

LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
October 19, 2015
BEGINNING AT 9:32 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

4 MR. JOHN POTEET

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6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. STEPHEN OLAVE

11 MR. KIRBY ROY

12 MR. DINO TAYLOR

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16 REPRESENTING THE LOUISIANA USED MOTOR
17 VEHICLE COMMISSION:

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

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

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1 ALSO PRESENT:

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3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MR. NESTOR GUILLORY

8 MR. DWAYNE TAMBLING

9 MR. PERRY ESPONGE

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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 Floyd?

10 MR. FLOYD:

11 Here.

12 MS. BARON:

13 Ron Duplessis?

14 MR. DUPLESSIS:

15 Here.

16 MS. BARON:

17 Tony Cormier?

18 MR. CORMIER:

19 (No response.)

20 MS. BARON:

21 Kirby Roy?

22 MR. ROY:

23 Here.

24 MS. BARON:

25 Steve Olave?

1 MR. OLAVE:

2 Here.

3 MS. BARON:

4 George Brewer?

5 MR. BREWER:

6 Here.

7 MS. BARON:

8 Darty Smith?

9 MR. SMITH:

10 (No response.)

11 MS. BARON:

12 Dino Taylor?

13 MR. TAYLOR:

14 Here.

15 MS. BARON:

16 Mr. Chairman, we have a quorum.

17 MR. POTEET:

18 Thank you. Is anyone here today
19 for public comments?

20 MS. BARON:

21 They are not.

22 MR. POTEET:

23 All right. First thing on the
24 agenda -- well, the next thing on the agenda
25 is the adoption and approval of the minutes

1 from the last meeting. I hope everybody has
2 had a chance to read those.

3 Any comments on the -- on the
4 minutes?

5 (No response.)

6 MR. POTEET:

7 All right.

8 MR. TAYLOR:

9 I make a motion.

10 MR. OLAVE:

11 I second that motion, Mr.

12 Chairman.

13 MR. POTEET:

14 All in favor, say, "Aye."

15 (All "Aye" responses.)

16 MR. POTEET:

17 Okay. The motion is approved.

18 Next, items for discussion and
19 action. The first thing is Mona with the
20 financial report. Good morning, Mona.

21 MS. ANDERSON:

22 Good morning. How are you?

23 MR. POTEET:

24 Good.

25 MS. ANDERSON:

1 Okay. If you will turn in your
2 binders to the financial statement for the
3 month ending September 30, 2015, on the
4 statement of net position, on Page 1, the
5 cash in the bank at the end of the month was
6 \$1,575,983. Accounts receivable hearings
7 and fines was increased to \$505,250. Your
8 current liabilities down at the bottom of
9 the page were \$40,329 and that's primarily
10 benefits and escrowed fines that were
11 waiting to be approved.

12 On Page 2, the long-term
13 liabilities, the deferred inflows were
14 \$306,415. We've started to receive some
15 2017 money you see there. So you'll begin
16 seeing both codes for those revenues until
17 January when we move the 2016 to the regular
18 revenue.

19 On the following page, Page 3, is
20 the statement of revenue, expenses, and
21 changes in net position. At the middle of
22 the page down at the bottom, the
23 year-to-date revenues were \$199,800, which
24 was about a \$94,000 increase over last year
25 at this time. Increases were primarily in

1 fines and auction transaction fees at this
2 time of the renewal year. The expenses
3 under salaries and related expenses
4 increased \$9,522 over last year and the
5 remainder of the expenses increased about
6 \$3,000.

7 On Page 5, middle of the page at
8 the bottom, the net loss for the month --
9 for the year-to-date was \$53,174 compared to
10 a net loss of \$135,000 last year. On the
11 following page, Page 6, you have the
12 year-to-date net position and the
13 month-to-month comparison, and Page 7 is a
14 graph of that.

15 Page 8 shows a chart of our fee
16 revenue at this point in the year, which is
17 mainly fines and auction transaction fees.
18 Page 9 is the certificate of deposit summary
19 and there's been no change this month from
20 last month on that report.

21 On Page 10, the hearing fines,
22 the total fines including the -- those
23 referred to the Attorney General were
24 \$505,250. Fines of \$29,600 were assessed
25 and \$9,550 was collected.

1 And unless there are any
2 questions, that concludes the report on the
3 September financial statements.

4 (No response.)

5 MR. POTEET:

6 No questions.

7 We need a motion to approve the
8 financial statement.

9 MR. BREWER:

10 I make the motion.

11 MR. POTEET:

12 George.

13 MR. OLAVE:

14 I second, Mr. Chairman.

15 MR. POTEET:

16 Mr. Olave.

17 All in favor, say, "Aye."

18 (All "Aye" responses.)

19 MR. POTEET:

20 Any opposed?

21 (No response.)

22 MR. POTEET:

23 The motion carries.

24 The next thing on the agenda is
25 also Mona, the proposed fiscal budget.

1 MS. ANDERSON:

2 If you turn in your binders to
3 the first page, the summary statement of
4 actual and budgeted, the 2016/17 proposed
5 budgeted revenues in the second to last
6 column will be \$1,487,490. We did increase
7 the fine -- I'm sorry, the fees line,
8 licenses and transaction fees, by 6 percent.
9 The enforcement actions, which are the
10 fines, came in -- are going to come in at
11 the end of 14/15 at \$443,000, but we, you
12 know, don't have -- that's not a guaranty.
13 So we're looking at a conservative \$250,000
14 there.

