a
6 used motor vehicle dealer.

7 MR. POTEET:

8 Thank you.

9 MR. HALLACK:

10 Does anybody have any questions?

11 (No response.)

12 MR. PARNELL:

13 I also have Counsel Anna Dow from
14 the Auctioneers Board.

15 Did you want to say anything?

16 MS. DOW:

17 No. I'm just here -- I'm here to
18 answer any questions you may have about this
19 agreement. This sort of also details
20 exactly where our investigators can go if
21 there's an issue. Obviously, there are some
22 things that are obviously your issue and
23 sometimes it's our issue. So we're working
24 together with your Commission to make sure
25 that enforcement is appropriate in those

1 cases.

2 MR. PARNELL:

3 Thank you.

4 MR. HALLACK:

5 Well, we do have to -- somebody
6 needs to make a motion to approve it.

7 MR. POTEET:

8 Oh, okay.

9 MR. SMITH:

10 I make a motion.

11 MR. DUPLESSIS:

12 Do we need to redo this
13 agreement? It was signed in the wrong spot.

14 MS. DOW:

15 We do have the correct version.
16 And I apologize for that. We got in a
17 hurry.

18 MR. SMITH:

19 I move.

20 MR. POTEET:

21 We have a motion to approve.

22 Second?

23 MR. TAYLOR:

24 Second.

25 MR. POTEET:

1 Mr. Taylor, second.

2 All in favor, say, "Aye."

3 (All "Aye" responses.)

4 MR. POTEET:

5 Any opposed?

6 (No response.)

7 MR. POTEET:

8 All right. Good work everybody.

9 I think this clarifies a lot of issues for
10 the constituencies on both sides.

11 MS. DOW:

12 It does and we will work with
13 this Commission as we always have. This
14 just -- this makes it a little easier for me
15 to explain to people what they need and what
16 they don't need.

17 MR. POTEET:

18 All right. Thank you. Thank
19 you, Mr. Hallack, good work.

20 MR. HALLACK:

21 You're welcome.

22 MR. POTEET:

23 Okay. Next thing on the agenda
24 is the Executive Director's report. Derek.

25 MR. PARNELL:

1 Commissioners, the investigators
2 have been working really hard to try and
3 satisfy consumer complaints and making sure
4 the licensees are in compliance with the
5 laws and statutes. Some of their actions
6 that they've been doing this past month in
7 June, audits conducted was 1, 5 day notices
8 issued was 4. 57 site visits and work
9 orders were accomplished. Hand delivered
10 were three. Assisted with title and
11 registration for consumers were 11.
12 Citations issued 7. Physical inspections
13 that were completed was 36. You'll find --
14 in your packet, you'll find the report that
15 shows some of the other of their functions,
16 which is the alleged issue counts. The
17 alleged issue counts for June of 2014 were
18 80 alleged issues. The next document is the
19 case report with an illustration of cases
20 that were assigned during that month. The
21 assigned cases for the month of June were 58
22 cases assigned and 10 of those cases have
23 been completed.

24 The last document is the
25 department summary report, which illustrates

1 the amount of total places that were closed
2 in the month of June. That kind of
3 completes the review of the complaint
4 totals.

5 And general information, I kind
6 of wanted to inform everyone that Compliance
7 Investigator Ronnie Wisenor, he retired from
8 his full-time service of 18 years on the 5th
9 of July. However, I did bring him back as
10 part-time employee. His area in District 2,
11 there's not as many dealerships in that
12 area. He has a really great working rapport
13 with those dealers out there and he
14 typically handles a lot of his business on
15 the phone and he really can work them a lot
16 easier and a lot faster. He doesn't have
17 that many dealers. He's kind of being --
18 kind of stretched him a little thin,
19 because, you know, I have been pulling him
20 down here in the Baton Rouge area a lot
21 working -- helping out, being that we didn't
22 have an investigator in that District 4
23 area, the Lafayette area, but it's working
24 out very well since we have acquired our new
25 investigator in that area, Nestor Guillory.

1 He has been doing a wonderful
2 job. He jumped right in. His background in
3 law enforcement has helped out a great deal.
4 He has a lot of connections out there
5 already from law enforcement. So a lot of
6 those players in that area, he kind of knows
7 already. But Ronnie's 18 years of service
8 as a full-time employee, he just kind of got
9 burned out a bit and he had talked to me a
10 couple of years back about getting ready to
11 kind of do that and I knew it was coming,
12 but he wanted to go ahead and step on out of
13 full-time work, but he still wants to be a
14 part of our Commission. He's still going to
15 be coming to our seminars. He's still going
16 to be, you know, an intricate part in our
17 involvement with what we're doing day to
18 day.

