STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:18 p.m., on November 13, 2014.

BEFORE:

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

ASSOCIATED REPORTERS, INC.

(225) 216-2036

APPEARANCES

Grady Gaubert Chairman

Durwood Franklin
Jeff Baker
Gary Fulton
Steve Burnham
John Milazzo
Cy Morin
Fran Falke
Shawn Ivey
Jill Carter

Melissa Vizinat Kodi Brignac Jason Efferson Deidra Johnson Sam Broussard Natalie Isaacks Ian Kelly Vince Sagnibene

* * * * *

I N D E X

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PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

43

REPORTER'S CERTIFICATE

44

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1
         MR. GAUBERT:
 2
                In the absence of Keith Baker, I got
 3
         nominated to chair the meeting today, so
 4
         we're going to call the meeting to order.
 5
         Welcome everybody. Little bit of change in
 6
         the weather today. It's nice and brisk
 7
         outside. Can we get a roll call, please.
 8
         Maybe start with Ms. Jill.
 9
         MS. CARTER:
10
               Jill Carter, attorney for DEQ.
11
         MR. FRANKLIN:
12
               Durwood Franklin, DEQ Trust Fund.
13
14
         MR. JEFF BAKER:
               Jeff Baker, DEQ Trust Fund.
15
         MR. FULTON:
16
               Gary Fulton, USTRD.
17
         MR. BURNHAM:
18
               Steve Burnham with Engineering
19
         Associates.
20
         MR. IVEY:
21
               Shawn Ivey, PPM Consultants.
22
         MR. GAUBERT:
23
               Grady Gaubert, Louisiana Oil
24
25
         Marketers.
```

DEPARTMENT OF ENVIRONMENTAL QUALITY

1 MR. MILAZZO: Johnny Milazzo, Louisiana Oil 3 Marketers. MR. MORIN: 5 Cy Morin, LDEQ Audit. MS. FALKE: 7 Fran Falke, LDEQ Office of Management 8 and Finance. MS. VIZINAT: 9 10 Melissa Vizinat, Trust Fund. 11 MR. BROUSSARD: Sam Broussard, DEQ UST Division. 12 13 MS. ISAACKS: 14 Natalie Isaacks, Louisiana Oil Marketers. 15 MS. JOHNSON: 16 Deidra Johnson, DEQ Legal. 17 MR. EFFERSON: 18 19 Jason Efferson, DEQ Trust Fund. MR. KELLY: 20 21 Ian Kelly, DEQ Trust Fund. MR. BRIGNAC: 22 Kodi Brignac, DEQ Trust Fund. 23 24 MR. GAUBERT: Okay. The first item of business is 25

```
1
          consideration and adoption of the previous
 2
          meeting's minutes. Can I have a motion to
 3
          accept those minutes?
          MR. BURNHAM:
 4
 5
                Motion to accept.
 6
          MR. GAUBERT:
 7
                I need a second.
 8
          MR. MILAZZO:
 9
                I second.
1.0
          MR. GAUBERT:
                All in favor.
11
          (All indicated "aye".)
12
          MR. GAUBERT:
13
14
                Any questions, comments?
15
          (No response.)
16
          MR. GAUBERT:
17
                Okay. Cy, could you give us the audit
          status report, please.
18
          MR. MORIN:
19
                Yes, sir. We currently have 29 open
20
21
          audit cases. Seven of the 29 have been
22
          opened in fiscal year '15. Five fiscal year
23
          '15 cases are currently in progress. One
          fiscal year '15 case is scheduled for
24
25
         December. And the seventh fiscal year '15
```

. 4

. 10

case was assessed \$8,565.57 for delinquent fees and late penalties. This amount was collected in full and the file is set to be closed.

Thirteen of the 29 audits were opened in fiscal year '14. Fieldwork has been completed for 11 of these 13 fiscal year '14 audits, resulting in nine potentially clean audits with no assessments and two potential audit assessments, totaling approximately \$700, pending peer and/or final review.

Fieldwork is still in progress for the two remaining fiscal year '15 audits. Five of the 29 audits were opened in fiscal year '13. One fiscal year '13 audit has been referred to legal for collection. Legal received AG concurrence on November 3rd. The petition has been drafted. It's going through final review so it can be filed.

Fieldwork has been completed on three of five open fiscal year '13 audits, resulting in one potentially clean audit and no assessment and two potential assessment, totaling approximately \$4,579.47.

These audits are currently in the

review process and demand will be made on these outstanding amounts in the very near future.

The fifth fiscal year '13 case is set to be closed with no assessment. The four remaining active open cases were prior to fiscal year '13. They remain in legal for collection. Two have signed and recorded judgments. As I've mentioned in previous meetings, DEQ's recourse in one of these is to make a claim against a succession. As of yesterday, legal informed me that that has not been opened, per the Clerk of Court.

In the other case, legal mailed a petition for garnishment on 8/20/14. I think I mentioned that in the last meeting. As of 10/28/14, legal has spoken to the responsible party and is working out a payment plan. The down payment is expected in December 2014.

The legal statuses of the other two audits opened prior to fiscal year '13 have not changed since the last board meeting.

The attorneys are determining legal course of action and working out ways around

```
several legal obstacles.
 1
 2
                One fiscal year '14 case has been
 3
          finalized and closed with no assessment
          since the August meeting. To date, in
4
 5
          fiscal year 2015, demand has been made for
          one assessment that I mentioned before, the
 6
          $8,500 in delinquent fees and late
 7
          penalties. And it has been collected in
 8
 9
          full. As of today, the total confirmed
10
          outstanding delinquent fees and penalties
          for these open cases remains $126,218.62.
11
12
         All of which is associated with the five
13
          legal case.
                Currently, the total potential
14
15
          assessments pending review and confirmation
16
          as of today is just over $6,000.
17
                That's it.
         MR. GAUBERT:
18
19
                Okay. Any questions?
20
         MR. MILAZZO:
21
                I do. How many -- how many audits do
22
         ya'll do a year?
23
         MR. MORIN:
                Currently, we have planned to do 18
24
25
         this year.
```

MR. MILAZZO:

1

14

15

24

25

2 Okav. MR. MORIN: 3 That number has been raised over the 4 5 last couple of years. Last year, we planned 16. Prior to that, we were doing 12 or 6 fewer. So we're -- we're trying to increase 7 the number and, you know, the coverage. And, you know, our -- our auditor that's 9 10 dedicated to motor fuels does monthly research. He does have to go through kind 11 of a process right now to do this research, 12 but he -- he keeps several lists of people 13

audited, have not been audited ever, who are 16 currently being audited. Various different 17 18 lists. I'm hoping that in the -- in the future that we'll have a tool that will help 19 us to do this research more efficiently and 20 then we will be able to, you know, pinpoint 21 people for -- you know, more accurately, 22 maybe for a specific reason. 23

who are currently delinquent. He keeps a

list of people who have been previously

Like you mentioned last meeting, being able to have tools that will raise flags and

```
1
          stuff. So that's something we're going to
 2
          work -- we're working toward.
 3
          MR. MILAZZO:
 4
                Okay. And, you know, it's -- it's
 5
          important to -- for all of us, obviously,
 6
          for the trust fund, everybody that's trying
 7
          to do the right thing, you know, we -- we
 8
          find ourselves with new folks in the
 9
          business all the time. And I just think
10
          it's -- it's important that there's a lot of
          integrity in that collection process, for
11
12
          the sake of the trust fund and for everybody
13
          that's -- that's, you know, in the business.
          And, you know, as we go forward, I may share
14
          some thoughts in the future maybe that we
15
16
          can build some sort of, you know, critical
17
         metrics and you can get back to us and say,
18
          "Okay, you know, out of 18 sampling, you
          know, what were the results of that"?
19
20
         MR. MORIN:
21
                Right.
22
         MR. MILAZZO:
23
              Looking back historically and -- it
24
         kind of paints a picture of what that might
         look like going forward. So -- and maybe,
25
```

```
you know, this isn't the best time to talk
 1
 2
          about it, but --
          MR. MORIN:
 3
                Right. But, yes, I -- I did want to
 4
 5
          kind of talk to you about that possibly,
          because I didn't know if the way I'm
 6
 7
          presenting the material now is -- is --
          means anything to you, you know, if --
 8
 9
          MR. MILAZZO:
10
                Well, it's good to hear it, but -- but
          it's all -- it's better to see it and --
11
12
          MR. MORIN:
                Right.
1.3
          MR. MILAZZO:
14
                -- and, you know, how well it's --
15
          MR. MORIN:
16
                Yes. I -- I agree.
17
         MR. MILAZZO:
18
                -- you know, what are the audits
19
          really telling us at the end of the day
20
21
         about those that are in the business that --
22
         that have a responsibility to it? So again,
         you know, maybe that's a work in session.
23
24
         I'm not sure how the department would like
25
         to go forward thinking about that. But, you
```

```
1
          know, I -- I do think it's probably
 2
          something we can improve upon.
 3
                That's all I have.
              But thank you, Cy.
 5
          MR. MORIN:
                Okav.
 7
          MR. GAUBERT:
 8
                Okay. Any other questions?
 9
          (No response.)
10
          MR. GAUBERT:
11
                Okay. Thank you. Ms. Fran, can you
12
          give us the financial services report,
13
          please.
          MS. FALKE:
14
15
                Yes. At the beginning of the year, we
16
          transferred $75,630,981.67 into the trust
17
          fund.
18
          MR. GAUBERT:
19
                Do you have a copy of that for
2.0
          everybody that's going to --
21
          MS. FALKE:
22
                Oh, I'm sorry.
23
          MR. GAUBERT:
24
                Is it in -- is it in our packet?
25
          MS. FALKE:
```

Tab -- I think she said tab three on 1 here, but I believe it's tab four. 2 MR. MILAZZO: 3 That's what I'm looking at is tab 4 5 four. MS. FALKE: 6 As of September 30, 2014, we have 7 deposited \$5,179,342.66 and paid out 8 reimbursements of \$1,773,370.82. The 9 current liabilities on the sites is 10 \$66,635,550. This is leaving a balance 11 after obligations of \$12,401,420.51. 12 If you'll turn the page. This is an 13 information report on the interest revenue 14 from the trust fund. The interest revenue 15 collected inception to date is 16 \$6,623,834.58. Expenditures to date total 17 \$1,229,930.06. Details of the expenditures 18 to date are included on this report. And 19 the expenditures in 2015 are zero. 20 If you'll turn to the next page. 21 report details of how we calculate the 22 amount transferred from the motor fuel trust 23 fund to the environmental trust fund. 24

Details of revenues and expenditures are

```
provided. On this page, the fiscal year
 1
 2
          2015 reimbursement to environmental trust
          fund will be $4,651,591.97. This is an
 3
 4
        increase from fiscal year 2014, which was
 5
          $4,321,158.09.
 6
          MR. MILAZZO:
 7
                Could you hold up there, because I --
 8
          either I'm too slow or something here, but -
 9
10
          MS. FALKE:
1.1
                Oh, I'm sorry.
12
          MR. MILAZZO:
13
                You know, maybe we should go to some
14
          page numbers here, because, you know, we've
          got a responsibility here and sometimes I'm
1.5
16
         not sure I'm doing my part, but -- tell me
17
         what page am I suppose to be looking at,
18
         because I'm not seeing those numbers. I'm
19
          looking at tab four. We -- that's -- this
        should be the right --
20
21
          (An off-the-record discussion followed.)
22
         MS. FALKE:
23
                Tab --
24
         MR. MORIN:
25
                Start -- it actually started the page
```

```
after tab four.
 1
 2
          MS. FALKE:
                The page after on tab four. Sorry.
          MR. MILAZZO:
 4
                So I'm going -- this is page two we're
 5
          talking about, right?
 6
                If you don't mind, I -- if you'd start
 7
          over, please.
 8
 9
          MS. FALKE:
                Sure. I'm sorry. This is my first
10
          time to --
1.1
          MR. MILAZZO:
12
                Fran, I'm not picking on you. I'm
13
          just --
14
          MS FALKE:
15
                That's okay.
16
17
          MR. MILAZZO:
                You know, we --
18
          MS. FALKE:
19
                This is my first time to do this so
20
          I'm not --
21
          MR. MILAZZO:
22
                We're going to sign off on this and I
23
24
          just --
         MS. FALKE:
25
```

```
1
                Right.
 2
          MR. MILAZZO:
                The -- the numbers aren't the numbers
 3
          I'm looking at, so --
 5
          MS. FALKE:
 6
                All right.
 7
          MR. MILAZZO:
 8
                -- my apologies.
 9
          MS. FALKE:
10
                So we're going to start over.
11
          MR. MILAZZO:
12
                Okay.
          MS. FALKE:
13
14
                Okay. At the beginning of the year,
          we transferred $75,630,981.67 into the trust
15
16
          fund. As of September 30, 2014, we have
17
        deposited $5,179,342.66 and paid out
18
          reimbursements of $1,773,370.82.
19
                Current liabilities on the sites is
20
          $66,635,550. Leaving a balance after
          obligations of $12,401,403.51.
21
2.2
         MR. GAUBERT:
23
                That'd be 65 --
24
         MR. MILAZZO:
25
                So -- so that's where you lost me the
```

```
1
          first time.
 2
          MS. FALKE:
 3
                Okay.
          MR. MILAZZO:
 4
                So you've got to help me here.
 5
          MR. MORIN:
 6
 7
                You need to go two pages from there
          and that's where the 66 million is. I'm
 8
 9
          sorry.
          MR. MILAZZO:
10
11
                I still don't see it.
          MR. GAUBERT:
12
                The obligations I think is what we're
13
          looking for?
14
          MR. MILAZZO:
15
                Well, I see the obligations but
16
17
          they're different than what --
          MR. GAUBERT:
18
19
                The 66 million dollar obligation?
20
          (An off-the-record discussion followed.)
21
          MR. GAUBERT:
22
                What -- what this report is showing --
          I think it's the same report we all have.
23
24
          The liability on current sites, I think you
          mentioned 66 million.
25
```

MR. MORIN: 1 Right. It says 71. 2 3 MR. GAUBERT: This report is showing 71 million. 5 MS. FALKE: 6 Right. 7 MR. JEFF BAKER: Yes. Fran, that number --8 MR. MILAZZO: 9 So I don't know if you just don't have 10 the current -- if you're reporting -- you 11 know, the five million dollars, if -- if you 12 -- something may be adding that should be 13 subtracted. I'm not sure. But that's where 14 we're struggling with the report. But --15 MR. JEFF BAKER: 16 That number was revised at one point 17 18 in the last week or so. I'm wondering if you have an older version of some of the 19 notes. And it -- and the 66 may have been 20 21 from a previous version. Right now, the 22 last calculation was 71 million. That might 23 be where the confusion is coming from. 24 MR. GAUBERT:

We were -- we were matching dollar for