15 And if you'll turn in the
16 proposed budget to Page 6-A, which is
17 titled, Salary and Merit Increase For
18 Incumbents, we budgeted for about four empty
19 -- four vacant positions that we anticipate
20 filling over the next two years, both this
21 -- the current fiscal year and the 16/17
22 fiscal year, which you see are to be
23 determined there. Retirement contributions
24 are anticipated to continue to increase as
25 they try to fund the unfunded liabilities.

1 So we added an increase there for the
2 2016/17 year. And group insurance rates did
3 not increase in 2015. So we are
4 anticipating an increase in the 16/17 year.

5 MR. ROY:

6 Ms. Mona, Ronnie Wisenor, he's
7 part-time?

8 MS. ANDERSON:

9 Yes, sir.

10 MR. ROY:

11 He is. Okay.

12 MS. ANDERSON:

13 He's a rehired retiree.

14 MR. ROY:

15 Okay. Good.

16 MS. ANDERSON:

17 Okay. And these figures will be
18 carried forward. If you'll flip back to
19 Page 6, those salaries and related benefits
20 are carried -- carried into that
21 spreadsheet. Then, moving on to BC-7, the
22 schedule of travel expenses, we did budget
23 for Board member travel, of course, but
24 employee travel, Mr. Wisenor is using his
25 personal vehicle and -- so that we don't

1 have to purchase another vehicle. So that's
2 what the additional there is.

3 On BC-8, the remainder of the
4 operating expenses, we budgeted about a 10
5 percent increase over the 15/16 -- what we
6 estimate 15/16 to come in at. Under the
7 line items of maintenance/other, that --
8 that includes things such as our alarm, our
9 janitorial, our lawn care, things of that
10 type. Other miscellaneous down at the
11 bottom includes bank fees, merchant fees,
12 that -- that type of expense.

13 On BC-9, our professional
14 services contracts are budgeted at the total
15 limit on the contract. That's a
16 precautionary measure. BC-10, schedule of
17 other charges, is our IT related expenses,
18 our connection to the DPS. We -- also, we
19 budgeted for CAVU license -- well, it's
20 really a maintenance fee that they have and
21 -- because we'll need to maintain that
22 database while we're trying to obtain
23 another licensing program, which you see
24 there. So that will be our transition year
25 to do both of those -- have both of those

1 active.

2 On BC-11, our acquisitions, we're
3 anticipating purchasing two vehicles, one
4 additional vehicle for the additional
5 compliance investigator and one replacement
6 vehicle. We're also budgeting \$9,000 for
7 the replacement of computers. We're going
8 to begin replacing the field laptops, which
9 are very out of date with -- we're looking
10 at two-in-one tablet computer type equipment
11 for them. And then we'll need to -- by this
12 point, we'll also need to be changing out
13 all of the staff computers, which were
14 purchased back in 2011.

15 So flipping back to BC-2, you can
16 see the accumulation of all of the expenses,
17 which we're budgeting at \$1,471,012. And on
18 BC-3, you can see the budgeted in the second
19 to last column -- I'm sorry, in the last
20 column, you can see the fund balances, the
21 -- I'm sorry, the net position, I'm getting
22 used to that term, the means of financing,
23 which is our revenue, the expenditures, and
24 a small net income figure as a result for
25 2016/17.

1 So unless anyone has any
2 questions, that concludes my report about
3 the proposed 2016/17 budget. And we'll need
4 a resolution, Mr. Chairman, to adopt the
5 budget.

6 MR. POTEET:

7 Does anybody have any questions
8 about the budget? Comments?

9 (No response.)

10 MR. POTEET:

11 Okay. Quiet group today.
12 Resolution -- we need a motion to approve
13 the resolution adopting the 2016/2017 --

14 MR. ROY:

15 I move on that.

16 MR. POTEET.

17 Kirby.

18 I need a second.

19 MR. OLAVE:

20 Second.

21 MR. POTEET:

22 Second from Mr. Olave.

23 All in favor, say, "Aye."

24 (All "Aye" responses.)

25 MR. POTEET:

1 Thanks everybody. Thanks, Mona,
2 good work. It seems like I say that every
3 meeting. I'll stop saying that.

4 Okay. Next thing on the agenda
5 is the payment of invoices. We have two
6 here, one for Attorney Robert Hallack and
7 one for Attorney Sheri Morris.

8 MR. PARNELL:

9 Commissioners, if you'll turn in
10 the packet, you will find both of those
11 invoices. The first one will be the invoice
12 for Attorney Hallack for September 2015. We
13 have reviewed all of the line items and
14 accounting has concluded that his
15 calculations are correct. I ask that the
16 bill of services for September 2015 for
17 Commissioner -- I'm sorry, for Attorney
18 Hallack for \$3,015, and I ask that you
19 approve payment of Counsel Hallack's bill.

20 MR. POTEET:

21 Motion to approve?

22 MR. OLAVE:

23 Motion to approve Mr. Hallack's
24 bill.

25 MR. POTEET:

1 Steve.

2 And a second?

3 MR. BREWER:

4 Second.

5 MR. POTEET:

6 All in favor, say, "Aye."

7 (All "Aye" responses.)

