

LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
JUNE 17, 2013
BEGINNING AT 9:35 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. KIRBY ROY

11 MR. DINO TAYLOR

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16 REPRESENTING THE LOUISIANA USED MOTOR
VEHICLE COMMISSION:

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

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

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1 ALSO PRESENT:

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3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. BECKY BERTRAND

7 Ms TONYA BURKS

8 MS. KELLY BOUDREAUX

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1 MR. POTEET:

2 I guess we can go ahead and
3 get started. Let's start with the Pledge of
4 Allegiance.

5 (PLEDGE OF ALLEGIANCE)

6 MR. POTEET:

7 Roll call.

8 MS. BARON:

9 John Poteet?

10 MR. POTEET:

11 Here.

12 MS. BARON:

13 George Brewer?

14 MR. BREWER:

15 Here.

16 MS. BARON:

17 Dino Taylor?

18 MR. TAYLOR:

19 (No response.)

20 MS. BARON:

21 Tony Cormier?

22 MR. CORMIER:

23 (No response.)

24 MS. BARON:

25 Ron Duplessis?

1 MR. DUPLESSIS:

2 Here.

3 MS. BARON:

4 George Floyd?

5 MR. FLOYD:

6 Here.

7 MS. BARON:

8 Kirby Roy?

9 MR. ROY:

10 Here.

11 MS. BARON:

12 Darty Smith?

13 MR. SMITH:

14 Here.

15 MS. BARON:

16 Mr. Chairman, we have a

17 quorum.

18 MR. POTEET:

19 Do we have anyone here for

20 public comments?

21 MS. BARON:

22 No, sir.

23 MR. POTEET:

24 The next thing is items for

25 discussion. Hopefully, all of you have had

1 a chance to read the minutes of the previous
2 meeting. So we need approval of that.

3 MR. SMITH:

4 I make a motion.

5 MR. POTEET:

6 I have a motion to approve.

7 MR. BREWER:

8 Second.

9 MR. POTEET:

10 Second by Mr. Brewer.

11 All in favor, say "Aye."

12 (All "Aye" responses.)

13 MR. POTEET:

14 Any opposed?

15 (No response.)

16 MR. POTEET:

17 The next thing on our agenda

18 is financial matters. Number one would be

19 the financial report for May of 2013.

20 Mona, are you ready?

21 MS. ANDERSON:

22 Good morning. If you will

23 turn in your packets to the balance sheet on

24 Page 1, the balance sheet -- the bank

25 account had a balance of \$1,392,000 at the

1 end of May, excluding the deferred income
2 that was in the account. It was \$1,090,000,
3 which is about a \$200,000 increase over last
4 year at this time. Accounts receivable
5 hearings and fines increased to \$85,300. At
6 the bottom of the page, current liabilities
7 are \$39,800, and on Page 2, the deferred
8 revenue was \$301,800.

9 Turning on to the revenues
10 and expenditures statement on Page 3, midway
11 of the page, the year-to-date revenue was
12 \$1,114,600, which compared to \$1,452,900
13 from last year. However, that did include
14 the fine -- the hearings and fines for
15 Affordable Imports, which was offset with
16 the expenditure you'll see on the next
17 pages. So we wrote off all of Affordable
18 Imports except \$20,000 for the bond.

19 Year-to-date salaries and
20 related benefits were \$654,000 compared to
21 \$576,000 last year. A portion of that
22 increase was because we had three pay
23 periods in May this year. Last year, the
24 three pay periods fell in June. Year to
25 date -- and on Page 5, the total

1 expenditures year to date for 2013 were
2 \$854,000 compared to \$1,042,000, but, again,
3 you can see up there in the expenditures
4 under bad debt, we've got the \$240,600 we
5 wrote off for Affordable Imports. So that
6 left us with \$802,000 last year compared to
7 \$854,000 this year. The net loss for May
8 was \$44,500, but our year-to-date income was
9 \$260,700.

10 Turning on to Page 6 is the
11 revenue and expenditures comparison and the
12 fund balance, and the following page is a
13 graphical representation of those figures.
14 You can see our expenditures are pretty much
15 holding steady. Our revenues have dipped
16 down a little bit at the end of the year and
17 our fund balance, of course, has gone
18 accordingly.