```
1
          dollar until we got to that.
 2
          MR. JEFF BAKER:
 3
                 Right.
          MS. FALKE:
 5
                 Yes.
          MR. GAUBERT:
 6
 7
                 So this report has the 71 million and
          you mentioned 66 was the liability on
 8
 9
          current sites, so --
          MS. FALKE:
10
11
                Right.
12
          MR. GAUBERT:
13
                Our -- our report here has 71, so
14
          maybe if you change your report to --
15
          MS. FALKE:
16
                Yes. To the 71.
17
          MR. GAUBERT:
18
                -- reflect the 71 million, I think we
19
          could move -- we move forward.
          MR. MILAZZO:
20
21
                I mean, this looks right that I'm
22
          looking at.
23
          MR. GAUBERT:
24
                Yes.
```

MR. MILAZZO:

```
1
                I mean, does it to you, as reported
 2
          here?
          MR. GAUBERT:
                Well, I don't have a calculator.
 5
          MR. MILAZZO:
 6
                Just rough numbers, but --
 7
          MR. GAUBERT:
              Yes.
          MR. MILAZZO:
                66 doesn't -- I -- I don't know how it
10
11
          would fit in this number.
12
          MS. FALKE:
13
                Right. So it should be the currently
14
          liabilities on the sites is $71,261,864.
15
         MR. GAUBERT:
16
                And that would be the sum of the --
17
         the three different ways to come up with the
18
         total liabilities for the fund, the
19
         corrective action, the potential corrective
20
         action and the projected cost of the trust
21
         fund to the environmental trust transfer for
22
         the next five years of $16,000,000.
23
         totaled up to 71 million. So given that the
24
         math is correct, that's the number that we
```

need to use instead of the 66 million

```
1
         dollars?
 2
         MS. FALKE:
                Right. So that would make -- make --
 3
          leave a balance after obligations of
         $7,775,089.51.
 5
         MR. MILAZZO:
 6
                That makes sense to me.
 7
         MR. GAUBERT:
 8
                Right. Yes. Okay.
 9
         MS. FALKE:
10
               Okay. On the next page, this is an
11
         information report for the interest revenue
12
         from the trust fund. Interest revenue
13
         collected inception to date is
14
         $6,623,834.58. Expenditures to date total
15
         $1,229,930.06. Details of the expenditures
16
         to date are included on this report. And
17
         the expenditures in 2015 are zero.
18
               This report details of how we
19
         calculate the amount transferred from the
20
         motor fuel trust fund to the environmental
21
         trust fund. Details of the revenues and
22
         expenditures are provided. On this page,
23
         the 2015 reimbursements to environmental
24
         trust fund will be $4,651,591.97. This is
25
```

```
1
          an increase from fiscal year '14, which was
 2
         $4,321,158.09.
          MR. GAUBERT:
                Does that complete your report?
 5
          MS. FALKE:
 6
                That's -- I done, yes. It's complete.
 7
          MR. GAUBERT:
                Any other questions or comments?
 9
          (No response.)
10
          MR. GAUBERT:
11
                Okay. Thank you, Ms. Fran.
          MR. MILAZZO:
12
13
                Thank you, Fran.
14
          MS. FALKE:
15
                Okay.
16
          MR. GAUBERT:
17
                Mr. Jeff, could you give us the trust
18
          fund status report, please.
          MR. JEFF BAKER:
19
20
                Yes, sir. Good afternoon. Please
21
          refer to tab number five in your packets.
22
          These are the figures for the first quarter
23
          of fiscal year 2015. During the first
24
          quarter of the fiscal year, the trust fund
25
          received 280 applications, totaling
```

\$3,987,718. 183 applications were processed for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies.

For sites in the corrective action phase, the outstanding liability of the corrective action plan budget and estimated cost to reach closure at the end of September 2014 was \$32,054,706. The additional obligation recognized for the non-capped sites, plus the projected motor fuel trust fund to environmental trust fund transfers is \$38,333,521. At the end of September 2014, the trust fund had 155 pending applications to process, which had requested amounts, totaling \$2,020,672. Of this amount, the estimated requested obligations related to cap budgets and closure cost was \$1,147,035.

If you'll note the legal-sized last page of your packet. The number of trust fund sites that received no further action status thus far for the fiscal year was five. The number of -- and this is not on this sheet. But the number of potential

trust fund sites that were reviewed and made eligible during the current fiscal year was ten. And that represents ten active incidences.

Additional points of interest. The trust fund staff is continuing to review our calculation methods for determining the -- the expenditure obligations against the fund. We are currently working with our IT group to help us develop new reports and tools to assist in our monthly determinations. It was our hope that these tools -- new tools would be in place for this board meeting and we would be able to present revised obligation numbers, starting with the first quarter of this year. However, as with any endeavor involving historical records, data anomalies often are found and need to be addressed.

We have been working to resolve these issues and are now striving to develop new protocols for our monthly determinations.

You'll notice a decrease in the total number of active sites from last quarter's report and an increase in the listed non-cap

obligation numbers. The reduction in the active site count is a result of our review of these sites, as part of these date anomalies and their current status. Thirty plus previously active sites were found to be closed by the remediation staff more than a year ago, but were still active in our system. The trust fund staff closed these in our data system, which resulted in an increase in the average site closure cost. This adjustment represented a portion of the increase of the non-cap obligation amounts.

The remaining non-capped increase was due to the modification of the trust fund to ETF transfer estimates. The trust fund to ETF transfer amounts were reviewed -- are reviewed annually and are based upon the last two years of transfers. This annual estimate was increased from 2.8 million to 3.2 million dollars a year, resulting in a total increase on a five year average -- or five year estimate from 14 million to 16 million, which you saw under Fran's report.

Revised statute 2195.a.5 and 2195.10.d state that the advisory board shall review

18

19

20

21

22

23

24

25

2 for sites in and out of compliance on an 3 annual basis and may recommend to the secretary adjusting these requirements. 4 5 this time, the trust fund does not have any 6 recommendation to the board relating to any 7 modifications to the current financial responsibility dollar amounts. 9 That concludes my report. Do ya'll 10 have any questions? 11 MR. GAUBERT: 12 I have one question. 13 MR. JEFF BAKER: 14 Yes, sir. 15 MR. GAUBERT: 16 As you go through this data change and 17

the financial responsibility requirements

As you go through this data change and have better data and more accurate data and a tool to analyze what's going on, it seems to be working so far in helping clean up some -- some of the books, you know, already. Do you anticipate, when you incorporate this data, any other adjustments besides the 32 sites that you -- that were closed that were not updated? Is there any financial obligation that -- that we should

```
be aware of, potential financial obligation
 7
          that we should be aware of, based on the --
 2
          any other financial obligation, besides what
 3
          you've already mentioned by use -- by the
 4
          use of this data?
 5
          MR. JEFF BAKER:
 6
 7
                The new method that we're looking at -
          - the reason we're going this direction is
 8
          because there were a number of sites that
 9
10
          were not being incorporated into the
          obligation process, a number of sites.
11
          These sites included sites that we had
12
         determined to be eligible but had not, as of
13
         this point, requested reimbursement from the
14
         fund. Until they requested reimbursement,
15
         they were not included in that obligation.
16
17
         However, we had deemed them to be eligible,
18
         and they were eliqible for additional funds
19
         to be applied to them. So these were not
         being included in the obligation
20
         calculations. They will now be included in
21
22
         those obligation calculations, when we get -
         - when we move forward with this new
23
24
         process, the new protocol.
```

Do you have another question?

```
1
           MR. MILAZZO:
  2
                 Well, that -- that would just -- you
  3
           would encumber some liability if those now
 . 4
           have some consideration in the future that -
  5
           - that could be called upon, right?
  6
           MR. JEFF BAKER:
  7
                 Yes, sir.
           MR. MILAZZO:
  9
                 You don't know that it will, but --
 10
           MR. JEFF BAKER:
 11
                 Yes, sir.
 12
           MR. MILAZZO:
 13
                 -- it could.
 14
           MR. JEFF BAKER:
 15
                 We don't know, but --
 16
           MR. MILAZZO:
 17
                 And so the records are going to now
 1.8
           reflect that.
 19
          MR. JEFF BAKER:
. 20
              Yes, sir. Yes. There are some sites
 21
          that are not currently being considered as
 22
          potential obligations that truly do have an
 23
          obligation against them. And we're trying
 24
          to incorporate them into our calculations.
25
          MR. MILAZZO:
```

```
1
                So the numbers that we see today don't
          necessarily reflect that?
 2
          MR. JEFF BAKER:
 3
                They do not --
          MR. MILAZZO:
 5
                Okay.
 7
          MR. JEFF BAKER:
                -- reflect those additional sites.
 8
          MR. MIDAZZO:
10
                So they -- so there could be a jump in
          liability, right?
11
12
          MR. JEFF BAKER:
               There will be an increase. Hopefully,
13
          like I said, next -- the next board --
14
          MR. MILAZZO:
15
16
                Yes.
          MR. JEFF BAKER:
17
                -- meeting, we will be able to give
18
          you those numbers. And there --
19
          MR. MILAZZO:
20
21
                 So that -- I think that was your
22
          question.
          MR. GAUBERT:
23
24
                Yes.
25
         MR. IVEY:
```

```
1
                Would you eventually take them off the
 2
          list if they don't submit a package within a
 3
          certain time frame?
          MR. JEFF BAKER:
 5
                What we're looking at is, is probably
 6
          a two year window. If they have requested
 7
          eligibility within two years and have not
 8
          requested reimbursement yet, we will
 9
          incorporate them into that calculation.
10
          Anything older than that, we will assume
11
          there's not going to be any additional cost.
12
          MR. GAUBERT:
13
                Any other questions?
14
          (No response.)
15
          MR. GAUBERT:
16
                Okay. Thank you.
17
          MR. JEFF BAKER:
18
                Does the board have -- the last point
19
         related to the board's making any
20
         recommendations as to the financial
21
         responsibilities. Does the board have any?
22
         MR. GAUBERT:
23
                You mentioned one criteria that you --
         I don't know where the criteria came from
24
25
         when -- when the question was just asked
```

```
about when would the -- it -- it'd go -- it
 1
 2
          not be considered as part of a financial --
 3
          a future financial obligation, at what time
          point. And you mentioned two years.
          MR. JEFF BAKER:
 5
                Yes, sir.
 7
          MR. GAUBERT:
 8
                And where did the -- and how did you
 9
          come up with the two year --
          MR. JEFF BAKER:
10
11
                The two years is based upon the
          statute requirement that anything older than
12
          two years, the trust fund is not required to
13
14
          pay.
          MR. GAUBERT:
15
16
                Is that the statute that --
17
          MR. JEFF BAKER:
                The statute -- if -- if the work is
18
         done prior to two years from the time they
19
          submit the application, the trust fund is
20
21
         not required to pay it. So that's where we
22
         came up with that number.
23
         MR. IVEY:
24
                And you just use -- I mean, they can
```

still submit one, even three years later.

```
1
          MR. JEFF BAKER:
 2
                Yes, they could.
 3
          MR. IVEY:
 4
         And --
 5
          MR. GAUBERT:
                It would be reincorporated back --
 7
          MR. IVEY:
 8
                Right.
 9
          MR. GAUBERT:
10
                -- into --
11
          MR. JEFF BAKER:
12
               Right. Yes.
13
          MR. IVEY:
14
                Right.
15
          MR. GAUBERT:
16
                That was my question. Any other
17
          questions?
18
          (No response.)
19
          MR. GAUBERT:
20
                I don't see any other issues, Jeff, at
21
          this point.
22
                So you don't look like Perry Theriot.
2.3
         MS. CARTER:
24
                No, I'm not.
25
         MR. GAUBERT:
```

```
But if you don't mind, Ms. Jill, to
 1
          give us the third party claims.
 2
          MS. CARTER:
 3
                There's no change in the current
          status of our current third party claims.
 5
 6
          But we do have a new claim. And there are
 7
         two claimants. And I'm just going to spell
          their names. The first claimant has three
 8
         names. F-E-N-G. Second name, J-I-N.
 9
         name, T-E-N-G. And the second person that's
10
         plaintiff is A-I-J-I-N. And the second name
11
12
         is C-H-E-N. And the suit is versus DEQ and
         John Wilbourne and Beverly Wilbourne. And
13
         that's a pending claim. We're waiting on AG
14
15
         compliance right now.
16
         MR. GAUBERT:
               These -- that entity with the
17
         particular names that you just read off,
18
         they have sued DEO?
19
         MS. CARTER:
20
               Yes. And John Wilbourne and Beverly
21
22
         Wilbourne. It's a third party claim.
         MR. GAUBERT:
23
               Okay. Is that three -- that's three
24
```

different new suits?