8 MR. POTEET:

9 Any opposed?

10 (No response.)

11 MR. POTEET:

12 Okay. That motion carries.

13 MR. PARNELL:

14 Next, you will find Counselor
15 Morris' bill of services for September 2015.

16 The total services were \$5,535.

17 Commissioners, I ask that you approve
18 payment of Attorney Morris' bill.

19 MR. OLAVE:

20 I make a motion to approve the
21 bill, Mr. Chairman.

22 MR. POTEET:

23 Steve.

24 MR. BREWER:

25 Second.

1 MR. POTEET:

2 Second.

3 All in favor, say, "Aye."

4 (All "Aye" responses.)

5 MR. POTEET:

6 Any opposed?

7 (No response.)

8 MR. POTEET:

9 All right. So that's approved.

10 So next on the agenda, we've got
11 some ratifications of imposed penalties.
12 Derek, take us through that.

13 MR. PARNELL:

14 Yes. Commissioners, if you'll
15 turn with me in your packet, you will find a
16 chart that illustrates the ratification of
17 imposed civil penalties. We have received
18 -- we need to know if there are any persons
19 present that are out there that are
20 representing any of these dealerships
21 listed.

22 MS. BARON:

23 No. There is nobody.

24 MR. PARNELL:

25 All right. We have received

1 stipulated agency orders and proof of
2 payment. Payment has been made and I have
3 determined that the public interest can be
4 served without further administrative
5 proceedings. I'll go through the
6 ratification list giving you the title of
7 the dealership and the amount of the civil
8 penalty and -- and what the penalty is for.

9 First on the list is Cross
10 Enterprises of Louisiana in Baton Rouge,
11 Louisiana. They have one count of failing
12 to establish a place of business for \$150.
13 Fares Motor Company from Baton Rouge,
14 Louisiana, one count of non-delivery of
15 title, \$200. Ndubuisi Autoplex, LLC from
16 Baton Rouge, Louisiana, they have one count
17 of non-delivery for \$200. Sigmund Potier,
18 Individually, and doing business as MOB Auto
19 out of Marksville, Louisiana, committing a
20 fraudulent act for \$500, one count. Volume
21 Auto Sales, LLC from Baton Rouge, Louisiana,
22 failing to keep an established place of
23 business with no business telephone, one
24 count, is \$150. Samir Auto Sales, LLC from
25 Lafayette, Louisiana, misuse of temporary

1 tags, 225 counts, they made a payment of
2 \$12,000. The -- the Master's Touch Auto
3 Center of Broussard, Louisiana, failing to
4 keep an established place of business, one
5 count, is \$150. M&M Autoplex, Inc., Baton
6 Rouge, Louisiana, one count of false and
7 misleading advertising, \$300. Lafayette Car
8 Truck Sales, LLC from Broussard, Louisiana,
9 it's three counts of parking vehicles in a
10 public right-of-way, \$750. Charlene M.
11 Carrouche, Individually, and doing business
12 as Charlie's Auto Wrecker at one count of
13 conducting business without a license, one
14 count, \$250. Borek Automotive Group, LLC
15 from Duson, Louisiana had one count of
16 committing a fraudulent act, one count of
17 employing an unlicensed salesperson, and one
18 count of requiring a signature on voluntary
19 surrender at the time of sale, the fine was
20 \$1,000, which leaves a total fine for the
21 September 2015 to be \$15,650.

22 Commissioners, I would ask that
23 you ratify the imposed civil penalties
24 assessed and accept the signed stipulated
25 agency orders.

1 MR. ROY:

2 Before -- #4, without saying the
3 name, what -- what happened? What was the
4 -- it was fraud, but --

5 MR. PARNELL:

6 Honestly, I can't remember
7 exactly what the count was.

8 MR. GUILLORY:

9 He sold the vehicle after -- from
10 another location.

11 MR. ROY:

12 Okay.

13 MR. DUPLESSIS:

14 And then could you tell me about
15 the hefty fine here, 12 grand for the 225
16 counts of misuse of temporary tags from
17 Samir Auto Sales?

18 MR. PARNELL:

19 Basically, what he was doing was
20 he was -- he wasn't putting anything into
21 his --

22 MR. GUILLORY:

23 He wasn't -- he wasn't -- he
24 wasn't entering them into the State database
25 as required by law and they had started, and

1 then they just quit doing it and --

2 MR. DUPLESSIS:

3 But no -- no nefarious acts?

4 MR. GUILLORY:

5 No, just -- just that and it was
6 -- I got the call from the Department of
7 Public Safety, because -- I can't go into
8 details on the case. They're working, but
9 they couldn't track the vehicle -- the temp
10 tag back to his dealership.

11 MR. DUPLESSIS:

12 Understood.

13 MR. POTEET:

14 Any other discussion?

15 (No response.)

16 MR. POTEET:

17 I need a motion to ratify.

18 MR. OLAVE:

19 I make a motion to ratify the
20 imposed penalties, Mr. Chairman.

21 MR. BREWER:

22 Second.

23 MR. POTEET:

24 Second from George.

25 All in favor, say, "Aye."

1 (All "Aye" responses.)

