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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
DECEMBER 16, 2013
BEGINNING AT 9:30 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. TONY CORMIER

9 MR. RON DUPLESSIS (Arrived late)

10 MR. GEORGE FLOYD

11 MR. KIRBY ROY

12 MR. DINO TAYLOR

13

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17 REPRESENTING THE LOUISIANA USED MOTOR
18 VEHICLE COMMISSION:

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19 ROBERT W. HALLACK, ESQUIRE
20 HALLACK LAW OFFICE
21 13007 JUSTICE AVENUE
22 BATON ROUGE, LOUISIANA 70816

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1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MR. ERIC STRODERD

8 MR. DONALD MENDOZZA

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1 (Pledge of Allegiance)
2 MR. POTEET:
3 Kim, roll call, please.
4 MS. BARON:
5 John Poteet?
6 MR. POTEET:
7 Here.
8 MS. BARON:
9 George Brewer?
10 MR. BREWER:
11 Here.
12 MS. BARON:
13 Tony Cormier?
14 MR. CORMIER:
15 Here.
16 MS. BARON:
17 Ron Duplessis?
18 MR. DUPLESSIS:
19 (No response.)
20 MS. BARON:
21 George Floyd?
22 MR. FLOYD:
23 Here.
24 MS. BARON:
25 Kirby Roy?

1 MR. ROY:
2 Here.
3 MS. BARON:
4 Darty Smith?
5 MR. SMITH:
6 (No response.)
7 MS. BARON:
8 Dino Taylor?
9 MR. TAYLOR:
10 Here.
11 MS. BARON:
12 Mr. Chairman, we have a
13 quorum.
14 MR. POTEET:
15 Excellent.
16 Is anyone -- are there are
17 any -- is anyone here for public comments?
18 MS. BARON:
19 No, sir.
20 MR. POTEET:
21 Thank you.
22 Items for discussion. Now,
23 we need an approval of minutes from the
24 previous meeting.
25

1 MR. TAYLOR:

2 I'll make a motion.

3 MR. BREWER:

4 Second.

5 MR. POTEET:

6 All in favor, say, "Aye."

7 (All "Aye" responses.)

8 MR. POTEET:

9 Any opposed?

10 (No response.)

11 MR. POTEET?

12 That approval passes.

13 Financial matters, Ms. Mona,
14 are you ready to go?

15 MS. ANDERSON:

16 Okay. If you'll turn in your
17 packets to your financial statements for the
18 month of November 2013, the statement of net
19 position, our cash in the bank increased to
20 \$1,379,797, about \$163,000 from last month
21 as we go into our renewal -- full swing in
22 renewals. The accounts receivable hearings
23 and fines increased to \$59,250. Down to the
24 bottom of the page, your current liabilities
25 are \$31,940.

1 And on Page 2, you'll see
2 that we have our deferred in flows, the 2015
3 license in flows are increasing and 2014 is
4 decreasing as we transfer those revenues
5 over to the revenue and expenditure
6 statement.

7 Turning on to Page 3 is our
8 revenue expenses and changes in net
9 position. Our revenues are down this month
10 from last year. The year to date is
11 \$466,720 compared to \$539,000 last year.
12 About \$25,000 of the decrease is in hearings
13 and fines. We had more of those last year
14 and the remainder is in our fees. Our fees
15 are a little slow coming in. Under
16 expenses, the salaries and related benefits
17 increased by \$42,940 from last year. The
18 remainder the expenses decreased \$12,500.

19 On Page 5, the -- we had a
20 positive change in the net position of
21 \$62,978 compared to last year's \$165,760.
22 On Page 6, the revenues, expenses and net
23 position report again shows your positive
24 net position of \$62,977, and the following
25 Page 7 is a graph of that. You can see that

1 our fund balance, or now called net
2 position, is up. We -- compared to last
3 year, our revenues are a little down, but
4 still -- I think it's just they're slow in
5 renewing this year. We continue to have
6 dealers who can't tell what the -- what year
7 it is -- you know, what the year -- whether
8 they're needing to renew this year or not.
9 So what we're going to do is follow up on
10 that on the back side and try to catch
11 people who missed that their license is not
12 renewed -- is not -- is expiring this year.