19 On Page 8, the accounts
20 receivable hearings and fines, we added K&K
21 Auto Brokers at \$14,600 to bring that total
22 to \$85,300. On Page 9, the certificates of
23 deposit report, there was no change in those
24 -- in that report for this month.

25 Unless there are any

1 questions, that concludes the financial
2 statements report.

3 MR. BREWER:

4 Good job.

5 MS. ANDERSON:

6 Thank you.

7 MR. POTEET:

8 No questions?

9 (No response.)

10 MS. POTEET:

11 We need a motion to approve
12 the financial statements.

13 MR. ROY:

14 I move.

15 MR. POTEET:

16 Kirby.

17 Second?

18 MR. SMITH:

19 I'll second.

20 MR. POTEET:

21 Darty, second.

22 All in favor, say, "Aye."

23 (All "Aye" responses.)

24 MR. POTEET:

25 Any opposed?

1 (No response.)

2 MR. POTEET:

3 All right. The next thing on
4 our -- under financial matters is the fiscal
5 year end budget amendments for 2012 to 2013.

6 So, Mona, you're still
7 standing. So I assume that's you.

8 MS. ANDERSON:

9 That's me.

10 You have before you the
11 proposed budget amendments to end up the
12 fiscal year to bring all of our line items,
13 you know, in line with what the actuals
14 were. The first column there shows you what
15 we had budgeted -- what you passed as the
16 budget last year. Then, we have estimated
17 what we will -- what our revenues and
18 expenditure will be for -- through June 30th
19 of this year. And the third column would be
20 the remaining -- what would be remaining in
21 the budget. The fourth column is proposed
22 budget amendments, and the fifth column
23 would be what we're proposing as a revised
24 budget for the end of the year. Most of the
25 changes that -- there were no changes in

1 revenue, no proposed budget amendments in
2 revenue. All of the changes in the
3 expenditures are just shift funds from one
4 line item to the other, and if you look down
5 at the bottom of the second page under
6 proposed budget amendments, it's a net zero
7 effect on the budget. So we're just talking
8 about moving money between line items. The
9 expenses were budgeted in the latter part of
10 2011. So, of course, we had changes that
11 were not anticipated when the budget was
12 originally prepared. There were changes in
13 line items of salaries, retirement benefits,
14 group benefits, travel, postage, and the
15 rest of it was -- were minor changes.

16 So I'll give you a few
17 minutes to review those, and then if you
18 have no questions, we will need to approve
19 those budget amendments.

20 MR. POTEET:

21 Does anybody have any
22 questions about any of that?

23 MR. BREWER:

24 The travel of Commissioners,
25 is that our transportation fund coming over

1 here?

2 MS. ANDERSON:

3 Your mileage, yes, sir.

4 MR. POTEET:

5 Does anyone have any
6 questions? This is pretty much an
7 administrative thing. So -- but we still
8 have to approve it. So we need a motion to
9 approve.

10 MR. BREWER:

11 I make a motion to approve.

12 MR. POTEET:

13 Brewer, motion.

14 Second?

15 MR. ROY:

16 Second.

17 MR. POTEET:

18 I have a second from Kirby.

19 All in favor, say "Aye."

20 (All "Aye" responses.)

21 MR. POTEET:

22 Any opposed?

23 (No response.)

24 MR. POTEET:

25 All right. The motion

1 passes.

2 Thank you, Mona, good job.

3 Next, we have legal matters

4 and pending litigation. Mr. Hallack.

5 Good morning, Mr. Hallack.

6 MR. HALLACK:

7 Good morning, sir.

8 The status is the same on
9 both of those. Of course, you know on A-1
10 Autoplex, they dismissed their appeal. It
11 became a final judgment and we're in the
12 process of collecting on the bond. We had
13 some questions about the bond and I had to
14 meet with Kim to go over that with Kim,
15 because he had different bonds for different
16 periods of time and he had violations that
17 crossed a range of several different years.
18 So we had to go back and figure out which
19 violation applied to which bond. So we got
20 that done and we sent it to the bond
21 company.