2 MR. POTEET:

3 All right. Those are -- motion
4 to ratify is accepted.

5 Okay. Next, we've got
6 ratification of revocations.

7 MR. PARNELL:

8 Yes. Commissioners, once again,
9 you'll find in your packet the next document
10 -- the next page in your packet is the
11 ratification of revocation chart. I'll ask
12 the same question, do we have anyone present
13 that we know in the lobby -- in the lobby
14 area that represents these dealerships?

15 MS. BARON:

16 No, sir.

17 MR. PARNELL:

18 I'll go through and announce the
19 names of dealerships that have been -- well,
20 revoked and we'll just go through that.
21 National Preowned Cars, LLC from Gretna,
22 Louisiana, the letter of suspension was sent
23 out on April 7, 2015, notice of revocation
24 was August 8, 2015. Payless Auto Sales from
25 New Orleans, Louisiana, the suspension

1 letter was sent out on March 27, 2015. The
2 notice of revocation was sent out August 8,
3 2015. Broadview Auto Sales from New
4 Orleans, Louisiana, suspension letter was
5 sent out on April 20, 2015. The notice of
6 revocation was sent out August 10th of 2015.
7 R&P Auto Sales from Hammond, Louisiana,
8 suspension letter was sent out on March --
9 May 21, 2015, and the notice of revocation
10 was on September 29th of 2015.

11 Commissioners, I'd ask that you
12 ratify the revocation of the above-mentioned
13 dealers and all related salespersons.

14 MR. TAYLOR:

15 I make a motion.

16 MR. OLAVE:

17 Second, Mr. Chairman.

18 MR. POTEET:

19 All in favor, say, "Aye."

20 (All "Aye" responses.)

21 MR. POTEET:

22 Any opposed?

23 (No response.)

24 MR. POTEET:

25 That passes.

1 Executive Director's report.

2 MR. PARNELL:

3 You will find -- in your packet,
4 you will have a tab, complaint totals. You
5 will find that for the month of September,
6 the alleged issue counts for the month of
7 September was 130 alleged issues. The next
8 document is the case report, which
9 illustrates there were 87 assigned cases for
10 the month of September. 23 of those cases
11 were closed, which leaves open 64 of those
12 cases. 68 cases were closed in the month of
13 September.

14 Also, Commissioners, during the
15 month of September, there were 14 five day
16 notices issued. 15 physical inspections
17 were done. 13 -- 13 incidents where
18 investigators assisted consumers in getting
19 their titles to be delivered. 167 site
20 visits were conducted by the investigators.
21 8 audits were conducted. 49 violations were
22 issued. And investigators helped --
23 assisted consumers with money returned in
24 the total of \$16,049.51.

25 Do we have any questions in

1 relation to the investigation and complaint
2 totals?

3 (No response.)

4 MR. PARNELL:

5 Okay. I'll move onto general
6 information. During our last Commission
7 meeting, there was discussion regarding the
8 motor vehicle sales finance act. Typically,
9 regarding concerns by various dealers, LIADA
10 represents them. The culmination of that
11 discussion was that I would work with the
12 attorneys to draft a formal letter to
13 express concerns for our licensees. The
14 letter was a request for an advisory and
15 interpretive opinion that was sent via
16 e-mail to Lessie House, the Executive
17 Director with the Motor Vehicle Commission,
18 on Monday, October 5, 2015. The -- the
19 letter asked that the -- LMVA to give -- or
20 give advice or an interpretive opinion
21 regarding approvability of -- of language
22 that falls under Title 6, which is the motor
23 vehicle sales finance act. We were just
24 asking for clarity on specifically the legal
25 authority on which the Motor Vehicle

1 Commission relies for its position that
2 dealers licensed with the Used Motor Vehicle
3 Commission who engage in the activities that
4 were not listed in the motor vehicle sales
5 finance act, but were listed in two
6 memorandums that were sent out, that what is
7 their specific legal authority for trying to
8 enforce our dealers to be licensed by them.

9 Counselor Morris has drafted
10 language. So I will ask her to kind of go
11 into a little bit more detail and specifics
12 of that language. I e-mailed it out to
13 everyone. I think you've all had an
14 opportunity to read through it. I cc'd
15 everyone on that document that we sent out.
16 At this point, I have not heard anything
17 back as a response, but, please, if you
18 will.

19 MS. MORRIS:

20 In reviewing the motor vehicle
21 sales finance act, there was a provision to
22 allow for interpretive opinion. So I used
23 that provision to request that there be an
24 interpretation by the Motor Vehicle Sales
25 Finance Committee. And I just kind of went

1 in very much detail through the motor sales
2 finance act based upon prior discussions
3 that I had with Robert and Derek of the
4 definitions, which we thought really takes
5 our dealers outside of the motor vehicle
6 sales finance act. And so I just cited all
7 of the definitions and asked -- I tried to
8 recognize the fact that we have dealers that
9 operate very different businesses, but the
10 ones that are operating businesses where
11 they're not lending money, they're never --
12 you know, the -- the purchaser is not really
13 borrowing money from the dealer. Those
14 transactions, I kind of set forth why we
15 think that they're not covered under credit
16 sales definition. So we haven't gotten a
17 response and we also asked that -- you know,
18 I don't know how they do those
19 interpretations, if they're referring them
20 to their counsel or maybe their counsel
21 drafts it and has it come to the Board for
22 review. So we asked, you know, to be placed
23 on the next agenda if that was necessary for
24 the opinion or to send an opinion to us
25 within 30 days. So we're not quite to that