```
1
          MS. CARTER:
 2
                No, no, no. I just spelled it out
          because I can't pronounce these names. It's
          two different persons that are the
 5
          plaintiffs that have sued --
          MR. GAUBERT:
 6
 7
                One suit, two persons as the
          plaintiff.
          MS. CARTER:
10
                Right.
11
          MR. GAUBERT:
12
                So maybe an owner and a tank owner or
13
          something of that sort?
          MS. CARTER:
14
15
                Say that again.
16
          MR. GAUBERT:
17
                An owner -- a store owner and an
18
          underground tank owner and possibly a
          tenant?
19
          MS. CARTER:
20
21
                I can't remember if --
22
          MR. MILAZZO:
23
                Or is this an adjacent property owner?
          MS. CARTER:
24
25
                I think the plaintiff is an adjacent
```

```
1
          property owner and the defendant is a store
 2
          owner maybe. I can't remember right off the
          top of my head. But I think the plaintiff
 3
          is the adjacent property owner.
          MR. GAUBERT:
 5
 6
                Adjacent property owner. That --
 7
          that's why it would be third party --
          MS. CARTER:
 8
                Yes. A third party claim.
 9
10
          MR. GAUBERT:
11
                -- a third party claim.
12
          MS. CARTER:
13
                Right.
          MR. GAUBERT:
14
                Do you have an idea of what type of
15
          numbers that suit --
16
          MS. CARTER:
17
                We are right in -- they just filed
18
19
          suit and we're waiting on AG concurrence
20
         before we can even answer the petition. So
          we're just in the very beginning stages of
21
          it. No discovery has been conducted. We
22
23
          can't move forward until we get concurrence
          from the AG.
24
         MR. GAUBERT:
```

```
1
                Okay. Any questions for Ms. Jill?
 2
          (No response.)
          MR. GAUBERT:
                Thank you.
                Other business. Any other business to
 5
 6
          be brought before the board?
 7
          MS. ISAACKS:
                What are the dates of the meetings for
 9
          2015?
10
          MR. JEFF BAKER:
11
                We have them pulled together but we
12
          have not got -- we can send them out to
13
          ya'll.
          MS. ISAACKS:
14
15
                Okay. Thank you.
16
          MR. JEFF BAKER:
17
                I don't have them off the top of my
18
         head, but we will send them to you.
         MS. ISAACKS:
19
20
                Okay. Because we have to make, you
21
         know, changes and all.
22
         MR. JEFF BAKER:
2.3
               Absolutely.
24
         MS. ISAACKS:
```

Thank you.

25

```
1
          MR. GAUBERT:
 2
                The pending lawsuit, is there any
 3
          update that -- on the pending lawsuits, the
 5
          MR. MILAZZO:
                Companies that have -- that kind of
 7
          double-dipped.
          MS. CARTER:
 8
 9
                I think we need to make a move to go
          into executive session --
10
11
          MR. FULTON:
12
                Yes. We that -- we have to --
          MS. CARTER:
13
14
                -- to discuss that.
          MR. FULTON:
15
16
                Yes, to discuss that. Yes.
          MR. GAUBERT:
17
18
                Okay.
19
          MR. MILAZZO:
20
                So moved.
          MR. GAUBERT:
21
22
                So we're going to go into executive
23
          session. We're going to have to ask all of
24
          the audience that are not members of the
25
          board to give us a few minutes.
```

```
1
          (A brief recess followed while the board
 2
       went into executive session.)
 3
          MR. GAUBERT:
                So just to continue where we left off,
 5
          we were on other business. The -- the only
 6
          other item that I know of on the -- on other
 7
          business is that we'll have a -- Louisiana
 8
          Oil Marketers is going to assign two
          additional board members for the -- for next
10
          -- for the next two year term. And that'll
11
          be -- we don't have those names just yet,
1.2
          but those will be announced at the next
13
          meeting.
14
          MR. MTLAZZO:
15
                So you and Keith will return for one
16
          last meeting, or is this officially --
17
          MR. GAUBERT:
18
                This is -- this is -- as far as I
          know, this is it. This is -- this is our
19
20
          last meeting, Keith and myself. It -- there
21
          was -- we've each served two -- you can
22
          serve two terms and then you have to --
23
          MS. ISAACKS:
24
                Two consecutive.
25
          MR. GAUBERT:
```

```
1
                Yes, to consequent terms. You have to
 2
          get off for at least one term and then you
          can come back on if you -- after that. So -
 3
          - but we'll have to -- we'll see if we can
 5
          get Wes out of the weeds and get him back
 6
          again.
 7
          MR. IVEY:
 8
                Do we need to elect a new chair?
 9
          MR. GAUBERT:
10
                Yes. The January -- at the January
11
          meeting.
12
          MR. IVEY:
13
                Okay.
          MR. GAUBERT:
14
15
                Or, first quarter meeting, we would
16
          have to elect a new chair.
17
          MR. MILAZZO:
18
                Well, let me offer special thanks to
19
          you, Grady, and to Keith who's not here
20
          today. And -- you have very generously
          given your time, not just here but, you
21
22
          know, on a lot of fronts. And on behalf of
23
         our association and -- and really the
24
         industry as a whole. So I personally want
25
         to thank you and really appreciate all
```

```
1
          you've done.
 2
          MR. GAUBERT:
 3
                Thank you, John. And I've enjoyed my
         --- my time here, four years. You know,
 5
          we've had a lot of fun. I think we got a
 6
          lot accomplished with -- with Sam.
 7
          Sam sitting in the audience today. He -- he
 8
          hasn't been at every meeting, but --
          MR. FULTON:
1.0
                I finally got him back.
          MR. GAUBERT:
11
12
                You got -- you got him back. But we
13
          did -- we did an awful lot of work on the
          implementation of the -- the --
14
15
          MR. BROUSSARD:
16
                Energy Act.
17
          MR. GAUBERT:
18
                The Energy Act, yes. The -- the three
19
          -- the three things I think that's working
         pretty good. We -- during my four years, we
20
21
         formed a Louisiana Compliance Service and --
22
         and we're doing the training, Class A, B and
23
         C operators. DEQ's doing the red tags and
         the --
24
         MR. BROUSSARD:
25
```