19 MR. BREWER:

20 He did a great job. I know he
21 helped me out a couple times.

22 MR. PARNELL:

23 Yes. He's still going to be
24 available, you know. He just won't work as
25 many hours in the week. He won't be working

1 40 hours anymore, but at the same time, it
2 works well for his area, and I think he does
3 a good job in, you know, conducting
4 investigations and closing things out and
5 getting to the bottom line of whatever the
6 situation is in a pretty quick fashion. So
7 if you can -- if you want to reach out to
8 him and just congratulate him on that, you
9 know. I didn't really say much about what
10 was going on about it, because I knew he was
11 coming right back. So I didn't really make
12 a big deal out of it, per se, but we did
13 take him on -- us here, we did take him to
14 eat. We wanted to have a little meal with
15 him and congratulate him and got him a cake
16 and stuff. So that's what we did.

17 And I don't know -- other general
18 information, I think all of you saw the
19 update on Damon Bowling's Autoplex that I
20 sent out to everybody. I just kind of
21 wanted to touch base with that.

22 LUMVC, the replacement
23 commissioner and I did speak with Barker
24 Dirmann on -- last week several times --
25 several weeks before that. I did receive

1 the appointment letter from the Governor's
2 office. They've appointed Steve Olave of
3 Pearl River. He's a certified pre-owner
4 manager of Ross Downing Chevrolet. Olave
5 will be appointed as service as a consumer
6 selected at state at-large as required by
7 statute. He was not -- unable to be here
8 today, but next month -- he assured me next
9 month he will be ready to go and -- but I
10 will send out the information to you all, so
11 you can kind of be in contact with him. I
12 think he's going to reach out to you,
13 Chairman Poteet, this week, so he can kind
14 of grasp some things. That's all I have in
15 general information.

16 MR. POTEET:

17 Good. Does anybody any questions
18 for Derek at this time?

19 (No response.)

20 MR. POTEET:

21 All right. Well, that concludes
22 our meeting.

23 MR. TAYLOR:

24 One question, did we send an
25 e-mail out to all of our dealers in regards

1 to new legislation, have we sent --

2 MS. BARON:

3 It's going out today.

4 MR. PARNELL:

5 Not yet.

6 MS. BARON:

7 It's going out today. It's on
8 the website.

9 MR. PARNELL:

10 She posted it on the website, but
11 didn't do a mass mailing. We'll get it out
12 today.

13 MR. TAYLOR:

14 Perfect.

15 MR. HALLACK:

16 That's a good point.

17 Commissioners need to realize that we've
18 changed the law in two significant ways, one
19 with regard to advertising, the other with
20 regard to spot delivery. So those are two
21 big important changes that everybody needs
22 to be aware of. And with regard to the
23 advertising changes, I think one of the
24 things that we need to talk about, maybe
25 even today, is how you want to handle that,

1 because there are some used car dealers that
2 put a lot of money into advertising. What
3 are we going to do if we find a violation?
4 Should we issue a warning? Should we go
5 ahead and issue a ticket? Something like
6 that, we need to think about, because I've
7 seen a couple of ads on TV that probably
8 would be violations under the new statute.
9 So how do you want us to handle those?

10 MR. TAYLOR:

11 Number one, I wish that all of us
12 in our areas would talk to our auctions and
13 hopefully get our auctions to make an
14 announcement, you know, maybe even for a
15 solid month. I think it would be a great
16 way to get the word out. I'm going to talk
17 to the people in Shreveport and talk to Mike
18 Turner in my area and I'm going to, by word
19 of mouth, tell my dealers around there, hey,
20 please make sure you pay attention to it,
21 but I wish there would be, one, a warning
22 and I wish -- and then from there proceed on
23 with the -- with issuing fines or anything
24 that we need to do to shut it down. I'd
25 like that advertising shut down as quickly

1 as possible, so it starts ruffling the
2 feathers of the new car dealers here in the
3 state, I mean, just immediate August 1, you
4 know. That's my opinion.

5 MS. BARON:

6 Would you like for me to send
7 y'all a separate e-mail with both of the
8 laws?

9 MR. BREWER:

10 Yes, please.

11 MS. BARON:

12 Okay. Will do.

13 MR. DUPLESSIS:

14 You know, I think in fairness,
15 you're going to have to create definitions.
16 I've been under the -- as a new car dealer,
17 I've been under this scrutiny for, let's
18 say, my entire career, and I think that the
19 biggest scrape that dealers have is that
20 they need definitions. It needs to be
21 clear, but what the New Car Commission has
22 done, so that they don't have a room full of
23 dealers with violations unknowing to them,
24 is that they also have a review panel. You
25 can call and send it to Lessie and Burgess

1 and so forth because, you know, there's a
2 lot of guys that are going through the line
3 and they are being aggressive in their
4 business offering new products and I think
5 that you owe it to the dealers to be fair.
6 I think you owe it to the rest of the
7 dealers to be firm. So I think a good
8 understanding prevents misunderstanding,
9 it's to create definitions and try to
10 backfill those definitions and I think they
11 should go with policy is my thought.