1 time period. I didn't see on their website
2 the schedule for the next meeting, but it
3 doesn't look like they meet monthly, but
4 almost every other month, but it's not
5 really --

6 MR. POTEET:

7 Sporadic.

8 MS. MORRIS:

9 -- every month. They may meet 9
10 or 10 times a year. I mean, it's pretty
11 regularly, but it's not like they're meeting
12 the third Monday of the month like you all
13 do or -- so I couldn't really tell and there
14 was no calendar of an upcoming meeting. So
15 we just asked them if that request couldn't
16 be accommodated, to let Mr. Parnell know,
17 but he hasn't received a response from them.
18 So I guess there's a period --

19 MR. TAYLOR:

20 When was that letter sent out?

21 MR. POTEET:

22 October 15.

23 MS. MORRIS:

24 I guess at the end of so many
25 days, if we want Mr. Parnell to take some

1 follow-up action, maybe you can direct him
2 to do that if we haven't heard anything.

3 MR. POTEET:

4 What would be the appropriate
5 follow-up action, assuming that they don't
6 reply?

7 MS. MORRIS:

8 We requested that it be placed on
9 the agenda such as necessary for a decision.

10 MR. HALLACK:

11 I would say that we're going to
12 advise our dealers then that these people
13 who do not fall within this type of activity
14 under the motor vehicle sales finance act do
15 not have to have a license.

16 MR. OLAVE:

17 Remain silent or start to
18 consent.

19 MR. HALLACK:

20 Well --

21 MR. POTEET:

22 Well, I would say that -- that
23 maybe not quite, but if -- if they're not
24 going to interpret it, then we're going to
25 have to.

1 MR. HALLACK:

2 Right.

3 MR. POTEET:

4 That's -- that's what we come
5 down to. We will make the interpretation
6 assuming that they don't answer.

7 MR. HALLACK:

8 We're in a position that we have
9 to advise our dealers of something.

10 MR. POTEET:

11 Yes. Do we -- do we then tell
12 them that that's what we're going to do, do
13 we make any kind of formal --

14 MS. MORRIS:

15 We could put it on our next
16 agenda --

17 MR. POTEET:

18 Sure.

19 MS. MORRIS:

20 -- and notify them that the
21 matter will be discussed. We can send them
22 the agenda, but we asked that it be placed
23 on their next agenda and it looks like their
24 next agenda will be before our November
25 meeting, but like I said, it didn't have a

1 schedule that I could pull up.

2 MR. POTEET:

3 All right.

4 MR. BREWER:

5 And they still have
6 representatives out there that -- they hit
7 Houma just recently and I got quite a few
8 phone calls wanting to know what they should
9 do.

10 MR. DUPLESSIS:

11 At what point do we notify the
12 Board of Commissions that this is direct
13 conflict between two commissions?

14 MS. MORRIS:

15 We copied the Board of
16 Commissions' representative that had
17 attended the meeting with those commission
18 members present, so that they would be
19 aware.

20 MR. POTEET:

21 So they -- they know where we
22 stand. They know what was discussed. I --
23 I would say -- George, I've had a couple
24 people ask me, too. I would say -- unless
25 there's a different answer, I would say,

1 this is what we've done, we've asked for an
2 interpretation, we're waiting to get that
3 back, you know.

4 MS. MORRIS:

5 I also was able to find two cases
6 that not totally -- you know, don't dispose
7 of the issue, but indicate -- that talk
8 about the scope of the motor vehicle sales
9 finance act and they're just language in
10 cases. They're pretty old, but I think it
11 -- it more supports the interpretation that
12 we believe is appropriate. So I attached
13 those to the request.

14 MR. DUPLESSIS:

15 And I think, Sheri, if we come
16 back, which I think we would respect -- if
17 their interpretation is in favor of them and
18 we disagree with that interpretation, where
19 is that going to leave us as a Commission?

20 MR. HALLACK:

21 I guess that would depend on what
22 type of action you would want to take at the
23 next meeting, which is on the agenda.

24 MS. MORRIS:

25 It appears that their agenda

1 includes the license to ratify -- they
2 ratify their licenses at their meeting. So
3 there's a list on -- you know, attached to
4 their agenda, the licenses they ratify.
5 There are quite a few dealers that are not
6 licensed by this Commission and not required
7 to be licensed by this Commission. And then
8 they have some licensed by this Commission.
9 So it would be up to, I guess, the licensees
10 that are licensed by this Commission to
11 maybe object at their meeting. You know,
12 there are a lot of dealers that have bought
13 the licenses, because they were told that
14 they needed to based upon the two memos from
15 the Motor Vehicle Commission.

16 MR. DUPLESSIS:

17 So I would take it that -- if I
18 understand this correctly, those licensees
19 that did object would come and they would
20 make public statements on their experience
21 and their position to this Commission to
22 interpret how we would interpret their
23 ratification with them or your opinion of
24 the law?