13 And Page 8 shows you a chart
14 of our fee revenues and you can see that the
15 auction transaction fees are decreasing as a
16 part of a whole and our UD licenses and SM
17 licenses are increasing in renewal.

18 On Page 9, there's no change
19 to the certificate of deposit summary.
20 We'll be shopping those two CDs that are at
21 Concordia Bank in December.

22 On the final page, the
23 accounts receivable hearings and fines, we
24 added Premier Auto Brokers at \$13,000 and we
25 collected \$2,350 in November for a total at

1 the bottom right-hand corner of \$59,250. Of
2 the accounts that are shown on here, we'll
3 be sending out letters in December advising
4 those that are over 60 days that where the
5 bonds have already paid, we've already
6 collected from everyone we can collect from,
7 except the dealer, they'll be getting a
8 letter saying that we're going to be
9 referring accounts that are over 60 days to
10 the new Office of Debt Recovery for
11 collection. So on some of the others at the
12 bottom of the page, we got some responses
13 then, you know.

14 And so unless there are any
15 questions, that concludes my report.

16 MR. POTEET:

17 Thank you, Mona.

18 Does anyone have any
19 questions for Mona?

20 (No response.)

21 MR. POTEET:

22 All right. I'll entertain a
23 motion --

24 MR. KIRBY:

25 I move.

1 MR. CORMIER:

2 Second.

3 MR. POTEET:

4 Second by Tony.

5 All in favor, say, "Aye."

6 (All "Aye" responses.)

7 MR. POTEET:

8 Any opposed?

9 (No response.)

10 MR. POTEET:

11 All right. Approved --

12 financials are approved.

13 All right. The next thing on
14 our list of items for discussion is
15 discussion of the Louisiana Auctioneers
16 Licensing Board.

17 Derek, do you want to --

18 MR. PARNELL:

19 Commissioners, since our last
20 Commission meeting, you'll find in your
21 packet a letter that we sent to the
22 Louisiana Auctioneers Board kind of
23 explaining our position regarding the LUMVC
24 requiring the auctions if they conduct a
25 principal part of their business auctioning

1 motor vehicles to be licensed with us. The
2 letter kind of talks a little bit about the
3 collaborative efforts that were in place
4 between -- that were put in place in 2004
5 between LUMVC and the Licensing Board, the
6 Auctioneers Board. Since that letter --
7 since we sent that letter out, we hadn't
8 heard any response back from them. We know
9 that they have received it, but this was
10 recently at the end of last week. So it was
11 something that Robert kind of held the
12 draft, put together and kind of let them
13 know, you know, that it's not anything new
14 that we're doing as it relates to licensing
15 auctions. We've been doing that since 1984
16 and that they've worked with us. We made a
17 lot of efforts to work with them to make
18 sure that we have some separation, I should
19 say, to make sure we're not stepping on each
20 other's toes.

21 MR. POTEET:

22 Robert, thanks for doing the
23 research on this and putting all of that
24 together.

25 And, Derek, I think it's a

1 good letter. I think it kind of -- it
2 pretty much sums up our position and if they
3 have any problem with that, then that could
4 tell us what they would like to see done.
5 It's pretty clear.

6 Did everybody get a chance to
7 read that letter? If you haven't, it sums
8 it up very well. So, we'll see what
9 happens.

10 MR. HALLACK:

11 Also, too, if you go to the
12 Legislature whining about something, the
13 first thing they do is look at it to see
14 what the agencies did to try to work it out
15 and we've done about everything we could do.
16 When the problem arose, we worked with them
17 to try to work it out. So it's a little
18 silly to come back later and say, well, we
19 want something else now.

20 MR. POTEET:

21 Well, I think -- I'm just
22 surmising, but I think what happened was,
23 they had someone complaining that didn't
24 really understand it and the people on the
25 Commission didn't understand what had

1 happened in the past. I know that that
2 Board -- that Board has had a lot of change
3 over in members and there's been a lot of
4 controversy over there. So, you know, it's
5 probably they just didn't know. And so they
6 take their constituents and they respond to
7 him or her. So it's good for us to -- maybe
8 it was a good thing for us to hear all of
9 that and get refreshed on where we stand
10 with those guys. All right. Thanks.