12 MR. POTEET:

13 Okay.

14 MR. HALLACK:

15 Well, I think, you know, when an
16 investigator has a problem with an ad, he
17 brings it to Mr. Parnell and he reviews it
18 to determine if it's a violation or not, you
19 know. And I think, like Mr. Taylor said, if
20 we issue warnings and tell them, we're not
21 going to allow you to use this type of
22 advertising anymore and tickets will be
23 written after that, maybe that's a good
24 point.

25 MR. DUPLESSIS:

1 And I agree with that, but I
2 think you have to let them know clearly
3 what's expected of them.

4 MR. POTEET:

5 Well, I think that kind of
6 combining those two ideas together, number
7 one, I do think we should give warnings
8 before we start writing tickets, because it
9 is a new law and it's going to take awhile
10 to get people in line with where we need to
11 be. And the second part of that is, I think
12 that we need to be clear and maybe the
13 process needs to be this, when a warning is
14 issued, it comes back to Derek and Derek
15 reviews it, and then there should be a
16 response back to the dealer that, yes, this
17 is in violation, because, dah, dah, dah,
18 dah, dah, and we'll fill that in, whatever
19 the case may be, and make it clear, this is
20 how you're in violation, why you're in
21 violation.

22 So I don't know about a panel,
23 but I know definitely that in the process
24 for the next few months, the next six
25 months, or even a year maybe, we give

1 warnings and we review it and get back to
2 the dealer that was warned. And if we're
3 wrong, if we think that the investigator was
4 wrong, Derek should say, well, that really
5 doesn't -- you know, that's not a violation,
6 because, and then have the explanation. I
7 think Ron brings up a good point. We need
8 to be fair with everybody, but we need to be
9 firm, because the guys that are following
10 the rules -- and this was back months and
11 months ago when Mr. Taylor kind of brought
12 this stuff up, that was the thing. You
13 know, you've got some people that are
14 playing by one set of rules and a bunch of
15 other people that are trying to play by the
16 right rules. So I think we need to do it in
17 a way that makes sure that everybody
18 understands it and a way that we're not
19 going to, you know, sending people tickets.
20 So if you do it one time, it's explained by
21 the Executive Director, and if you do it
22 again, you're going to get a ticket and
23 you're going to get a fine.

24 Does everybody agree with that
25 process?

1 (No response.)

2 MR. POTEET:

3 And then I guess as time goes on,
4 if we need to adjust that, we can, but I
5 think that that would be the best way to go,
6 warning, you know, explanation, next time
7 ticket.

8 MR. PARNELL:

9 And did you say you want to do a
10 six-month time frame?

11 MR. POTEET:

12 I just said it may take six
13 months or a year to kind of get it to the
14 point -- once you've given, you know, I
15 don't know, two dozen warnings, I think
16 you're at the point where you're starting to
17 get some penetration into the dealer body.
18 I mean, they do talk amongst themselves and
19 people know about it. And then probably the
20 first time somebody actually gets a fine,
21 there's going to be a lot of discussion on
22 that, too, probably even some news about it.

23 MR. ROY:

24 Will they be sent a statute of
25 the law?

1 MR. HALLACK:

2 Well, Mr. Parnell is going to
3 send information as to why it's a violation.

4 MR. ROY:

5 Because each dealership receives
6 --

7 MR. POTEET:

8 Yes. It's on the website now and
9 today we're going to e-mail it out.

10 MR. TAYLOR:

11 I think a warning does a good job
12 of finding all the older people that are not
13 paying attention. I think the warnings have
14 already -- you know, hey, you didn't pay
15 attention, here you go --

16 MR. ROY:

17 I agree on the warning.

18 MR. TAYLOR:

19 -- here's the statute or a field
20 officer will give the statute out to them,
21 here it is, if you have any questions, call
22 me back.

23 Montie, I've never left him a
24 message, even before I was on this
25 Commission, that in less than a half a day

1 he didn't return my call. So I'm assuming
2 it's the same way around with other officers
3 around the state, you know.

4 MR. POTEET:

5 They're pretty easily accessible.

6 MR. DUPLESSIS:

7 I think we also need to have
8 clarification on the new doc fee that was
9 passed that applies to our Commission and
10 our constituents as well. It's a \$200 fee
11 and I think we've spoken -- several of us
12 have spoken about the tentacles to that and
13 where the statute written in the law and how
14 the law has changed and it's a very serious
15 and may be a TILA violation. It would be a
16 serious violation now and I think it needs
17 to be explained and everybody understands
18 how it works.