```
1
                 And the secondary --
  2
           MR. GAUBERT:
  3
                 -- and the secondary containment. We
           updated the guidance document. So we've
          done a lot over the last few years and I
          want to thank all of you guys for your --
 6
 7
          for your commitment and your involvement in
 8
          the trust fund. We certainly appreciate it.
 9
          I do think we have one of the best trust
10
          funds in the nation. And I hope I was able
          to continue on and hand off that legacy to
11
12
          the next -- the next guys. So thank ya'll.
13
          MR. FULTON:
14
                Thank you.
15
          MR. MILAZZO:
16
                I'd like to offer a motion to adjourn.
17
          MR. IVEY:
18
                Second.
19
          MR. GAUBERT:
20
                All in favor.
21
          (All indicated "aye".)
22
         MR. MILAZZO:
23
                Let's go home.
24
              THE MEETING ADJOURNED AT 1:59 P.M.
25
```

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21	herein, nor am I otherwise interested in the outcome
22	of this matter.
23	Mulled

24

25

Lori Overland C.C.R.

97083

In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

MEETING November 13, 2014

Associated Reporters, Incorporated 225-216-2036

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In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

MEETING November 13, 2014

Associated Reporters, Incorporated 225-216-2036

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Min-U-Script® with Word Index

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4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3		PAGE (S
5	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST	4	None	
6	FUND ADVISORY BOARD	5	EXHIBITS:	
7		6	None	
8		7		
9		8	REPORTER'S PAGE	
0		9	REPORTER'S CERTIFICATE	
		10		
1		11	* * * *	
2	The above-entitled meeting was held at the	12		
3	LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana,	13		
4	beginning at 1:18 p.m., on November 13, 2014.	14		
5		15		
6		16		
7		17		
3				
9	BEFORE:	18		
)	Lori B. Overland Certified Court Reporter	19		
L	In and For the State of Louisiana	20		
2	781	21		
3		22		
Į		23		
5		24		
,		25		
	Page 2	2		Page
1	APPEARANCES			. age
2		1	* * * * *	
3	Grady Gaubert Chairman	2	MR. GAUBERT:	
1	Durwood Franklin	3	In the absence of Keith Baker, I got	
5	Jeff Baker	4	nominated to chair the meeting today, so	
5	Gary Fulton Steve Burnham John Milaggo	5	we're going to call the meeting to order.	
7	John Milazzo Cy Morin	6	Welcome everybody. Little bit of change in	
	Fran Falke Shawn Ivey	7	the weather today. It's nice and brisk	
	Jill Carter	8	outside. Can we get a roll call, please.	
	Melissa Vizinat	9	Maybe start with Ms. Jill.	
)	Kodi Brignac Jason Efferson	10	MS. CARTER:	
	Deidra Johnson Sam Broussard	11	Jill Carter, attorney for DEQ.	
			MR. FRANKLIN:	
	Natalie Isaacks Ian Kelly	12		
	Natalie Isaacks Ian Kelly Vince Sagnibene	12 13	Durwood Franklin, DEQ Trust Fund.	
	Ian Kelly		Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER:	
	Ian Kelly	13	Durwood Franklin, DEQ Trust Fund.	
	Ian Kelly	13 14	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON:	
	Ian Kelly	13 14 15	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund.	
	Ian Kelly	13 14 15 16	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON:	
	Ian Kelly	13 14 15 16 17	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, USTRD.	
	Ian Kelly	13 14 15 16 17 18	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, USTRD. MR. BURNHAM:	
	Ian Kelly	13 14 15 16 17 18 19	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, USTRD. MR. BURNHAM: Steve Burnham with Engineering	
2 3 4 5 5 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	Ian Kelly	13 14 15 16 17 18 19 20	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, USTRD. MR. BURNHAM: Steve Burnham with Engineering Associates. MR. IVEY:	
22 33 44 55 55 77 33 99 99 99 99 99 99 99 99 99 99 99 99	Ian Kelly	13 14 15 16 17 18 19 20 21	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, USTRD. MR. BURNHAM: Steve Burnham with Engineering Associates.	
22 33 31 1 55 55 77 33 99 99 99 99 99 99 99 99 99 99 99 99	Ian Kelly	13 14 15 16 17 18 19 20 21 22	Durwood Franklin, DEQ Trust Fund. MR. JEFF BAKER: Jeff Baker, DEQ Trust Fund. MR. FULTON: Gary Fulton, USTRD. MR. BURNHAM: Steve Burnham with Engineering Associates. MR. IVEY: Shawn Ivey, PPM Consultants.	

Nov	ember 13, 2014	MOLG	OR FUELS UNDERGROUND STORAGE TANK TR	US 1
	Page	5	Pag	je 7
1	MR. MILAZZO:	1	case was assessed \$8,565.57 for delinquent	
2	Johnny Milazzo, Louisiana Oil	2	0 11 0011	
3	Marketers.	3		
4	MR. MORIN:	4	1 1	
5	Cy Morin, LDEQ Audit.	5	mit. C.I. OO 11.	
6	MS. FALKE:	6		
7	Fran Falke, LDEQ Office of Management	7	1. 10 11 01 10 7 1 114	
8	and Finance.	8	and the second of the second o	
9	MS. VIZINAT:	وا		
10	Melissa Vizinat, Trust Fund.	10		
11	MR. BROUSSARD:	11		
12	Sam Broussard, DEQ UST Division.	12		
	MS. ISAACKS:	13		
13	Natalie Isaacks, Louisiana Oil	14		
14		- 1		
15	Marketers. MS. JOHNSON:	15 16		
16		17		
17	Deidra Johnson, DEQ Legal. MR. EFFERSON:			
18		18	1 61 1	
19	Jason Efferson, DEQ Trust Fund.	19		
20	MR. KELLY:	20	-	
21	Ian Kelly, DEQ Trust Fund.	21	•	
22	MR. BRIGNAC:	22	Ç 1	
23	Kodi Brignac, DEQ Trust Fund.	23	•	
24	MR. GAUBERT:	24	O 11	
25	Okay. The first item of business is	25	These audits are currently in the	
	Page	6	Pag	e 8
1	consideration and adoption of the previous	1	review process and demand will be made on	
2	meeting's minutes. Can I have a motion to	2	and the state of t	
3	accept those minutes?	3		
4	MR. BURNHAM:	4	The fifth fiscal year '13 case is set	
5	Motion to accept.	5	. 1 . 1 . 1 . 1	
6	MR. GAUBERT:	6	remaining active open cases were prior to	
7	I need a second.	7	~ 1 110 FIL : 1 1 C	
8	MR. MILAZZO:	8	u company to the first	
9	I second.	9		
10	MR. GAUBERT:	10		
11	All in favor.	11		
12	(All indicated "aye".)	12		
13	MR. GAUBERT:	13		
14	Any questions, comments?	14		
15	(No response.)	15	0/00/14	
16	MR. GAUBERT:	16		
	Okay. Cy, could you give us the audit	17		
17	status report, please.	18		
18	MR. MORIN:	19	in the second se	
19	IVIIA. IVICARIIA.	- 1	ī <u> </u>	
20		יירו		
20	Yes, sir. We currently have 29 open	20		
21	Yes, sir. We currently have 29 open audit cases. Seven of the 29 have been	21	The legal statuses of the other two	
21 22	Yes, sir. We currently have 29 open audit cases. Seven of the 29 have been opened in fiscal year '15. Five fiscal year	21	The legal statuses of the other two audits opened prior to fiscal year '13 have	
21 22 23	Yes, sir. We currently have 29 open audit cases. Seven of the 29 have been opened in fiscal year '15. Five fiscal year '15 cases are currently in progress. One	21 22 23	The legal statuses of the other two audits opened prior to fiscal year '13 have not changed since the last board meeting.	
21 22 23 24	Yes, sir. We currently have 29 open audit cases. Seven of the 29 have been opened in fiscal year '15. Five fiscal year '15 cases are currently in progress. One fiscal year '15 case is scheduled for	21 22 23 24	The legal statuses of the other two audits opened prior to fiscal year '13 have not changed since the last board meeting. The attorneys are determining legal course	
21 22 23	Yes, sir. We currently have 29 open audit cases. Seven of the 29 have been opened in fiscal year '15. Five fiscal year '15 cases are currently in progress. One	21 22 23	The legal statuses of the other two audits opened prior to fiscal year '13 have not changed since the last board meeting. The attorneys are determining legal course	

MC	DTOR FUELS UNDERGROUND STORAGE TANK T	RUST	November 13, 201
	Page	9	Page 11
1	several legal obstacles.	1	stuff. So that's something we're going to
2	One fiscal year '14 case has been	2	work we're working toward.
3	finalized and closed with no assessment	3	MR. MILAZZO:
4	since the August meeting. To date, in	4	Okay. And, you know, it's it's
5	fiscal year 2015, demand has been made for	5	important to for all of us, obviously,
6	one assessment that I mentioned before, the	6	for the trust fund, everybody that's trying
7	\$8,500 in delinquent fees and late	7	to do the right thing, you know, we we
8	penalties. And it has been collected in	8	find ourselves with new folks in the
9	full. As of today, the total confirmed	9	business all the time. And I just think
10	outstanding delinquent fees and penalties	10	it's it's important that there's a lot of
11	for these open cases remains \$126,218.62.	11	integrity in that collection process, for
12	All of which is associated with the five	12	the sake of the trust fund and for everybody
13	legal case.	13	that's that's, you know, in the business.
14	Currently, the total potential	14	And, you know, as we go forward, I may share
15	assessments pending review and confirmation	15	some thoughts in the future maybe that we
16	as of today is just over \$6,000.	16	can build some sort of, you know, critical
17	That's it.	17	metrics and you can get back to us and say,
18	MR. GAUBERT:	18	"Okay, you know, out of 18 sampling, you
19	Okay. Any questions?	19	know, what were the results of that"?
20	MR. MILAZZO:	20	MR. MORIN:
21	I do. How many how many audits do	21	Right.
22	ya'll do a year?	22	MR. MILAZZO:
23	MR. MORIN:	23	Looking back historically and it
24	Currently, we have planned to do 18	24	kind of paints a picture of what that might
25	this year.	25	look like going forward. So and maybe,
	Page 1	0	Page 12
1	MR. MILAZZO:	1	you know, this isn't the best time to talk
2	Okay.	2	about it, but
3	MR. MORIN:	3	MR. MORIN:
4	That number has been raised over the	4	Right. But, yes, I I did want to
5	last couple of years. Last year, we planned	5	kind of talk to you about that possibly,
6	16. Prior to that, we were doing 12 or	6	because I didn't know if the way I'm
7	fewer. So we're we're trying to increase	7	presenting the material now is is
8	the number and, you know, the coverage.	8	means anything to you, you know, if
9	And, you know, our our auditor that's	9	MR. MILAZZO:
10	dedicated to motor fuels does monthly	10	Well, it's good to hear it, but but
11	research. He does have to go through kind	11	it's all it's better to see it and
12	of a process right now to do this research,	12	MR. MORIN:
13	but he he keeps several lists of people	13	Right.
14	who are currently delinquent. He keeps a	14	MR. MILAZZO:
15	list of people who have been previously	15	and, you know, how well it's
16	audited, have not been audited ever, who are	16	MR. MORIN:
17	currently being audited. Various different	17	Yes. I I agree.
18	lists. I'm hoping that in the in the	18	MR. MILAZZO:
19	future that we'll have a tool that will help	19	you know, what are the audits
20	us to do this research more efficiently and	20	really telling us at the end of the day
21	then we will be able to, you know, pinpoint	21	about those that are in the business that
22	people for you know, more accurately,	22	that have a responsibility to it? So again,
	· · · · · · · · · · · · · · · · ·		
23	maybe for a specific reason.	23	you know, maybe that's a work in session.
23 24 25	· · · · · · · · · · · · · · · · ·	23 24 25	you know, maybe that's a work in session. I'm not sure how the department would like to go forward thinking about that. But, you

NOV	ember 13, 2014	MOI	U	TOELS UNDERGROUND STORAGE TANK TROS
		Page 13		Page 15
1	know, I I do think it's probably		1	provided. On this page, the fiscal year
2	something we can improve upon.		2	2015 reimbursement to environmental trust
3	That's all I have.		3	fund will be \$4,651,591.97. This is an
4	But thank you, Cy.			increase from fiscal year 2014, which was
5	MR. MORIN:		5	\$4,321,158.09.
6	Okay.		6	MR. MILAZZO:
7	MR. GAUBERT:		7	Could you hold up there, because I
8	Okay. Any other questions?		8	either I'm too slow or something here, but -
9	(No response.)		9	_
10	MR. GAUBERT:	1	10	MS. FALKE:
11	Okay. Thank you. Ms. Fran, can you	1	Ļ1	Oh, I'm sorry.
12	give us the financial services report,	1	12	MR. MILAZZO:
13	please.	1	13	You know, maybe we should go to some
14	MS. FALKE:	1	L4	page numbers here, because, you know, we've
15	Yes. At the beginning of the year, we	1	15	got a responsibility here and sometimes I'm
16	transferred \$75,630,981.67 into the trust	1	L6	not sure I'm doing my part, but tell me
17	fund.	1	L7	what page am I suppose to be looking at,
18	MR. GAUBERT:	1	18	because I'm not seeing those numbers. I'm
19	Do you have a copy of that for		۱9	looking at tab four. We that's this
20	everybody that's going to	2	20	should be the right
21	MS. FALKE:	2	21	(An off-the-record discussion followed.)
22	Oh, I'm sorry.	2	22	MS. FALKE:
23	MR. GAUBERT:	2	23	Tab
24	Is it in is it in our packet?	2	24	MR. MORIN:
25	MS. FALKE:	2	25	Start it actually started the page
		Page 14		Page 16
1	Tab I think she said tab three on		1	after tab four.
2	here, but I believe it's tab four.		2	MS. FALKE:
3	MR. MILAZZO:		3	The page after on tab four. Sorry.
4	That's what I'm looking at is tab		4	MR. MILAZZO:
5	four.		5	So I'm going this is page two we're
6	MS. FALKE:		6	talking about, right?
7	As of September 30, 2014, we have		7	If you don't mind, I if you'd start
8	deposited \$5,179,342.66 and paid out		8	over, please.
9	reimbursements of \$1,773,370.82. The		9	MS. FALKE:
10				
	current liabilities on the sites is	1	LO	Sure. I'm sorry. This is my first
11			10 11	Sure. I'm sorry. This is my first time to
11	\$66,635,550. This is leaving a balance	1		•
11 12	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51.	1	L1	time to
11 12 13	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an	1 1 1	11 12	time to MR. MILAZZO: Fran, I'm not picking on you. I'm
11 12	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue	1 1 1	11 12 13	time to MR. MILAZZO:
11 12 13 14 15	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue	1 1 1 1	11 12 13 14	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE:
11 12 13 14 15	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is	1 1 1 1 1	11 12 13 14	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just
11 12 13 14 15 16	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total	1 1 1 1 1	11 12 13 14 15	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO:
11 12 13 14 15 16 17	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures	1 1 1 1 1 1 1	11 12 13 14 15 16	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we
11 12 13 14 15 16 17 18	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And	1 1 1 1 1 1 1	11 12 13 14 15 16 17 18	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we MS. FALKE:
11 12 13 14 15 16 17 18 19 20	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And the expenditures in 2015 are zero.	1 1 1 1 1 1 1 2	11 12 13 14 15 16 17	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we MS. FALKE: This is my first time to do this so
11 12 13 14 15 16 17 18 19 20 21	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And the expenditures in 2015 are zero. If you'll turn to the next page. This	1 1 1 1 1 1 1 2 2	11 12 13 14 15 16 17 18	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we MS. FALKE: This is my first time to do this so I'm not
11 12 13 14 15 16 17 18 19 20 21 22	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And the expenditures in 2015 are zero. If you'll turn to the next page. This report details of how we calculate the	1 1 1 1 1 1 1 2 2	11 12 13 14 15 16 17 18 19 20 21	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we MS. FALKE: This is my first time to do this so I'm not MR. MILAZZO:
11 12 13 14 15 16 17 18 19 20 21 22 23	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And the expenditures in 2015 are zero. If you'll turn to the next page. This report details of how we calculate the amount transferred from the motor fuel trust	1 1 1 1 1 1 1 2 2 2	11 12 13 14 15 16 17 18 19 20 21 22 22	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we MS. FALKE: This is my first time to do this so I'm not MR. MILAZZO: We're going to sign off on this and I