11 Next thing on the agenda is
12 the Executive Director's report.

13 MR. PARNELL:

14 Commissioners, if you'll turn
15 with me in your packet, you'll find the
16 documentation that illustrates our complaint
17 totals for the month of November. The first
18 document you will find is the alleged issue
19 counts. That is 66 alleged issues for the
20 month of November. The highest one is
21 typically non-delivery of title, which it is
22 once again. The second document is the case
23 report. The case report, as always,
24 illustrates the total number of assigned and
25 completed cases for the month. For the

1 month of November, we had 55 assigned cases.
2 Fourteen of those cases have been completed,
3 which has a remaining of 41 cases still
4 open. The last document is the department
5 summary report. It illustrates that there
6 are 54 cases that were that were closed out
7 for the month of November.

8 In general information, I did
9 speak with Lessie with the New Car
10 Commission. We're trying to coordinate a
11 time upon which we can have our -- both
12 Commissions can sit down and meet to discuss
13 the Motor Vehicle Sales Finance Act. She
14 was trying to have something on Friday, but
15 I told her that wouldn't -- that wouldn't
16 really work, because we needed a little bit
17 more time to try to get more than one date
18 out there. So we can kind of see what works
19 for everyone who wants to be involved in
20 that -- in that meeting. So she's going to
21 go back and try to work with Ray Brandt to
22 find out when he is available, so we can
23 kind of figure it out and make it official
24 come the beginning of January, around that
25 time frame.

1 I have -- the second item
2 under general information, I have not heard
3 from the Office of the Governor regarding
4 our replacement Commissioner. The last I
5 have heard is that it was on his desk to be
6 signed, but we haven't heard since then.

7 MR. POTEET:

8 Actually, we need two, don't
9 we?

10 MR. PARNELL:

11 We need two, yes, one from
12 the Public Service Commission and the New
13 Orleans area and our -- the one that we're
14 looking at, I think he is a consumer
15 representative, that's on the desk right
16 now. She said she -- she did e-mail me a
17 while back saying that it was on his desk,
18 but I haven't heard anything since. She did
19 say she will let me know as soon as
20 something happens with that.

21 The last thing I wanted to
22 kind of mention with you -- with the
23 Commissioners is that please keep in mind
24 that our ethics training is due on December
25 31st -- due by December 31st. So if you

1 haven't done so, please go in and make sure
2 you do that.

3 MS. BARON:

4 And for those of you that
5 have already done it, thank you.

6 MR. HALLACK:

7 Is this something we have to
8 do every year?

9 MS. BARON:

10 Yes. It's a yearly thing.

11 MR. HALLACK:

12 Even though our ethics have
13 not changed?

14 MS. BARON:

15 Yes.

16 MR. PARNELL:

17 That completes the general
18 information and the Director's report. If
19 there are any questions or comments
20 concerning it, please share that with us.

21 MR. POTEET:

22 So we're going to try to get
23 together with as many Commissioners from
24 both of the commissions to meet?

25 MR. PARNELL:

1 Yes. We have, like, a little
2 committee that you have to put together or
3 -- yes, from what I understand, we're trying
4 to both meet with as many Commissioners as
5 possible from each Board to kind of really
6 talk about the Motor Vehicle Sales Finance
7 Act, some of the, quote/unquote, changes
8 that have taken place recently or again our
9 interpretation of the changes that have
10 taken place recently, so we can kind of give
11 -- get a good understanding of exactly what
12 both entities are doing out there, so we can
13 make sure we can inform our dealers what
14 they can and cannot do.

15 MR. POTEET:

16 Okay. Well, I certainly am
17 going to try to be at that meeting when we
18 finally figure out when we're going to do
19 it, but also I would like to have at least
20 one of you guys that are actually used motor
21 vehicle dealers to be there, too, to help,
22 you know, ask the right questions.

23 MR. BREWER:

24 When is the meeting?

25 MR. POTEET:

1 We don't know, yet.

2 MR. PARNELL:

3 We don't know.

4 MR. POTEET:

5 We're still working on that.

6 We'll -- Derek will send an e-mail saying
7 here are some proposed dates, probably four
8 or five dates.

9 MR. CORMIER:

10 I would like to come.

11 MR. POTEET:

12 At least one of you guys, the
13 more of you come, the better, but -- because
14 some of those things when they start talking
15 about that, that's not really my area of
16 expertise and I would hate to speak for all
17 of you and not really know.