25 MS. MORRIS:

1 Well, I mean, if they applied and
2 paid the money voluntarily and they obtained
3 the license and really that's outside of our
4 jurisdiction. We don't know how everybody
5 actually handles their transactions and if
6 they're actually lending money or not. So
7 there are some dealers that would be
8 licensed by both commissions, but, you know,
9 if the investigators are continuing to tell
10 people that they need a license and they
11 don't really fall within the parameters in
12 the vehicle sales finance act, then, I mean,
13 they should request an interpretation
14 similar to what we have requested.

15 MR. HALLACK:

16 Correct me if I'm wrong,
17 Mr. Floyd, you're not a lender, but you do
18 have a license; is that right?

19 MR. FLOYD:

20 No, I don't have a license, not
21 at all.

22 MR. HALLACK:

23 They -- they asked you for a
24 license?

25 MR. FLOYD:

1 They did.

2 MR. HALLACK:

3 Okay.

4 MR. FLOYD:

5 I'll acquire one for next year
6 just to have it.

7 MR. HALLACK:

8 Okay. See, he's the prime
9 example of what we're talking about.

10 MR. DUPLESSIS:

11 Well, is that due to pressure or
12 do you feel like you're obligated under your
13 interpretation of the law?

14 MR. FLOYD:

15 Well, I plan on financing cars
16 in-house. So I'll need the license. That's
17 different, yes.

18 MR. TAYLOR:

19 I'm quite the opposite. I felt
20 the pressure and that's why I do have a
21 finance license. It's a separate business
22 and we have one there and we believe we need
23 one there, but as far as for my -- my
24 traditional or conventional retail sales,
25 just the -- the fear of what would happen if

1 it didn't go my direction with the volume
2 that we do on -- and getting fined per case.
3 It was pretty scary.

4 MR. HALLACK:

5 Let me suggest this. We need to
6 get -- if we're going to do this at the next
7 meeting, we need to get the agenda out and
8 try to stir as much interest as we possibly
9 can to have people that would come in and
10 say, I'm one of those dealers they
11 approached and said if I don't get it, I
12 could be fined up to \$5,000. You know, we
13 need to find these people and have them come
14 in and testify. I would assume somebody
15 from the Governor's Office might be
16 interested in attending that next meeting
17 and if this issue comes up, it would be nice
18 for some dealers to come forward and say,
19 this is what's going to happen to me, I
20 don't lend money at all, but they've
21 threatened me with a huge fine if I don't
22 cooperate. So I think it would be necessary
23 to get some of these people to come in and
24 -- and say stuff like that. If nobody comes
25 in, then if I'm from the Governor's Office,

1 I'm going to look at this and say, well,
2 this is not really a problem, this is just a
3 couple of little agencies clawing at each
4 other, but if you have real people that come
5 in and say, this is what's happening to me,
6 that's what we need.

7 MR. DUPLESSIS:

8 And if the room was filled with
9 those types of people --

10 MR. HALLACK:

11 Sure.

12 MR. DUPLESSIS:

13 -- then more than likely that
14 would be a positive influence on the
15 Governor's Office.

16 MR. HALLACK:

17 And you need to -- you need to
18 try to come up with some type of PowerPoint
19 presentation with real numbers. How many
20 dealers is this affecting? How many dealers
21 already have a license? You've got to show
22 what the impact of this is. It's not just
23 -- you -- you can't sit there and say, it's
24 two agencies jawing back and forth to each
25 other. This has -- has a real effect and

1 this is why we -- we need this
2 interpretation.

3 MR. POTEET:

4 I don't know if we can say how
5 many people are involved. I mean, we can
6 speculate.

7 MR. HALLACK:

8 Well, I mean --

9 MR. POTEET:

10 I mean, you have two cases here
11 that are completely different, you know,
12 George --

13 MS. MORRIS:

14 We don't -- first of all, we had
15 requested a list of the people that were
16 licensed and we never received that list. I
17 guess we could follow-up with a formal
18 public records -- a written public records
19 request, but we didn't receive that. And
20 then we would have to cross-check from our
21 dealers. And then you would have to survey
22 those dealers to determine how many of them
23 actually do financial transactions.

24 MR. DUPLESSIS:

25 We're talking about points of law

1 here. I mean, just because the law is
2 popular or not doesn't make a difference.
3 It is what it is.

4 MR. POTEET:

5 I was just saying -- we were
6 talking in response to how many -- how many
7 dealers are affected, I don't know that we
8 can say that. Potentially, every dealer
9 that's licensed by our -- our Commission is
10 affected, but then some are going to be --
11 be like George that needs the license,
12 because he's going to be lending money.

13 MR. HALLACK:

14 I thought at one time we knew the
15 exact number of buy here, pay here. No,
16 Kim?

17 MS. BARON:

18 Well, I can pull buy here, pay
19 here, but we can't determine by that who
20 actually got a finance license.

21 MR. HALLACK:

22 Well, we would have to assume
23 that everybody that has buy here, pay here
24 does.

25 MR. DUPLESSIS:

1 They would be required.

2 MR. HALLACK:

3 Right.

4 MS. BARON:

5 They might be required. That
6 doesn't mean they have one.

7 MR. POTEET:

8 They would still be required to
9 have a finance license.

10 MR. HALLACK:

11 Right. But then who are the
12 others? Everybody else under their
13 interpretation of the law as it is right now
14 has to have a license with them. Everybody
15 does.