11 12 13 14 15 16 17 18 19 20 21	\$66,635,550. This is leaving a balance after obligations of \$12,401,420.51. If you'll turn the page. This is an information report on the interest revenue from the trust fund. The interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And the expenditures in 2015 are zero. If you'll turn to the next page. This report details of how we calculate the	1 1 1 1 1 1 1 2 2 2 2 2	11 12 13 14 15 16 17 18 19 20 21	time to MR. MILAZZO: Fran, I'm not picking on you. I'm just MS. FALKE: That's okay. MR. MILAZZO: You know, we MS. FALKE: This is my first time to do this so I'm not MR. MILAZZO:

	10 10 11 0 2 2 0 0 11 2 2 1 0 1 0 1 0 1	1051	11070111501 13, 20	
ĺ	Page 1	7	Page 1	9
	1 Right.	1	MR. MORIN:	
ŀ	2 MR. MILAZZO:		Right. It says 71.	
	The the numbers aren't the numbers	2	MR. GAUBERT:	
	4 I'm looking at, so	3		
	5 MS. FALKE:	4	This report is showing 71 million.	
	A 14	5	MS. FALKE:	
	6 All right. 7 MR. MILAZZO:	6	Right.	
		7	MR. JEFF BAKER:	
	8 my apologies.9 MS. FALKE:	8	Yes. Fran, that number	
		9	MR. MILAZZO:	
1	o So we're going to start over. MR. MILAZZO:	10	So I don't know if you just don't have	
		11	the current if you're reporting you	
1	2 Okay. 3 MS. FALKE:	12	know, the five million dollars, if if you	
i		13	something may be adding that should be	
1	Okay. At the beginning of the year,	14	subtracted. I'm not sure. But that's where	-
1		15	we're struggling with the report. But	
	6 fund. As of September 30, 2014, we have	16	MR. JEFF BAKER:	
1	* ₂	17	That number was revised at one point	
1	, ,	18	in the last week or so. I'm wondering if	
1		19	you have an older version of some of the	
2	, ,	20	notes. And it and the 66 may have been	
2		21	from a previous version. Right now, the	:
2	•	22	last calculation was 71 million. That might	
2		23	be where the confusion is coming from.	
2	•	24	MR. GAUBERT:	
2	So so that's where you lost me the	25	We were we were matching dollar for	
-				-
	Page 18		Page 20	1
] :	1 first time.	1	dollar until we got to that.	1
:	2 MS. FALKE:	2	MR. JEFF BAKER:	
;	З Okay.	3	Right.	
١.	4 MR. MILAZZO:	4	MS. FALKE:	1
! ا	So you've got to help me here.	5	Yes.	
1	6 MR. MORIN:	6	MR. GAUBERT:	
•	You need to go two pages from there	7	So this report has the 71 million and	
1	and that's where the 66 million is. I'm	8	you mentioned 66 was the liability on	
9	9 sorry.	9	current sites, so	
1.0	o MR. MILAZZO:	10	MS. FALKE:	
1:	I still don't see it.	11	Right.	
12	2 MR. GAUBERT:	12	MR. GAUBERT:	
13	The obligations I think is what we're	13	Our our report here has 71, so	
	1 11 0 0	14	maybe if you change your report to	
14	2.50	15	MS. FALKE:	
14 15	*** ** ** ** **	16	Yes. To the 71.	
	1 1 100			
15 16		17		
15		1	MR. GAUBERT:	
15 16 17	The 66 million dollar obligation?	17	MR. GAUBERT: reflect the 71 million, I think we	-
15 16 17 18	8	17 18	MR. GAUBERT: reflect the 71 million, I think we could move we move forward.	
19 10 18 19	(An off-the-record discussion followed.)	17 18 19	MR. GAUBERT: reflect the 71 million, I think we could move we move forward. MR. MILAZZO:	-
15 16 18 19 20	(An off-the-record discussion followed.) MR. GAUBERT:	17 18 19 20 21	MR. GAUBERT: reflect the 71 million, I think we could move we move forward. MR. MILAZZO: I mean, this looks right that I'm	
15 16 15 18 20 21 22	MR. GAUBERT: What what this report is showing	17 18 19 20 21 22	MR. GAUBERT: reflect the 71 million, I think we could move we move forward. MR. MILAZZO: I mean, this looks right that I'm looking at.	-
15 16 15 18 19 20 21	(An off-the-record discussion followed.) MR. GAUBERT: What what this report is showing I think it's the same report we all have.	17 18 19 20 21 22 23	MR. GAUBERT: reflect the 71 million, I think we could move we move forward. MR. MILAZZO: I mean, this looks right that I'm looking at. MR. GAUBERT:	
15 16 15 20 21 22 23	(An off-the-record discussion followed.) MR. GAUBERT: What what this report is showing I think it's the same report we all have. The liability on current sites, I think you	17 18 19 20 21 22	MR. GAUBERT: reflect the 71 million, I think we could move we move forward. MR. MILAZZO: I mean, this looks right that I'm looking at. MR. GAUBERT: Yes.	
15 16 15 20 21 22 23 24	MR. GAUBERT: What what this report is showing I think it's the same report we all have. The liability on current sites, I think you	17 18 19 20 21 22 23 24	MR. GAUBERT: reflect the 71 million, I think we could move we move forward. MR. MILAZZO: I mean, this looks right that I'm looking at. MR. GAUBERT:	

INOV	ember 15, 2014	1710	,,,,,,	C TOELS UNDERGROUND STORAGE TRAIL TROS
		Page 21		Page 2
1	I mean, does it to you, as reported		1	an increase from fiscal year '14, which was
2	here?		2	\$4,321,158.09.
3	MR. GAUBERT:		3	MR. GAUBERT:
4	Well, I don't have a calculator.		4	Does that complete your report?
5	MR. MILAZZO:		5	MS. FALKE:
6	Just rough numbers, but		6	That's I done, yes. It's complete.
7	MR. GAUBERT:		7	MR. GAUBERT:
8	Yes.		8	Any other questions or comments?
9	MR. MILAZZO:		9	(No response.)
10	66 doesn't I I don't know how it		10	MR. GAUBERT:
11	would fit in this number.		11	Okay. Thank you, Ms. Fran.
12	MS. FALKE:		12	MR. MILAZZO:
13	Right. So it should be the currently		13	Thank you, Fran.
14	liabilities on the sites is \$71,261,864.		14	MS. FALKE:
15	MR. GAUBERT:		15	Okay.
16	And that would be the sum of the		16	MR. GAUBERT:
17	the three different ways to come up with the		17	Mr. Jeff, could you give us the trust
18	total liabilities for the fund, the		18	fund status report, please.
19	corrective action, the potential corrective		19	MR. JEFF BAKER:
20	action and the projected cost of the trust		20	Yes, sir. Good afternoon. Please
21	fund to the environmental trust transfer for		21	refer to tab number five in your packets.
22	the next five years of \$16,000,000. That		22	These are the figures for the first quarter
23	totaled up to 71 million. So given that the		23	of fiscal year 2015. During the first
24	math is correct, that's the number that we		24	quarter of the fiscal year, the trust fund
25	need to use instead of the 66 million		25	received 280 applications, totaling
		Page 22		Page 24
	1.11 0	J	_	\$3,987,718. 183 applications were processed
1	dollars?		1	for payment during the fiscal quarter,
2	MS. FALKE:		3	totaling \$2,324,720. And 29 applications
3	Right. So that would make make		4	were returned with deficiencies.
4	leave a balance after obligations of		5	For sites in the corrective action
5	\$7,775,089.51.		6	phase, the outstanding liability of the
6	MR. MILAZZO:		7	corrective action plan budget and estimated
7	That makes sense to me. MR. GAUBERT:		8	cost to reach closure at the end of
8	Right. Yes. Okay.		9	September 2014 was \$32,054,706. The
9 10	MS. FALKE:		10	additional obligation recognized for the
ŀ	Okay. On the next page, this is an		11	non-capped sites, plus the projected motor
11	information report for the interest revenue		12	fuel trust fund to environmental trust fund
13	from the trust fund. Interest revenue		13	transfers is \$38,333,521. At the end of
14	collected inception to date is		14	September 2014, the trust fund had 155
15	\$6,623,834.58. Expenditures to date total		15	pending applications to process, which had
16	\$1,229,930.06. Details of the expenditures		16	requested amounts, totaling \$2,020,672. Of
17	to date are included on this report. And		17	this amount, the estimated requested
18	the expenditures in 2015 are zero.		18	obligations related to cap budgets and
19	This report details of how we		19	closure cost was \$1,147,035.
	•		20	If you'll note the legal-sized last
20	calculate the amount transferred from the			· =
20 21	calculate the amount transferred from the motor fuel trust fund to the environmental		21	page of your packet. The number of trust
21	motor fuel trust fund to the environmental		21 22	page of your packet. The number of trust fund sites that received no further action
21 22	motor fuel trust fund to the environmental trust fund. Details of the revenues and			, .
21	motor fuel trust fund to the environmental		22	fund sites that received no further action
21 22 23	motor fuel trust fund to the environmental trust fund. Details of the revenues and expenditures are provided. On this page,		22 23	fund sites that received no further action status thus far for the fiscal year was

Page 27

Page 25

trust fund sites that were reviewed and made

- 2 eligible during the current fiscal year was
- ten. And that represents ten active 3
- incidences. 4

20

21

22

23

24

25

14

Additional points of interest. The 5 trust fund staff is continuing to review our 6

7 calculation methods for determining the --

- the expenditure obligations against the 8
- fund. We are currently working with our IT 9
- 10 group to help us develop new reports and
- tools to assist in our monthly 11
- determinations. It was our hope that these 12
- 13 tools -- new tools would be in place for
- this board meeting and we would be able to 14
- present revised obligation numbers, starting 15
- with the first quarter of this year. 16
- However, as with any endeavor involving 17
- historical records, data anomalies often are 18
- 19 found and need to be addressed.

We have been working to resolve these issues and are now striving to develop new protocols for our monthly determinations.

You'll notice a decrease in the total number of active sites from last quarter's report and an increase in the listed non-cap

- the financial responsibility requirements
- for sites in and out of compliance on an
- annual basis and may recommend to the
- secretary adjusting these requirements. At 4
- this time, the trust fund does not have any 5
- recommendation to the board relating to any 6
- modifications to the current financial 7
- 8 responsibility dollar amounts.

That concludes my report. Do ya'll 9

- have any questions? 10
- MR. GAUBERT: 11
- 12 I have one question. MR. JEFF BAKER: 13
- Yes, sir. 14

15

MR. GAUBERT:

16 As you go through this data change and 17 have better data and more accurate data and

- a tool to analyze what's going on, it seems 18
- 19 to be working so far in helping clean up
- 20 some -- some of the books, you know,
- already. Do you anticipate, when you 21
- 22 incorporate this data, any other adjustments
- besides the 32 sites that you -- that were 23
- 24 closed that were not updated? Is there any
- 25 financial obligation that -- that we should

Page 26

Page 28

- obligation numbers. The reduction in the 1
- active site count is a result of our review 2
- of these sites, as part of these date 3
- anomalies and their current status. Thirty 4
- 5 plus previously active sites were found to
- be closed by the remediation staff more than 6
- 7 a year ago, but were still active in our
- 8 system. The trust fund staff closed these
- 9 in our data system, which resulted in an
- 10 increase in the average site closure cost.
- 11 This adjustment represented a portion of the
- increase of the non-cap obligation amounts. 12 13
 - The remaining non-capped increase was due to the modification of the trust fund to
- 15 ETF transfer estimates. The trust fund to
- ETF transfer amounts were reviewed -- are 16
- 17 reviewed annually and are based upon the
- 18 last two years of transfers. This annual
- estimate was increased from 2.8 million to 19
- 20 3.2 million dollars a year, resulting in a
- 21 total increase on a five year average -- or
- five year estimate from 14 million to 16 22
- million, which you saw under Fran's report. 23
- Revised statute 2195.a.5 and 2195.10.d 24
- 25 state that the advisory board shall review

- be aware of, potential financial obligation 1
- that we should be aware of, based on the --2
- any other financial obligation, besides what 3
- you've already mentioned by use -- by the 4
- use of this data? 5
- 6 MR. JEFF BAKER:

7 The new method that we're looking at -

- 8 - the reason we're going this direction is
- 9 because there were a number of sites that
- were not being incorporated into the 10
- 11 obligation process, a number of sites.
- These sites included sites that we had 12
- determined to be eligible but had not, as of 13
- 14 this point, requested reimbursement from the
- 15 fund. Until they requested reimbursement,
- they were not included in that obligation. 16
- However, we had deemed them to be eligible, 17
- 18 and they were eligible for additional funds
- 19 to be applied to them. So these were not
- being included in the obligation 20
- 21 calculations. They will now be included in
- 22 those obligation calculations, when we get -
- when we move forward with this new 23
- 24 process, the new protocol.
 - Do you have another question?

25

Nove	ember 13, 2014	MO	TOF	R FUELS UNDERGROUND STORAGE TANI	
		Page 29			Page 31
1	MR. MILAZZO:		1	Would you eventually take them off the	;
2	Well, that that would just you		2	list if they don't submit a package within a	1
3	would encumber some liability if those now		3	certain time frame?	
4	have some consideration in the future that -		4	MR. JEFF BAKER:	
5	- that could be called upon, right?		5	What we're looking at is, is probably	
6	MR. JEFF BAKER:		6	a two year window. If they have requested	1
7	Yes, sir.		7	eligibility within two years and have not	1
8	MR. MILAZZO:		8	requested reimbursement yet, we will	
9	You don't know that it will, but		9	incorporate them into that calculation.	
10	MR. JEFF BAKER:		10	Anything older than that, we will assume	
11	Yes, sir.		11	there's not going to be any additional cost.	
12	MR. MILAZZO:		12	MR. GAUBERT:	
13	it could.		13	Any other questions?	
14	MR. JEFF BAKER:		14	(No response.)	
15	We don't know, but		15	MR. GAUBERT:	
16	MR. MILAZZO:		16	Okay. Thank you.	
17	And so the records are going to now		17	MR. JEFF BAKER:	
18	reflect that.		18	Does the board have the last point	
19	MR. JEFF BAKER:		19	related to the board's making any	
20	Yes, sir. Yes. There are some sites		20	recommendations as to the financial	
21	that are not currently being considered as		21	responsibilities. Does the board have any?	
22	potential obligations that truly do have an		22	MR. GAUBERT:	
23	obligation against them. And we're trying		23	You mentioned one criteria that you	
24	to incorporate them into our calculations.		24	I don't know where the criteria came from	
25	MR. MILAZZO:		25	when when the question was just asked	
				•	
		Page 30			Page 32
1	So the numbers that we see today don't		1	about when would the it it'd go it	
2	necessarily reflect that?		2	not be considered as part of a financial	
3	MR. JEFF BAKER:		3	a future financial obligation, at what time	}
4	They do not		4	point. And you mentioned two years.	
5	MR. MILAZZO:		5	MR. JEFF BAKER:	
6	Okay.		6	Yes, sir.	
7	MR. JEFF BAKER:		7	MR. GAUBERT:	
8	reflect those additional sites.		8	And where did the and how did you	
9	MR. MILAZZO:		9	come up with the two year	
10	So they so there could be a jump in		10	MR. JEFF BAKER:	
11	liability, right?		11	The two years is based upon the	
12	MR. JEFF BAKER:		12	statute requirement that anything older than	
13	There will be an increase. Hopefully,		13	two years, the trust fund is not required to	
14	like I said, next the next board		14	pay.	
1			15	MR. GAUBERT:	
15	MR. MILAZZO:		12		
15 16	MR. MILAZZO: Yes.		16	Is that the statute that	
1			ŀ	Is that the statute that MR. JEFF BAKER:	
16	Yes.		16	Is that the statute that MR. JEFF BAKER: The statute if if the work is	
16 17	Yes. MR. JEFF BAKER:		16 17	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they	
16 17 18	Yes. MR. JEFF BAKER: meeting, we will be able to give		16 17 18	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they submit the application, the trust fund is	·
16 17 18 19	Yes. MR. JEFF BAKER: meeting, we will be able to give you those numbers. And there		16 17 18 19	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they submit the application, the trust fund is not required to pay it. So that's where we	
16 17 18 19 20	Yes. MR. JEFF BAKER: meeting, we will be able to give you those numbers. And there MR. MILAZZO:		16 17 18 19 20	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they submit the application, the trust fund is not required to pay it. So that's where we came up with that number.	