19 MR. HALLACK:

20 This is the law with regard to
21 people who do financing?

22 MR. DUPLESSIS:

23 Yes. Well, it's anybody that you
24 put -- you can either finance or indirect
25 finance. You're entitled to a documentation

1 fee, which was previous capped at \$100.
2 Now, it's capped after this Legislature at
3 \$200, but has to be clearly stated with
4 verbiage on the buyer's order and it has to
5 be itemized out, but it has specific
6 disclosure information that has to be on the
7 buyer's order.

8 MR. HALLACK:

9 And part of the disclosure is
10 that people have to know it's not a
11 mandatory charge by statute.

12 MR. DUPLESSIS:

13 That's correct, but the
14 nomenclature is printed verbatim in the law.

15 MR. HALLACK:

16 Mr. Duplessis is referring to a
17 memo that was sent out by the New Car
18 Commission for people -- it was only sent
19 out to new car dealers, but it also applies
20 to any used motor vehicle dealer, like Mr.
21 Duplessis said, that finances or --

22 MR. DUPLESSIS:

23 Does paperwork in order to
24 achieve financing. If you get the license,
25 title, the documentation, the loan, that

1 sort of thing, then you're entitled to
2 recoup your expenses up to \$200.

3 MR. TAYLOR:

4 And that's plainer if you charge
5 \$1 or if you charge \$200, you have to
6 explain it, correct?

7 MR. DUPLESSIS:

8 That's correct.

9 MR. TAYLOR:

10 And I assume they wanted that doc
11 fee and I'm sure in legislation it says,
12 we're going to give you that bond, but
13 you've got to tell them what's going on.
14 I'm sure that's how it worked out. Is that
15 what happened?

16 MR. DUPLESSIS:

17 It is, but actually there was a
18 rearrangement in the law and I think Sheri
19 or Robert can actually pull it. They
20 changed the item numbers where it was
21 ambiguous. It was always in the law and
22 people didn't realize it, because it was so
23 far down. Now, they've brought it back up
24 and it's noted in the black lines of the
25 actual legislation, because I've read it.

1 I've reviewed it with Lessie. I believe I
2 reviewed it with Derek and it is very, very
3 clear how they want it done. Otherwise, it
4 could possibly be a TILA violation as well
5 as a State violation of the finance
6 commission of a new car.

7 MR. TAYLOR:

8 So just to clarify for everybody,
9 there's no governing body here at all.

10 MR. DUPLESSIS:

11 No. Actually, we could go in now
12 and that would be a violation of State law
13 for our investigators if we chose to pursue
14 that item. We could enforce that, but it
15 would be part of our procedures of the
16 Commission.

17 MR. POTEET:

18 So we need to emphasize that,
19 too, along with the other information.

20 Thank you, Mr. Hallack.

21 MR. PARNELL:

22 Counsel Morris, she wrote an
23 opinion on it. If you will, kind of --

24 MS. MORRIS:

25 Basically, I reviewed Lessie's

1 e-mail and I agree with what she's saying is
2 that if you are charging a fee for preparing
3 documents, checking credit, any of those
4 things, you do have to have a disclosure on
5 the buyer's order or the sales contract and
6 it has to be signed by the buyer and you
7 have to give the buyer a copy of it as well.
8 So it's a procedure that you have to follow
9 to be in compliance with the law. I don't
10 -- I'm not sure why she didn't send it to
11 people that have a motor vehicle sales
12 finance license, but in her head -- or that
13 group is not listed. So we can go ahead and
14 send it to the dealers since we're going to
15 send legislation. It changes -- the major
16 change in the law is the fee not being
17 capped at \$100, but \$200, and then a little
18 bit more clarification as to the procedure.

19 MR. POTEET:

20 Thank you.

21 Any more discussion?

22 (No response.)

23 MR. POTEET:

24 Okay. We needed to adjourn the
25 meeting, and then reconvene for the

1 administrative hearings. I need a motion to
2 adjourn.

3 MR. SMITH:

4 I'll make a motion.

5 MR. BREWER:

6 Second.

7 MR. POTEET:

8 All in favor, say "Aye."

9 (All "Aye" responses.)

10 MR. POTEET:

11 Okay. Let's take about a
12 five-minute break and we'll start with our
13 first of four hearings today.

14

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16 (Meeting adjourned at 10:05 a.m.)

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REPORTER'S CERTIFICATE

1
2
3 I, BETTY D. GLISSMAN, Certified Court
4 Reporter, Certificate No. 86150, in and for
5 the State of Louisiana, do hereby certify
6 that the Louisiana Used Motor Vehicle
7 Commission July 21, 2014 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 July 30, 2014, Baton Rouge,
15 Louisiana.

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

Betty D. Glissman, CCR

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