18 MR. DUPLESSIS:

19 Are we going to have a
20 legislative meeting this year?

21 MR. POTEET:

22 Well, I think we probably
23 should.

24 MR. DUPLESSIS:

25 I think especially with that

1 discussion. And there are some new car
2 dealers that are starting to have regular
3 checks for their finance licenses, yes. And
4 it's quite interesting and it seems that the
5 New Car Commission doesn't know anything
6 about it, even though it's their
7 investigators. So I'm puzzled.

8 MR. TAYLOR:

9 So they're checking them like
10 they're checking us?

11 MR. DUPLESSIS:

12 They are.

13 MR. HALLACK:

14 How many of you think take
15 advantage of the exemption? I know you
16 stated before that you get the license, but
17 I wonder how many new car dealers actually
18 take advantage of the exemption under the
19 Motor Vehicle Sales Finance Act.

20 MR. DUPLESSIS:

21 You know I think that the
22 vast majority, unless they hold in-house
23 papers or something like that. But it seems
24 as though they're checking their rank and
25 file, too.

1 MR. POTEET:

2 Well, regarding the
3 legislative meeting, when is a good time?

4 MR. DUPLESSIS:

5 Well, do you want to do it
6 before or after the meeting with the New Car
7 Commission or we could do it maybe jointly
8 at the same time or something like that. I
9 don't know. If you can get the
10 Commissioners involved and --

11 MR. POTEET:

12 Yes. I think at the same
13 time or the same day or whatever. That
14 would be a good thing to do. Let's see when
15 we get -- Derek will get back --

16 MR. PARNELL:

17 Some dates.

18 MR. POTEET:

19 -- some dates and we'll send
20 that out to everybody and see who can make
21 it.

22 MR. TAYLOR:

23 Surely, if anything arises in
24 that meeting that has to be discussed.

25

1 MR. POTEET:

2 It will be fresh.

3 MR. TAYLOR:

4 It will be fresh, if we can
5 do it the same day.

6 MR. POTEET:

7 I was under the assumption
8 that Friday was the day that they would like
9 to meet, Derek.

10 MR. PARNELL:

11 It was this past Friday. It
12 was another date she mentioned, but it was
13 just this past Friday. I don't know if
14 that's a typical date for them that would
15 work. I don't know. She just proposed it
16 this past Friday on Thursday. I think it
17 was a bit too soon.

18 MR. POTEET:

19 That was a little too late.

20 Is Friday a good day for most
21 of you to have a meeting?

22 MR. TAYLOR:

23 Yes. Mondays or Fridays are
24 best.

25

1 MR. POTEET:

2 Yes. Mondays and Fridays are
3 best for me, also.

4 MS. BARON:

5 Are you planning on going?

6 MR. TAYLOR:

7 I will go.

8 MR. DUPLESSIS:

9 Derek, you're going to try to
10 get a meeting room or -- you know, our
11 attendance is not that big. So we can do it
12 in a much smaller venue if need be.

13 MS. BARON:

14 We did it here.

15 MR. PARNELL:

16 Did we do it here last year?

17 MS. BARON:

18 Yes.

19 MR. DUPLESSIS:

20 We could do it here again
21 this year.

22 MR. POTEET:

23 Any other items for the next
24 agenda?

25

1 MS. BARON:

2 You have to -- the date has
3 been changed to the 27th. Don't forget.

4 MR. POTEET:

5 All right. Well, I guess --
6 is there anything else to discuss?

7 (No response.)

8 MR. POTEET:

9 Motion to adjourn?

10 MR. CORMIER:

11 I make a motion.

12 MR. POTEET:

13 All in favor -- adjourned.

14

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16 (Meeting adjourned at 9:48 a.m.)

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REPORTER'S CERTIFICATE

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2
3 I, BETTY D. GLISSMAN, Certified
4 Court Reporter, Certificate No. 86150, in
5 and for the State of Louisiana, do hereby
6 certify that the Louisiana Used Motor
7 Vehicle Commission December 16, 2013 meeting
8 was reported by me in the stenotype
9 reporting method, was prepared and
10 transcribed by me or under my personal
11 direction and supervision, and is a true and
12 correct transcript to the best of my ability
13 and understanding.

14 This December 20, 2013, Baton
15 Rouge, Louisiana.
16
17
18
19
20
21
22

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