16 17 18 19 20 21	Yes. MR. JEFF BAKER: meeting, we will be able to give you those numbers. And there MR. MILAZZO: So that I think that was your		16 17 18 19 20 21	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they submit the application, the trust fund is not required to pay it. So that's where we came up with that number. MR. IVEY:	
16 17 18 19 20 21 22	Yes. MR. JEFF BAKER: meeting, we will be able to give you those numbers. And there MR. MILAZZO: So that I think that was your question. MR. GAUBERT: Yes.		16 17 18 19 20 21 22	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they submit the application, the trust fund is not required to pay it. So that's where we came up with that number. MR. IVEY: And you just use I mean, they can	·
16 17 18 19 20 21 22 23	Yes. MR. JEFF BAKER: meeting, we will be able to give you those numbers. And there MR. MILAZZO: So that I think that was your question. MR. GAUBERT:		16 17 18 19 20 21 22 23	Is that the statute that MR. JEFF BAKER: The statute if if the work is done prior to two years from the time they submit the application, the trust fund is not required to pay it. So that's where we came up with that number. MR. IVEY:	

	TOTAL TOTAL OF THE PROPERTY OF	× 11/C	101	November	13, 20
	Pa	ge 33			Page 3
1	MR. JEFF BAKER:		1	MS. CARTER:	
2	Yes, they could.		2	No, no, no. I just spelled it out	
3	MR. IVEY:		3	because I can't pronounce these names. It's	
4	And		4	two different persons that are the	
5	MR. GAUBERT:		5	plaintiffs that have sued	
6	It would be reincorporated back		6	MR. GAUBERT:	
7	MR. IVEY:		7	One suit, two persons as the	
8	Right.		8	plaintiff.	
9	MR. GAUBERT:	ĺ	9	MS. CARTER:	
10	into		10	Right.	
11	MR. JEFF BAKER:	l	11	MR. GAUBERT:	-
12	Right. Yes.	i	12	So maybe an owner and a tank owner or	
13	MR. IVEY:	- 1	13	something of that sort?	
14	Right.		14	MS. CARTER:	
15	MR. GAUBERT:		15	Say that again.	
16	That was my question. Any other	ľ	16	MR. GAUBERT:	•
17	questions?		17	An owner a store owner and an	
18	(No response.)	- 1	18	underground tank owner and possibly a	
19	MR. GAUBERT:		19	tenant?	
20	I don't see any other issues, Jeff, at		20	MS. CARTER:	
21	this point.	1	20 21	I can't remember if	
22	So you don't look like Perry Theriot.		21 22	MR. MILAZZO:	
23	MS. CARTER:	1	23		
.24	No, I'm not.	Į	23 24	Or is this an adjacent property owner? MS. CARTER:	
25	MR. GAUBERT:		24 25	I think the plaintiff is an adjacent	
			دے	I timik the plantiff is all adjacent	
	Pag	e 34		,	Page 36
1	But if you don't mind, Ms. Jill, to		1	property owner and the defendant is a store	_
2	give us the third party claims.	1	2	owner maybe. I can't remember right off the	
3	MS. CARTER:		3	top of my head. But I think the plaintiff	•
4	There's no change in the current		4	is the adjacent property owner.	
5	status of our current third party claims.		5	MR. GAUBERT:	
6	But we do have a new claim. And there are		6	Adjacent property owner. That	
7	two claimants. And I'm just going to spell		7	that's why it would be third party	
8	their names. The first claimant has three	1	8	MS. CARTER:	
9	names. F-E-N-G. Second name, J-I-N. Third		-		
10	name, T-E-N-G. And the second person that's	,	9 .0	Yes. A third party claim. MR. GAUBERT:	
11	plaintiff is A-I-J-I-N. And the second name		.1	a third party claim.	
12	is C-H-E-N. And the suit is versus DEQ and		.2	MS. CARTER:	
13	John Wilbourne and Beverly Wilbourne. And	- 1	.2	Right.	
14	that's a pending claim. We're waiting on AG		.4	MR. GAUBERT:	
15	compliance right now.	- 1			
16	MR. GAUBERT:		.5	Do you have an idea of what type of	
L7	These that entity with the		6	numbers that suit	
18	particular names that you just read off,	1		MS. CARTER:	1
LO L9	they have sued DEQ?	1		We are right in they just filed	
20	MS. CARTER:	1		suit and we're waiting on AG concurrence	
		2		before we can even answer the petition. So	
21 22	Yes. And John Wilbourne and Beverly	2		we're just in the very beginning stages of	
23	Wilbourne. It's a third party claim. MR. GAUBERT:	2		it. No discovery has been conducted. We	
23	Okay. Is that three that's three	2		can't move forward until we get concurrence from the AG.	
	onay. 15 mai mice mai s mice	2	4	HOW INC ALL	
יב					
5	different new suits?	2		MR. GAUBERT:	

Nove	ember 13, 2014	MO	LOI	R FUELS UNDERGROUND STORAGE TANK	
		Page 37			Page 39
1	Okay. Any questions for Ms. Jill?		1	(A brief recess followed while the board	İ
2	(No response.)		2	went into executive session.)	
3	MR. GAUBERT:		3	MR. GAUBERT:	ĺ
	Thank you.		4	So just to continue where we left off,	
4	Other business. Any other business to		5	we were on other business. The the only	
5			6	other item that I know of on the on other	
6	be brought before the board?		7	business is that we'll have a Louisiana	
7	MS. ISAACKS:		8	Oil Marketers is going to assign two	
8	What are the dates of the meetings for		9	additional board members for the for next	
9	2015?		10	for the next two year term. And that'll	
10	MR. JEFF BAKER:		11	be we don't have those names just yet,	
11	We have them pulled together but we		12	but those will be announced at the next	
12	have not got we can send them out to				
13	ya'll.		13	meeting. MR. MILAZZO:	
14	MS. ISAACKS:		14		
15	Okay. Thank you.		15	So you and Keith will return for one	
16	MR. JEFF BAKER:		16	last meeting, or is this officially	
17	I don't have them off the top of my		17	MR. GAUBERT:	
18	head, but we will send them to you.		18	This is this is as far as I	
19	MS. ISAACKS:		19	know, this is it. This is this is our	
20	Okay. Because we have to make, you		20	last meeting, Keith and myself. It there	
21	know, changes and all.		21	was we've each served two you can	
22	MR. JEFF BAKER:		22	serve two terms and then you have to	
23	Absolutely.		23	MS. ISAACKS:	
24	MS. ISAACKS:		24	Two consecutive.	
25	Thank you.		25	MR. GAUBERT:	
		Dega 39			Page 40
		Page 38			g
1	MR. GAUBERT:		1	Yes, to consequent terms. You have to	
2	The pending lawsuit, is there any		2	get off for at least one term and then you	
3	update that on the pending lawsuits, the		3	can come back on if you after that. So -	
4			4	- but we'll have to we'll see if we can	
5	MR. MILAZZO:		5	get Wes out of the weeds and get him back	
6	Companies that have that kind of		6	again.	·
7	double-dipped.		7	MR. IVEY:	
8	MS. CARTER:		8	Do we need to elect a new chair?	
9	I think we need to make a move to go		9	MR. GAUBERT:	
10	into executive session		10	Yes. The January at the January	
11	MR. FULTON:		11	meeting.	
12				•	
			12	MR. IVEY:	
1	Yes. We that we have to				
13	Yes. We that we have to MS. CARTER:		13	MR. IVEY: Okay. MR. GAUBERT:	
13 14	Yes. We that we have to MS. CARTER: to discuss that.		13 14	Okay. MR. GAUBERT:	
13 14 15	Yes. We that we have to MS. CARTER: to discuss that. MR. FULTON:		13 14 15	Okay. MR. GAUBERT: Or, first quarter meeting, we would	
13 14 15 16	Yes. We that we have to MS. CARTER: to discuss that. MR. FULTON: Yes, to discuss that. Yes.		13 14 15 16	Okay. MR. GAUBERT: Or, first quarter meeting, we would have to elect a new chair.	
13 14 15 16 17	Yes. We that we have to MS. CARTER: to discuss that. MR. FULTON: Yes, to discuss that. Yes. MR. GAUBERT:		13 14 15 16 17	Okay. MR. GAUBERT: Or, first quarter meeting, we would have to elect a new chair. MR. MILAZZO:	
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13 14 15 16 17 18 19 20 21 22 23	Yes. We that we have to MS. CARTER: to discuss that. MR. FULTON: Yes, to discuss that. Yes. MR. GAUBERT: Okay. MR. MILAZZO: So moved. MR. GAUBERT: So we're going to go into executive session. We're going to have to ask all of		13 14 15 16 17 18 19 20 21 22 23	Okay. MR. GAUBERT: Or, first quarter meeting, we would have to elect a new chair. MR. MILAZZO: Well, let me offer special thanks to you, Grady, and to Keith who's not here today. And you have very generously given your time, not just here but, you know, on a lot of fronts. And on behalf of our association and and really the	

	DTOR FUELS UNDERGROUND STORAGE TANK TR	USI	November 13, 2014
	Page 41		Page 43
1	you've done.	1	REPORTER'S PAGE
2	MR. GAUBERT:	2	** !
3	Thank you, John. And I've enjoyed my		
4	my time here, four years. You know,	1	Reporter, in and for the State of Louisiana, the
ł			
5	we've had a lot of fun. I think we got a		Rules of Civil Procedure and/or Article 1434(b)
6	lot accomplished with with Sam. I see		of the Louisiana code of Civil Procedure, before
7	Sam sitting in the audience today. He he		whom this sworn testimony was taken, do hereby
8	hasn't been at every meeting, but MR. FULTON:	8	on the storoid
9		9	That due to the interaction in the
10	I finally got him back. MR. GAUBERT:	10	,
11	•	11	, , , , , , , , , , , , , , , , , , ,
12	You got you got him back. But we	12	8 ,
13	did we did an awful lot of work on the	13	proper method for a Court Reporters's
14	implementation of the the	14	į į
15	MR. BROUSSARD:	15	()
16	Energy Act.	1	been left out of this transcript;
17	MR. GAUBERT:	17	That any words and/or names which could not
18	The Energy Act, yes. The the three	18	
19	the three things I think that's working	1	denoted with the phrase "(inaudible)."
20	pretty good. We during my four years, we	20	
21	formed a Louisiana Compliance Service and	21	Lori Overland, C.C.R.
.22	and we're doing the training, Class A, B and	22	# 97083
23	C operators. DEQ's doing the red tags and	23	
24	the MR. BROUSSARD:	24	
25	MR. BROUSSARD:	25	
	Page 42		Page 44
		1	Page 44 CERTIFICATION
1	And the secondary	_	CERTIFICATION
2	1 C C L T T T T T T T T T T T T T T T T T	2	I Tori B Ownland Contified Court Bonanton in
1	MR. GAUBERT:	2	I, Lori B. Overland, Certified Court Reporter in
3	and the secondary containment. We	3	and for the State of Louisiana, as the officer
3	and the secondary containment. We updated the guidance document. So we've	3 4	and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby
3	and the secondary containment. We updated the guidance document. So we've done a lot over the last few years and I	3 4 5	and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the above referenced individual to whom
3 4 5 6	and the secondary containment. We updated the guidance document. So we've done a lot over the last few years and I want to thank all of you guys for your	3 4 5 6	and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the above referenced individual to whom oath was administered, after having been duly sworn
3 4 5 6 7	and the secondary containment. We updated the guidance document. So we've done a lot over the last few years and I want to thank all of you guys for your for your commitment and your involvement in	3 4 5 6 7	and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the above referenced individual to whom oath was administered, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as
3 4 5 6 7 8	and the secondary containment. We updated the guidance document. So we've done a lot over the last few years and I want to thank all of you guys for your for your commitment and your involvement in the trust fund. We certainly appreciate it.	3 4 5 6 7 8	and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the above referenced individual to whom oath was administered, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing pages, that
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In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

MEETING
November 13, 2014

Associated Reporters, Incorporated 225-216-2036

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1	TOR FUELS UNDERGROUND STORAGE TANK TH	RUS.	Novembe	r 13, 2
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1 2 3		1	INDEX	
3	STATE OF LOUISIANA	2	EXAMINATION:	
4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3	None	PAGE (S
5	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST	4	None	
6	FUND ADVISORY BOARD	5	EXHIBITS:	
7		6	None	
8		7		
9		8		
10		9	REPORTER'S CERTIFICATE	
11		10		
12		11	* * * *	
13	The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602	12		
14	North 5th Street, Baton Rouge, Louisiana	13		
1.5	beginning at 1:18 p.m., on November 13, 2014.	14		
16		15		
		16		
7	; a	17		
8		18		
9	BEFORE: Lori B. Overland	19		
0	Certified Court Reporter In and For the State of	20		
1	Louisiana	21		
2		22		
3		23		
4		24		
5		25		
	Page 2			Page
1	APPEARANCES	-	* * * *	3-
2	Grady Gaubert	1 2	MR. GAUBERT:	
3	Chairman	3		
4	Durwood Franklin Jeff Baker	4	In the absence of Keith Baker, I got nominated to chair the meeting today, so	
5	Gary Fulton Steve Burnham	5	we're going to call the meeting to order.	
6	John Milazzo	6	Welcome everybody. Little bit of change in	
7	Cy Morin Fran Falke	1 0	" Steeling every body. Little bit of change in	
0		7		
)	Shawn Ivey Jill Carter	7	the weather today. It's nice and brisk	
	Jill Carter	8	the weather today. It's nice and brisk outside. Can we get a roll call, please.	
9	Jill Carter Melissa Vizinat Kodi Brignac	8	the weather today. It's nice and brisk outside. Can we get a roll call, please. Maybe start with Ms. Jill.	
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Page 7 Page 5 case was assessed \$8,565.57 for delinquent MR. MILAZZO: 1 fees and late penalties. This amount was Johnny Milazzo, Louisiana Oil 2 collected in full and the file is set to be 3 Marketers. 3 closed. 4 MR. MORIN: 4 Thirteen of the 29 audits were opened 5 Cy Morin, LDEQ Audit. 5 in fiscal year '14. Fieldwork has been MS. FALKE: 6 completed for 11 of these 13 fiscal year '14 7 Fran Falke, LDEO Office of Management 7 audits, resulting in nine potentially clean and Finance. 8 audits with no assessments and two potential 9 MS. VIZINAT: 9 audit assessments, totaling approximately 10 Melissa Vizinat, Trust Fund. 10 \$700, pending peer and/or final review. 11 MR. BROUSSARD: 11 Fieldwork is still in progress for the Sam Broussard, DEQ UST Division. 12 12 two remaining fiscal year '15 audits. Five 13 MS. ISAACKS: 13 of the 29 audits were opened in fiscal year 14 Natalie Isaacks, Louisiana Oil 14 '13. One fiscal year '13 audit has been 15 Marketers. 15 referred to legal for collection. Legal 16 MS. JOHNSON: 16 received AG concurrence on November 3rd. 17 Deidra Johnson, DEQ Legal. 17 The petition has been drafted. It's going 18 MR. EFFERSON: 18 through final review so it can be filed. 19 Jason Efferson, DEQ Trust Fund. 19 Fieldwork has been completed on three 20 MR. KELLY: 20 of five open fiscal year '13 audits, 21 Ian Kelly, DEQ Trust Fund. 21 resulting in one potentially clean audit and 22 MR. BRIGNAC: 22 no assessment and two potential assessment, 23 Kodi Brignac, DEQ Trust Fund. 23 totaling approximately \$4,579.47. 24 MR. GAUBERT: 24 These audits are currently in the 25 Okay. The first item of business is 25 Page 8 Page 6 review process and demand will be made on consideration and adoption of the previous these outstanding amounts in the very near meeting's minutes. Can I have a motion to 2 2 3 future. accept those minutes? 3 The fifth fiscal year '13 case is set 4 MR. BURNHAM: 4 to be closed with no assessment. The four Motion to accept. 5 remaining active open cases were prior to MR. GAUBERT: 6 fiscal year '13. They remain in legal for 7 I need a second. 7 collection. Two have signed and recorded 8 MR. MILAZZO: 8 judgments. As I've mentioned in previous I second. 9 meetings, DEQ's recourse in one of these is 10 MR. GAUBERT: 10 to make a claim against a succession. As of All in favor. 11 yesterday, legal informed me that that has 12 (All indicated "aye".) 12 not been opened, per the Clerk of Court. 13 MR. GAUBERT: 13 In the other case, legal mailed a Any questions, comments? 14 14 petition for garnishment on 8/20/14. I 15 (No response.) 15 think I mentioned that in the last meeting. 16 MR. GAUBERT: 16 As of 10/28/14, legal has spoken to the Okay. Cy, could you give us the audit 17 17 responsible party and is working out a 18 status report, please. 18 payment plan. The down payment is expected 19 MR. MORIN: 19 in December 2014. Yes, sir. We currently have 29 open 20 20 The legal statuses of the other two audit cases. Seven of the 29 have been 21 21 audits opened prior to fiscal year '13 have opened in fiscal year '15. Five fiscal year 22 22 not changed since the last board meeting. 23 '15 cases are currently in progress. One 23 The attorneys are determining legal course fiscal year '15 case is scheduled for 24 24 of action and working out ways around 25 December. And the seventh fiscal year '15 25