16 MR. DUPLESSIS:

17 We agree. So that point is moot,
18 I think, anyway.

19 MR. HALLACK:

20 I know, but we have to show the
21 Governor's Office who these people -- that
22 these people exist and this a problem for
23 them. I know it's a matter of legal
24 interpretation, but if you look at it just
25 from a matter of legal interpretation,

1 people look at it as two agencies fighting
2 amongst --

3 MR. POTEET:

4 If we can get -- you know, I --
5 I'm just -- if we can get the people here
6 that would say, hey, look, we're being -- it
7 doesn't have to be 1,000 people. I mean, I
8 hope not.

9 MR. OLAVE:

10 I think I'm getting what Robert
11 is saying, it's not just the people that
12 show up, but there needs to be some, you
13 know, percentages or -- or some numbers, you
14 know, if -- if the entire buy here, pay here
15 industry is 10 percent of our dealers, then
16 90 percent are adversely affected by this
17 and potentially and that number is bam, you
18 know, and I -- I -- I agree with you there,
19 because it's -- it's the majority of -- of
20 the used dealers that are potentially
21 affected by it, so.

22 MR. TAYLOR:

23 Dwayne, you've got board members
24 all -- all over the state and I think it
25 would be very, very easy for you to call

1 upon some of your guys. I know you've got
2 some pretty aggressive ones now, some that
3 are very proactive, and I think that they
4 could give you a pretty accurate number of
5 at least how many storefronts are in some of
6 these cities and the ones with storefronts,
7 90 plus percent of them are doing some type
8 of indirect lending and these are -- and you
9 would come up with not necessarily an
10 accurate number, but you would come up with
11 -- you would show how many dealers or a
12 large portion of them, so.

13 MR. TAMBLING:

14 Right.

15 MR. TAYLOR:

16 You would see how great that
17 number is, is what I'm trying to say.

18 MR. TAMBLING:

19 Right.

20 MR. POTEET:

21 Well, you can make a reasonable
22 estimate.

23 MR. HALLACK:

24 Well, just one other for
25 instance, what percentage of used motor

1 vehicles dealers in Monroe do buy here, pay
2 here?

3 MR. TAYLOR:

4 Well, there's probably only five
5 to seven buy here, pay here dealers in -- in
6 Monroe and if I'm missing -- let's just say
7 14 and let's just say there's 30 plus or 40
8 plus storefronts, you know. I would think
9 that, you know, in a small and a large
10 capacity and of those 30 or 40 storefronts,
11 I would tell you that 20 of them are doing
12 indirect lending, you know, 20 plus. And I
13 think in Shreveport, those numbers are
14 quadruple. Alexandria, they might even
15 double. I don't know. They might be the
16 same.

17 MR. HALLACK:

18 Just based on your personal
19 experience, it sounds like two-thirds of the
20 dealers in Monroe do indirect financing.

21 MR. TAYLOR:

22 The other thing I will disagree
23 with, there are so many dealers out there
24 that have a dealer's license for their 10
25 transactions a year or their 15 transactions

1 a year and -- or just the wholesaling. I
2 think you could probably take half of our
3 numbers and that's just a -- just a guess,
4 and move those out of the way, but you're
5 still talking about a great number of
6 dealers that are affected by this, a huge
7 number of dealers.

8 MR. DUPLESSIS:

9 The bulk of those are active
10 retail dealers.

11 MR. TAYLOR:

12 Yes, absolutely.

13 MR. DUPLESSIS:

14 Right.

15 MR. TAYLOR:

16 Dwayne, don't you agree?

17 MR. TAMBLING:

18 Sure. That wouldn't be a
19 problem. I could definitely get on that.

20 MR. TAYLOR:

21 I'd be more than glad to help you
22 in my part of the country.

23 MR. TAMBLING:

24 Okay.

25 MR. OLAVE:

1 So we all show up at the next New
2 Car Commission meeting, all wear T-shirts or
3 something.

4 MR. POTEET:

5 So we'll -- we'll -- we'll try to
6 get the agenda together and get -- get ready
7 to discuss that.

8 MS. MORRIS:

9 We told them from the date of the
10 letter 30 days.

11 MR. POTEET:

12 Well, we'll discuss it at the
13 next meeting, whatever the result is, their
14 response or non-response. There's really
15 only two things that can happen, right?
16 They either respond or they don't respond.
17 If they don't respond, we know what we've
18 got to do next. If they do respond, we need
19 to see what they say, and then that can all
20 be discussed at the meeting. In any event,
21 it will be something that will be
22 interesting to the Independent Dealers
23 Association.

24 MR. PARNELL:

25 Moving on, we need to talk about

1 the November Commission meeting. This is
2 something the panel discussed in the past,
3 perhaps having our first legislative meeting
4 as well following -- immediately following
5 that particular meeting. I'm thinking --
6 last year, we held it at the Louisiana
7 Archives building and I think it worked out
8 really well for us to do that. So we did
9 reach out to the Louisiana Archives building
10 and -- just to get some scheduling and what
11 did they say, the normal scheduled meeting
12 is going to be, what, November 16th and they
13 said that it wasn't available until 12 noon,
14 but we -- I did tell Kim to go ahead and
15 just pencil us in for the 23rd. I think we
16 can have it available to us that entire day
17 as long as we need it on the 23rd. So I
18 don't know what your schedules look like on
19 that next -- following Monday.