DE MC	PARTMENT OF ENVIRONMENTAL QUALITY DTOR FUELS UNDERGROUND STORAGE TANK TF	RUST	MEETINC November 13, 201
	Page 9		Page 11
1	several legal obstacles.	1	stuff. So that's something we're going to
2	One fiscal year '14 case has been	2	work we're working toward.
3	finalized and closed with no assessment	3	MR. MILAZZO:
4	since the August meeting. To date, in	4	Okay. And, you know, it's it's
5	fiscal year 2015, demand has been made for	5	important to for all of us, obviously,
6	one assessment that I mentioned before, the	6	for the trust fund, everybody that's trying
7	\$8,500 in delinquent fees and late	7	to do the right thing, you know, we we
8	penalties. And it has been collected in	8	find ourselves with new folks in the
9	full. As of today, the total confirmed	و ا	business all the time. And I just think
10	outstanding delinquent fees and penalties	10	it's it's important that there's a lot of
11	for these open cases remains \$126,218.62.	11	integrity in that collection process, for
12	All of which is associated with the five	12	the sake of the trust fund and for everybody
13	legal case.	13	that's that's, you know, in the business.
14	Currently, the total potential	14	And, you know, as we go forward, I may share
15	assessments pending review and confirmation	15	some thoughts in the future maybe that we
16	as of today is just over \$6,000.	16	can build some sort of, you know, critical
17	That's it.	17	metrics and you can get back to us and say,
18	MR. GAUBERT:	18	"Okay, you know, out of 18 sampling, you
19	Okay. Any questions?	19	know, what were the results of that"?
20	MR. MILAZZO:	20	MR. MORIN:
21	I do. How many how many audits do	21	Right.
22	ya'll do a year?	22	MR. MILAZZO:
23	MR. MORIN:	23	Looking back historically and it
24	Currently, we have planned to do 18	24	kind of paints a picture of what that might
25	this year.	25	look like going forward. So and maybe,
	Page 10	1	Page 12
1	MR. MILAZZO:	1	you know, this isn't the best time to talk
2	Okay.	2	about it, but
3	MR. MORIN:	3	MR. MORIN:
4	That number has been raised over the	4	Right. But, yes, I I did want to
5	last couple of years. Last year, we planned	5	kind of talk to you about that possibly,
6	16. Prior to that, we were doing 12 or	6	because I didn't know if the way I'm
7	fewer. So we're we're trying to increase	7	presenting the material now is is
8	the number and, you know, the coverage.	8	means anything to you, you know, if
9	And, you know, our our auditor that's	9	MR. MILAZZO:
10	dedicated to motor fuels does monthly	10	Well, it's good to hear it, but but
11	research. He does have to go through kind	11	it's all it's better to see it and
12	of a process right now to do this research,	12	MR. MORIN:
13	but he he keeps several lists of people	13	Right.
14	who are currently delinquent. He keeps a	14	MR. MILAZZO:
15	list of people who have been previously	15	and, you know, how well it's
L6	audited, have not been audited ever, who are	16	MR. MORIN:
L7	currently being audited. Various different	17	Yes. I I agree.
18	lists. I'm hoping that in the in the	18	MR. MILAZZO:
	Carata to the control of the control	1	

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future that we'll have a tool that will help

us to do this research more efficiently and

people for -- you know, more accurately,

able to have tools that will raise flags and

maybe for a specific reason.

then we will be able to, you know, pinpoint

Like you mentioned last meeting, being

19

20

21

22

23

24

-- you know, what are the audits

about those that are in the business that --

that have a responsibility to it? So again,

you know, maybe that's a work in session.

I'm not sure how the department would like

to go forward thinking about that. But, you

really telling us at the end of the day

1 know, I — I do think it's probably 2 something we can improve upon. 3 That's all I have. 4 But thank you, Cy. 5 MR. MORIN: 6 Okay. 7 MR. GAUBERT: 8 Okay. Any other questions? 9 (No response.) 10 MR. GAUBERT: 11 Okay. Thank you. Ms. Fran, can you give us the financial services report, 12 give us the financial services report, 13 please. 14 MS. FALKE: 15 Yes. At the beginning of the year, we transferred \$75,630,981.67 into the trust 16 fund. 17 MR. GAUBERT: 18 MR. GAUBERT: 19 Do you have a copy of that for everybody that's going to — 10 MS. FALKE: 20 Oh, I'm sorry. 21 MS. FALKE: 22 Oh, I'm sorry. 23 MR. GAUBERT: 24 Is it in — is it in our packet? 20 Is reimbursement to environmental trust 20 In this page, the fiscal year 20 15 reimbursement to environmental trust 3 fund will be \$4,651,591.97. This is an increase from fiscal year 2014, which was 5 \$4,321,158.09. 6 MR. MILAZZO: 7 Could you hold up there, because I — either I'm too slow or something here, but — 9 - 10 MS. FALKE: 11 Oh, I'm sorry. 12 MR. MILAZZO: 13 You know, maybe we should go to some 14 page numbers here, because, you know, we've 15 got a responsibility here and sometimes I'm 16 transferred \$75,630,981.67 into the trust 16 transferred \$75,630,981.67 into the trust 17 fund. 18 because I'm doing my part, but — tell me 19 looking at tab four. We — that's — this 20 should be the right — 21 (An off-the-record discussion followed.) 22 MS. FALKE: 23 Tab — 24 MR. MORIN: 25 Start — it actually started the page	Nov	ember 13, 2014	MC	וטוי	K FUELS UNDERGROUND STORAGE TANK TRUS
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23 amount transferred from the motor fuel trust 23 We're going to sign off on this and I					
24 fund to the environmental trust fund. 24 just					
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25 Details of revenues and expenditures are 25 MS. FALKE:	25	Details of revenues and expenditures are		25	M5. FALKE:

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	F	age 17		Page	19
1	Right.		1	MR. MORIN:	
2	MR. MILAZZO:		2	Right. It says 71.	
3	The the numbers aren't the numbers		3	MR. GAUBERT:	
4	I'm looking at, so		4	This report is showing 71 million.	
5	MS. FALKE:		5	MS. FALKE:	
6	All right.		6	Right.	
7	MR. MILAZZO:		7	MR. JEFF BAKER:	
8	my apologies.		8	Yes. Fran, that number	
9	MS. FALKE:		9	MR. MILAZZO:	
10	So we're going to start over.		10	So I don't know if you just don't have	
11	MR. MILAZZO:		11	the current if you're reporting you	
12	Okay.		12	know, the five million dollars, if if you	
13	MS. FALKE:		13	something may be adding that should be	}
14	Okay. At the beginning of the year,		14	subtracted. I'm not sure. But that's where	
15	we transferred \$75,630,981.67 into the trust		15	we're struggling with the report. But	
16	fund. As of September 30, 2014, we have		16	MR. JEFF BAKER:	
17	deposited \$5,179,342.66 and paid out	i	17	That number was revised at one point	
18	reimbursements of \$1,773,370.82.		18	in the last week or so. I'm wondering if	
19	Current liabilities on the sites is		19	you have an older version of some of the	İ
20	\$66,635,550. Leaving a balance after		20	notes. And it and the 66 may have been	
21	obligations of \$12,401,403.51.		21	from a previous version. Right now, the	
22	MR. GAUBERT:		22	last calculation was 71 million. That might	
23	That'd be 65		23	be where the confusion is coming from.	
24	MR. MILAZZO:		24	MR. GAUBERT:	
25	So so that's where you lost me the		25	We were we were matching dollar for	
	Р	age 18		Page 2	20
1	first time.		1	dollar until we got to that.	İ
2	MS. FALKE:	į.	2	MR. JEFF BAKER:	
3	Okay.	Ì	3	Right.	
4	MR. MILAZZO:		4	MS. FÁLKE:	
5	So you've got to help me here.		5	Yes.	İ
6	MR. MORIN:		6	MR. GAUBERT:	
7	You need to go two pages from there	ŀ	7	So this report has the 71 million and	
8	and that's where the 66 million is. I'm		8	you mentioned 66 was the liability on	
9	sorry.		9	current sites, so	
10	MR. MILAZZO:		10	MS. FALKE:	1
11	I still don't see it.	1	11	Right.	
12	MR. GAUBERT:		12	MR. GAUBERT:	
13	The obligations I think is what we're		13	Our our report here has 71, so	
14	looking for?	1	14	maybe if you change your report to	
15	MR. MILAZZO:		15	MS. FALKE:	
16	Well, I see the obligations but	i	16	Yes. To the 71.	
17	they're different than what		17	MR. GAUBERT:	
18	MR. GAUBERT:		18	reflect the 71 million, I think we	
19	The 66 million dollar obligation?		19	could move we move forward.	
20	(An off-the-record discussion followed.)		20	MR. MILAZZO:	
	(21	I mean, this looks right that I'm	
ļ	MR. GAUBERT:				
21	MR. GAUBERT: What what this report is showing				İ
21 22	What what this report is showing		22	looking at.	
21 22 23	What what this report is showing I think it's the same report we all have.		22 23	looking at. MR. GAUBERT:	
21 22	What what this report is showing I think it's the same report we all have. The liability on current sites, I think you		22	looking at. MR. GAUBERT: Yes.	
21 22 23 24	What what this report is showing I think it's the same report we all have.		22 23 24	looking at. MR. GAUBERT:	

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	F	Page 21		Page 2
1	I mean, does it to you, as reported		1	an increase from fiscal year '14, which was
2	here?	į	2	\$4,321,158.09.
3	MR. GAUBERT:		3	MR. GAUBERT:
4	Well, I don't have a calculator.		4	Does that complete your report?
5	MR. MILAZZO:		5	MS. FALKE:
6	Just rough numbers, but		6	That's I done, yes. It's complete.
7	MR. GAUBERT:		7	MR. GAUBERT:
8	Yes.		8	Any other questions or comments?
9	MR. MILAZZO:	ĺ	9	(No response.)
10	66 doesn't I I don't know how it		10	MR. GAUBERT:
11	would fit in this number.		11	Okay. Thank you, Ms. Fran.
12	MS. FALKE:		12	MR. MILAZZO:
13	Right. So it should be the currently		13	Thank you, Fran.
14	liabilities on the sites is \$71,261,864.		14	MS. FALKE:
15	MR. GAUBERT:		15	Okay.
16	And that would be the sum of the		16	MR. GAUBERT:
17	the three different ways to come up with the		17	Mr. Jeff, could you give us the trust
18	total liabilities for the fund, the		18	fund status report, please.
19	corrective action, the potential corrective		19	MR. JEFF BAKER:
20	action and the projected cost of the trust		20	Yes, sir. Good afternoon. Please
21	fund to the environmental trust transfer for		21	refer to tab number five in your packets.
22	the next five years of \$16,000,000. That		22	These are the figures for the first quarter
23	totaled up to 71 million. So given that the		23	of fiscal year 2015. During the first
24	math is correct, that's the number that we		24	quarter of the fiscal year, the trust fund
25	need to use instead of the 66 million		25	received 280 applications, totaling
				, ,
	F	Page 22		Page 2
		I		
1 1	dollars?		1	\$3.987.718. 183 applications were processed
1 2	dollars?		1 2	\$3,987,718. 183 applications were processed for payment during the fiscal quarter,
2	MS. FALKE:		2	for payment during the fiscal quarter,
2	MS. FALKE: Right. So that would make make		2 3	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications
2 3 4	MS. FALKE: Right. So that would make make leave a balance after obligations of		2 3 4	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies.
2 3 4 5	MS. FALKE: Right. So that would make make leave a balance after obligations of \$7,775,089.51.		2 3 4 5	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies. For sites in the corrective action
2 3 4 5 6	MS. FALKE: Right. So that would make make leave a balance after obligations of \$7,775,089.51. MR. MILAZZO:		2 3 4	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies. For sites in the corrective action phase, the outstanding liability of the
2 3 4 5 6 7	MS. FALKE: Right. So that would make make leave a balance after obligations of \$7,775,089.51. MR. MILAZZO: That makes sense to me.		2 3 4 5 6	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies. For sites in the corrective action phase, the outstanding liability of the corrective action plan budget and estimated
2 3 4 5 6 7 8	MS. FALKE: Right. So that would make make leave a balance after obligations of \$7,775,089.51. MR. MILAZZO: That makes sense to me. MR. GAUBERT:		2 3 4 5 6	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies. For sites in the corrective action phase, the outstanding liability of the corrective action plan budget and estimated cost to reach closure at the end of
2 3 4 5 6 7 8 9	MS. FALKE: Right. So that would make make leave a balance after obligations of \$7,775,089.51. MR. MILAZZO: That makes sense to me. MR. GAUBERT: Right. Yes. Okay.	ļ	2 3 4 5 6 7 8	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies. For sites in the corrective action phase, the outstanding liability of the corrective action plan budget and estimated cost to reach closure at the end of September 2014 was \$32,054,706. The
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. FALKE: Right. So that would make make leave a balance after obligations of \$7,775,089.51. MR. MILAZZO: That makes sense to me. MR. GAUBERT: Right. Yes. Okay. MS. FALKE: Okay. On the next page, this is an information report for the interest revenue from the trust fund. Interest revenue collected inception to date is \$6,623,834.58. Expenditures to date total \$1,229,930.06. Details of the expenditures to date are included on this report. And the expenditures in 2015 are zero. This report details of how we calculate the amount transferred from the motor fuel trust fund to the environmental		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for payment during the fiscal quarter, totaling \$2,324,720. And 29 applications were returned with deficiencies. For sites in the corrective action phase, the outstanding liability of the corrective action plan budget and estimated cost to reach closure at the end of September 2014 was \$32,054,706. The additional obligation recognized for the non-capped sites, plus the projected motor fuel trust fund to environmental trust fund transfers is \$38,333,521. At the end of September 2014, the trust fund had 155 pending applications to process, which had requested amounts, totaling \$2,020,672. Of this amount, the estimated requested obligations related to cap budgets and closure cost was \$1,147,035. If you'll note the legal-sized last page of your packet. The number of trust
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Page 27

Page 25

trust fund sites that were reviewed and made

2 eligible during the current fiscal year was

ten. And that represents ten active 3

4 incidences.

20

21

22

23

24

25

7

13

14

17

Additional points of interest. The 5 trust fund staff is continuing to review our 6 7 calculation methods for determining the --

the expenditure obligations against the 8

fund. We are currently working with our IT

group to help us develop new reports and 10

tools to assist in our monthly 11

determinations. It was our hope that these 12

tools -- new tools would be in place for 13

14 this board meeting and we would be able to

15 present revised obligation numbers, starting

with the first quarter of this year. 16

However, as with any endeavor involving 17

18 historical records, data anomalies often are

19 found and need to be addressed.

> We have been working to resolve these issues and are now striving to develop new protocols for our monthly determinations.

You'll notice a decrease in the total number of active sites from last quarter's report and an increase in the listed non-cap the financial responsibility requirements

for sites in and out of compliance on an 2

3 annual basis and may recommend to the

4 secretary adjusting these requirements. At

this time, the trust fund does not have any 5

recommendation to the board relating to any 6

7 modifications to the current financial

8 responsibility dollar amounts.

That concludes my report. Do ya'll

10 have any questions?

MR. GAUBERT: 11

12 I have one question.

MR. JEFF BAKER: 13

14 Yes, sir.

9

15

MR. GAUBERT:

As you go through this data change and 16 17 have better data and more accurate data and

18 a tool to analyze what's going on, it seems

19 to be working so far in helping clean up