20 MR. POTEET:

21 That's Thanksgiving week.

22 MR. BREWER:

23 That's not a good week.

24 MR. PARNELL:

25 That might be a bad week.

1 MR. POTEET:

2 So I'm -- I'm gathering from the
3 Commission that we don't want to move our
4 meeting to the 23rd.

5 MR. PARNELL:

6 Okay.

7 MS. BARON:

8 We can always have it here and
9 just hope for the best.

10 MS. MORRIS:

11 We didn't have that many people
12 last time.

13 MR. HALLACK:

14 Well, I think we need to put off
15 the legislative meeting until after
16 something happens with the New Car
17 Commission.

18 MR. DUPLESSIS:

19 Well, that would put us in the --
20 in the December time frame.

21 MR. POTEET:

22 Well, that might -- I don't know.
23 It puts a little pressure on us, Ron, but I
24 think that we need to get over this hump.

25 MR. DUPLESSIS:

1 Oh, I agree. I think -- I think
2 probably the 14th, which would be -- would
3 be our second week. The third week would be
4 the 21st of December.

5 MR. POTEET:

6 What's our next -- our scheduled
7 meeting in December, the -- the 21st?

8 MS. BARON:

9 The 21st, is that the third
10 Monday?

11 MR. POTEET:

12 It is, which is late.

13 MR. DUPLESSIS:

14 So maybe we could move it to the
15 14th.

16 MR. POTEET:

17 Would the Commission entertain
18 moving the meeting to 14th? I know that
19 might create some issues for the financials.
20 Well, she we can get it done. If we have to
21 carry the financials over to January, I
22 don't think that's a big deal.

23 MR. ROY:

24 Well, what about November?

25 MR. POTEET:

1 November, we're going to stick
2 with the 16th here, but we -- but we do
3 still want to have, you know, some
4 representation from the dealers that are
5 being affected. I think, you know, mostly
6 what we're looking for is dealers that don't
7 feel like they fall under the law, but are
8 being badgered by the -- the New Car
9 Commission investigators.

10 MR. BREWER:

11 So I understand you want to
12 invite them for the 16th of November?

13 MR. POTEET:

14 Yes.

15 MS. BARON:

16 And the December meeting is going
17 to be moved to the 14th?

18 MR. POTEET:

19 Yes. I think we need a motion
20 for that.

21 MR. BREWER:

22 I make a motion we move it to the
23 14th of December.

24 MR. TAYLOR:

25 I'll second.

1 MR. POTEET:

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. So we'll officially
9 make that December 14th.

10 MS. BARON:

11 Do y'all want to try to have the
12 one at the Archives?

13 MR. POTEET:

14 Yes.

15 MR. TAYLOR:

16 How far out -- how far out do we
17 have to reserve the Archives; is that
18 something that's --

19 MS. BARON:

20 Normally, there's not a whole lot
21 that goes on. The only thing she could have
22 offered was the gallery, but it only holds
23 like 30 people, so.

24 MS. MORRIS:

25 The next one is November 21st and

1 they have early voting there. So that's
2 probably what you're running into in
3 November, because the election is the 21st.

4 MR. TAYLOR:

5 I think we might even be able to
6 RSVP a few people on -- on the 1st of that
7 month and find our need, if need be. I
8 think we can get with Dwayne and find out
9 how many people that we anticipate coming
10 and we would know if we need it here, there,
11 or what-have-you, maybe.

12 MS. BARON:

13 I mean, I can call her today. I
14 told her I would call her today and let her
15 know one way or the other about the 23rd. I
16 mean, I can call her today and go ahead and
17 reserve it for December and that's -- I'm
18 sure it won't be a problem.

19 MR. POTEET:

20 Let's do that.

21 MR. PARNELL:

22 We did send out our postcards --
23 our renewal postcards. Everyone will have
24 received theirs. We have just -- just now
25 started getting some renewals coming in.

1 So, Commissioners, if you're renewing -- if
2 you are one of the Commissioners that are
3 renewing your dealer's license, everyone has
4 to renew their salesperson license, but --
5 and please make sure that you go ahead and
6 submit that in. If you have any problems,
7 if you're doing it online, please let us
8 know, so we can kind of jump ahead of the
9 game in case we do run into some issues
10 later on.

11 Well, that completes my report.
12 Thank you.

13 MR. POTEET:

14 Okay. All right. I think -- do
15 we have anything else before we adjourn for
16 hearings?

17 MS. BARON:

18 Nothing.

19 MR. POTEET:

20 I need a motion to adjourn.

21 MR. OLAVE:

22 I make a motion to adjourn.

23 MR. BREWER:

24 Second.

25 MR. POTEET:

1 All in favor, say, "Aye."

2 (All "Aye" responses.)

3 MR. POTEET:

4 All right.

5

6

7 (Meeting adjourned at 10:23 a.m.)

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REPORTER'S CERTIFICATE

I, BETTY D. GLISSMAN, Certified Court Reporter, Certificate No. 86150, in and for the State of Louisiana, do hereby certify that the Louisiana Used Motor Vehicle Commission October 19, 2015, meeting was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

This November 2, 2015, Baton Rouge, Louisiana.

BETTY D. GLISSMAN, CCR
CERTIFIED COURT REPORTER

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