some -- some of the books, you know, 20

21 already. Do you anticipate, when you

22 incorporate this data, any other adjustments

23 besides the 32 sites that you -- that were

closed that were not updated? Is there any 24

financial obligation that -- that we should 25

Page 26

Page 28

obligation numbers. The reduction in the

active site count is a result of our review 2

of these sites, as part of these date 3

anomalies and their current status. Thirty 4

5 plus previously active sites were found to

be closed by the remediation staff more than 6

a year ago, but were still active in our

system. The trust fund staff closed these 8

in our data system, which resulted in an 9

10 increase in the average site closure cost.

This adjustment represented a portion of the 11 12

increase of the non-cap obligation amounts.

The remaining non-capped increase was due to the modification of the trust fund to

ETF transfer estimates. The trust fund to 15

ETF transfer amounts were reviewed -- are 16

reviewed annually and are based upon the

last two years of transfers. This annual 18

estimate was increased from 2.8 million to 19

20 3.2 million dollars a year, resulting in a

total increase on a five year average -- or 21

22 five year estimate from 14 million to 16 23 million, which you saw under Fran's report.

24 Revised statute 2195.a.5 and 2195.10.d

state that the advisory board shall review 25

be aware of, potential financial obligation 1

that we should be aware of, based on the --2 any other financial obligation, besides what 3

you've already mentioned by use -- by the 4

5 use of this data?

7

MR. JEFF BAKER: 6

The new method that we're looking at -

8 - the reason we're going this direction is 9

because there were a number of sites that were not being incorporated into the 10

11 obligation process, a number of sites.

12 These sites included sites that we had

determined to be eligible but had not, as of 13

14 this point, requested reimbursement from the

15 fund. Until they requested reimbursement, 16 they were not included in that obligation.

However, we had deemed them to be eligible. 17

and they were eligible for additional funds 18

19 to be applied to them. So these were not

20 being included in the obligation

21 calculations. They will now be included in

22 those obligation calculations, when we get -

- when we move forward with this new 23

24 process, the new protocol.

Do you have another question?

25

Would you eventually take them off the 1 MR. MILAZZO: 1 list if they don't submit a package within a 2 Well, that -- that would just -- you 2 certain time frame? would encumber some liability if those now 3 have some consideration in the future that -MR. JEFF BAKER: 4 4 What we're looking at is, is probably - that could be called upon, right? 5 5 a two year window. If they have requested 6 MR. JEFF BAKER: 6 eligibility within two years and have not 7 Yes, sir. 7 requested reimbursement yet, we will MR. MILAZZO: 8 8 incorporate them into that calculation. 9 You don't know that it will, but --9 Anything older than that, we will assume 10 MR. JEFF BAKER: 10 there's not going to be any additional cost. 11 Yes, sir. 11 MR. GAUBERT: 12 MR. MILAZZO: 12 Any other questions? 13 -- it could. 13 (No response.) MR. JEFF BAKER: 14 14 MR. GAUBERT: 15 We don't know, but --15 Okay. Thank you. 16 MR. MILAZZO: 16 MR. JEFF BAKER: 17 And so the records are going to now 17 Does the board have -- the last point 18 reflect that. 18 related to the board's making any MR. JEFF BAKER: 19 19 recommendations as to the financial Yes, sir. Yes. There are some sites 20 20 responsibilities. Does the board have any? that are not currently being considered as 21 21 MR. GAUBERT: potential obligations that truly do have an 22 22 You mentioned one criteria that you --23 obligation against them. And we're trying 23 I don't know where the criteria came from to incorporate them into our calculations. 24 24 when -- when the question was just asked 25 MR. MILAZZO: 25 Page 32 Page 30 about when would the -- it -- it'd go -- it So the numbers that we see today don't 1 not be considered as part of a financial -necessarily reflect that? 2 2 a future financial obligation, at what time 3 MR. JEFF BAKER: 3 point. And you mentioned two years. They do not --4 MR. JEFF BAKER: MR. MILAZZO: 5 5 Yes, sir. 6 Okav. 6 MR. GAUBERT: 7 MR. JEFF BAKER: 7 And where did the -- and how did you -- reflect those additional sites. 8 8 come up with the two year --9 MR. MILAZZO: 9 MR. JEFF BAKER: So they -- so there could be a jump in 10 10 The two years is based upon the 11 liability, right? 11 statute requirement that anything older than 12 MR. JEFF BAKER: 12 two years, the trust fund is not required to 13 There will be an increase. Hopefully, 13 like I said, next -- the next board -pay. 14 14 MR. GAUBERT: 15 MR. MILAZZO: 15 Is that the statute that --16 Yes. 16 MR. JEFF BAKER: 17 MR. JEFF BAKER: 17 The statute -- if -- if the work is -- meeting, we will be able to give 18 18 done prior to two years from the time they you those numbers. And there --19 19 submit the application, the trust fund is 20 MR. MILAZZO: 20 not required to pay it. So that's where we So that -- I think that was your 21 21 came up with that number. 22 question. 22 MR. IVEY: 23 MR. GAUBERT: 23 And you just use -- I mean, they can 24 Yes. 24 still submit one, even three years later. 25 25 MR. IVEY:

	TOR FUELS UNDERGROUND STORAGE TANK TR	.001	November	10, 201
	Page 33			Page 35
1	MR. JEFF BAKER:	1	MS. CARTER:	
2	Yes, they could.	2	No, no, no. I just spelled it out	
3	MR. IVEY:	3	because I can't pronounce these names. It's	
4	And	4	two different persons that are the	
5	MR. GAUBERT:	5	plaintiffs that have sued	
6	It would be reincorporated back	6	MR. GAUBERT:	
7	MR. IVEY:	7	One suit, two persons as the	
8	Right.	8	plaintiff.	
9	MR. GAUBERT:	9	MS. CARTER:	
10	into	10	Right.	
11	MR. JEFF BAKER:	11	MR. GAUBERT:	
12	Right. Yes.	12	So maybe an owner and a tank owner or	
13	MR. IVEY:	13	something of that sort?	
14	Right.	14	MS. CARTER:	
15	MR. GAUBERT:	15	Say that again.	
16	That was my question. Any other	16	MR. GAUBERT:	
17	questions?	17	An owner a store owner and an	
18	(No response.)	18	underground tank owner and possibly a	
19	MR. GAUBERT:	19	tenant?	
20	I don't see any other issues, Jeff, at	20	MS. CARTER:	
21	this point.	21	I can't remember if	
22	So you don't look like Perry Theriot.	22	MR. MILAZZO:	
23	MS. CARTER:	23	Or is this an adjacent property owner?	
24	No, I'm not.	24	MS. CARTER:	
25	MR. GAUBERT:	25	I think the plaintiff is an adjacent	
	D 24	-		
	Page 34		·	Page 36
1	But if you don't mind, Ms. Jill, to	1	property owner and the defendant is a store	
2	give us the third party claims.	1 2	owner maybe. I can't remember right off the	
	give us the third party claims. MS. CARTER:	1	owner maybe. I can't remember right off the top of my head. But I think the plaintiff	
2	give us the third party claims. MS. CARTER: There's no change in the current	2	owner maybe. I can't remember right off the top of my head. But I think the plaintiff is the adjacent property owner.	
2	give us the third party claims. MS. CARTER: There's no change in the current status of our current third party claims.	2	owner maybe. I can't remember right off the top of my head. But I think the plaintiff	
2 3 4	give us the third party claims. MS. CARTER: There's no change in the current status of our current third party claims. But we do have a new claim. And there are	2 3 4	owner maybe. I can't remember right off the top of my head. But I think the plaintiff is the adjacent property owner. MR. GAUBERT: Adjacent property owner. That	
2 3 4 5	give us the third party claims. MS. CARTER: There's no change in the current status of our current third party claims. But we do have a new claim. And there are two claimants. And I'm just going to spell	2 3 4 5	owner maybe. I can't remember right off the top of my head. But I think the plaintiff is the adjacent property owner. MR. GAUBERT: Adjacent property owner. That that's why it would be third party	
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Nov	ember 13, 2014	MO	TO	R FUELS UNDERGROUND STORAGE TANK	CIRUSI
		Page 37			Page 39
1	Okay. Any questions for Ms. Jill?		1	(A brief recess followed while the board	
2	(No response.)		2	went into executive session.)	
3	MR. GAUBERT:		3	MR. GAUBERT:	
4	Thank you.		4	So just to continue where we left off,	
5	Other business. Any other business to		5	we were on other business. The the only	
6	be brought before the board?		6	other item that I know of on the on other	
1	MS. ISAACKS:		7	business is that we'll have a Louisiana	
7				Oil Marketers is going to assign two	
8	What are the dates of the meetings for		8	additional board members for the for next	•
9	2015?		9		•
10	MR. JEFF BAKER:		10	for the next two year term. And that'll	
11	We have them pulled together but we		11	be we don't have those names just yet,	
12	have not got we can send them out to		12	but those will be announced at the next	
13	ya'll.		13	meeting.	
14	MS. ISAACKS:		14	MR. MILAZZO:	
15	Okay. Thank you.		15	So you and Keith will return for one	
16	MR. JEFF BAKER:		16	last meeting, or is this officially	
17	I don't have them off the top of my		17	MR. GAUBERT:	
18	head, but we will send them to you.		18	This is this is as far as I	
19	MS. ISAACKS:		19	know, this is it. This is this is our	
20	Okay. Because we have to make, you		20	last meeting, Keith and myself. It there	
21	know, changes and all.		21	was we've each served two you can	
22	MR. JEFF BAKER:		22	serve two terms and then you have to	
23	Absolutely.		23	MS. ISAACKS:	
24	MS. ISAACKS:		24	Two consecutive.	
25	Thank you.		25	MR. GAUBERT:	
	mana you.				
		Page 38			Page 40
1	MR. GAUBERT:		1	Yes, to consequent terms. You have to	
2	The pending lawsuit, is there any		2	get off for at least one term and then you	
3	update that on the pending lawsuits, the		3	can come back on if you after that. So -	
4	, , , , , , , , , , , , , , , , , ,		4	- but we'll have to we'll see if we can	
5	MR. MILAZZO:		5	get Wes out of the weeds and get him back	
6	Companies that have that kind of		6	again.	
	double-dipped.		7	MR. IVEY:	
7	MS. CARTER:		8	Do we need to elect a new chair?	
8			9	MR. GAUBERT:	
9	I think we need to make a move to go		_	Yes. The January at the January	
10	into executive session		10	•	
11	MR. FULTON:		11	meeting.	
12	Yes. We that we have to		12	MR. IVEY:	
13	MS. CARTER:		13	Okay.	
14	to discuss that.		14	MR. GAUBERT:	
15	MR. FULTON:		15	Or, first quarter meeting, we would	
16	Yes, to discuss that. Yes.		16	have to elect a new chair.	
17	MR. GAUBERT:		17	MR. MILAZZO:	
18	Okay.		18	Well, let me offer special thanks to	
19	MR. MILAZZO:		19	you, Grady, and to Keith who's not here	
20	So moved.		20	today. And you have very generously	
21	MR. GAUBERT:		21	given your time, not just here but, you	
22	So we're going to go into executive		22	know, on a lot of fronts. And on behalf of	
23	session. We're going to have to ask all of		23	our association and and really the	
24	the audience that are not members of the		24	industry as a whole. So I personally want	
1			ı – •		
125	board to give us a few minutes		25	to thank you and really appreciate all	
25	board to give us a few minutes.		25	to thank you and really appreciate all	

MC	FIOR FUELS UNDERGROUND STORAGE TANK TR	UST	November 13, 201
	Page 41		Page 43
1	you've done.	1	REPORTER'S PAGE
2	MR. GAUBERT:	2	I, Lori B. Overland, Certified Court
3	Thank you, John. And I've enjoyed my	1 '	Reporter, in and for the State of Louisiana, the
4	my time here, four years. You know,	3	
	we've had a lot of fun. I think we got a	4	officer, as defined in Rule 28 of the Federal
5			Rules of Civil Procedure and/or Article 1434(b)
6	lot accomplished with with Sam. I see	1	of the Louisiana code of Civil Procedure, before
7	Sam sitting in the audience today. He he		whom this sworn testimony was taken, do hereby
8	hasn't been at every meeting, but MR. FULTON:		state on the Record
9		9	That due to the interaction in the
10	I finally got him back.	10	spontaneous discourse of this proceeding, dashes
11	MR. GAUBERT:	11	() have been used to indicate pauses, changes
12	You got you got him back. But we	12	in thought, and/or talk overs; that same is the
13	did we did an awful lot of work on the	13	proper method for a Court Reporters's
14	implementation of the the	1	transcription of proceeding, and that the dashes
15	MR. BROUSSARD:	15	() do not indicated that words or phrases have
16	Energy Act.	16	been left out of this transcript;
17	MR. GAUBERT:	117	That any words and/or names which could not
18	The Energy Act, yes. The the three	18	be verified through reference material have been
19	the three things I think that's working	19	denoted with the phrase "(inaudible)."
20	pretty good. We during my four years, we	20	
21		21	Lori Overland, C.C.R.
22	and we're doing the training, Class A, B and	22	# 97083
23	C operators. DEQ's doing the red tags and	23	
24	the	24	
25	MR. BROUSSARD:	25	
	Page 42		Page 44
	•	1	CERTIFICATION
1	And the secondary	2	I, Lori B. Overland, Certified Court Reporter in
2	MR. GAUBERT:	3	and for the State of Louisiana, as the officer
3	and the secondary containment. We	4	before whom this testimony was taken, do hereby
4	updated the guidance document. So we've	5	certify that the above referenced individual to whom
5	done a lot over the last few years and I	6	oath was administered, after having been duly sworn
6	want to thank all of you guys for your	7	by me upon authority of R.S. 37:2554, did testify as
7	for your commitment and your involvement in	8	hereinbefore set forth in the foregoing pages, that
8	the trust fund. We certainly appreciate it.	9	this testimony was reported by me in the stenomask
9	I do think we have one of the best trust	10	·
10	funds in the nation. And I hope I was able	11	reporting method, was prepared and transcribed by me
11	to continue on and hand off that legacy to	12	or under my personal direction and supervision, and
12	the next the next guys. So thank ya'll. MR. FULTON:	13	is a true and correct transcript to the best of my
Í		14	ability and understanding; that the transcript has
14 15	Thank you. MR. MILAZZO:		been prepared in compliance with transcript format
	I'd like to offer a motion to adjourn.	15	guidelines required by statute or by rules of the
16	rd like to offer a motion to autourn.		board, that I have acted in compliance with the
17	_	16	
10	MR. IVEY:	17	prohibition on contractual relationships, as defined
18	MR. IVEY: Second.	17 18	by Louisiana Code of Civil Procedure Article 1434
19	MR. IVEY: Second. MR. GAUBERT:	17 18 19	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board;
19 20	MR. IVEY: Second. MR. GAUBERT: All in favor.	17 18 19 20	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties
19 20 21	MR. IVEY: Second. MR. GAUBERT: All in favor. (All indicated "aye".)	17 18 19 20 21	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome
19 20 21 22	MR. IVEY: Second. MR. GAUBERT: All in favor. (All indicated "aye".) MR. MILAZZO:	17 18 19 20 21 22	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties
19 20 21 22 23	MR. IVEY: Second. MR. GAUBERT: All in favor. (All indicated "aye".) MR. MILAZZO: Let's go home.	17 18 19 20 21 22 23	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.
19 20 21 22 23 24	MR. IVEY: Second. MR. GAUBERT: All in favor. (All indicated "aye".) MR. MILAZZO:	17 18 19 20 21 22 23 24	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter. Lori Overland C.C.R.
19 20 21 22 23	MR. IVEY: Second. MR. GAUBERT: All in favor. (All indicated "aye".) MR. MILAZZO: Let's go home. THE MEETING ADJOURNED AT 1:59 P.M.	17 18 19 20 21 22 23	by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

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	accept (2)	7:11;43:5,12,17	average (2)	11:16
\$	6:3,5	announced (1)	26:10,21	BURNHAM (3)
	accomplished (1)	39:12	aware (2)	4:18,19;6:4
\$1,147,035 (1)	41:6	annual (2)	28:1,2	business (8)
24:19	accurate (1)	26:18;27:3	awful (1)	5:25;11:9,13;12:21
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