22 That's gone out, right, Kim?

23 MS. BARON:

24 It's going out this week.

25 MR. HALLACK:

1 Okay.

2 So that's what we're trying
3 to do is collect against the bond. He had
4 two different bonds during the period of
5 time in which he committed violations.

6 Value Imports, still on
7 appeal with the First Circuit Court of
8 Appeals.

9 MR. POTEET:

10 Okay. Does anyone have any
11 questions for Mr. Hallack regarding those
12 two issues?

13 MR. ROY:

14 No. But on Car Boyz, why do
15 they have a balance of 25, why can't they
16 take that out?

17 MS. ANDERSON:

18 Actually, he had written us
19 an NSF check and that was the fee for it.

20 MR. ROY:

21 Oh, okay.

22 MS. ANDERSON:

23 He gave Stacy Gaudin the
24 money for the actual check, but didn't pay
25 the fee. But Kim filed that along with the

1 request to the bond company and they did
2 include that, but we didn't receive it until
3 June. So it will come off this coming
4 month.

5 MR. ROY:

6 I know we got off the subject
7 abruptly, but thank you.

8 MR. POTEET:

9 Any other -- okay. We're
10 ready for the Executive Director's report.
11 Mr. Parnell.

12 MR. PARNELL:

13 Okay. The first item there
14 is a review of complaint totals. If you
15 will turn with me in your packet, we have
16 some documents in there. The alleged issue
17 count for the month of May of 2013, there
18 were 153 alleged issues. The higher two is
19 typically always due to non-delivery of
20 title and refund. The second document in
21 this packet is the case report. It
22 illustrates what was assigned to our
23 compliance investigators during the month of
24 May. We have 107 cases assigned.
25 Twenty-seven cases were completed, and 80

1 cases still remain open. The next document
2 is the department summary report. It
3 illustrates that there were 62 cases closed
4 in the month of May, 2013.

5 The next item is general
6 information that I want to run through and
7 let you all know what's been going on in the
8 office. Chryel Walton, who was our
9 compliance investigator that was with us
10 part-time, she is no longer with the agency.
11 She submitted her letter of resignation this
12 past week. She needs to stay home with her
13 husband who is ill. We have set up an
14 interview for this week on Thursday to meet
15 with someone, a full-time person, that may
16 be able to be a compliance investigator. So
17 we met with this person before last year
18 when we were trying to hire someone in, but
19 we didn't do that then, but now we're trying
20 to move forward with that. So Thursday
21 we'll be meeting with the investigator --
22 with the person to see if they will -- if
23 that's somebody we want to move forward with
24 in hiring.

25 The next item I kind of want

1 to discuss, we did purchase a new fleet
2 vehicle. It's a 2013 Dodge Avenger. I did
3 receive -- we did that -- we sent our
4 paperwork through LPAA two months ago and
5 they said it would take about six days or so
6 for the car to be ordered, because they
7 didn't have any at Southland Dodge on their
8 lot. So I did this past week receive a
9 receipt from Southland Dodge. So I'm trying
10 to get in touch with someone from LPAA to
11 find out exactly when it is that we'll pick
12 up the vehicle. Hopefully, it's done before
13 this fiscal year ends.

14 Another item, we've been
15 making a lot of building improvements. We
16 ordered some new office furniture in four of
17 the offices and the lobby area. We also
18 replaced the rain gutters, the down spouts.
19 They were completely ineffective. We power
20 washed the front of the building. We have
21 painters on site, right now. They'll be
22 working around the side and back of the
23 building until the meeting is over. Then,
24 they're going to come and move around to the
25 front. What they're painting is the soffit

1 and fascia boards all around the entire
2 building, also the breezeway and underhang,
3 and the three doors in front of the
4 building. This fiscal year, we had every
5 intention to replace the signage on the
6 street, because it looks pretty bad and kind
7 of stands out when the news crews come by
8 and take a picture of it. We also want to
9 add some letters and some language on the
10 building, just the name of the building,
11 just right there on that brick facade, just
12 kind of so when you look at the building
13 from the street, you can kind of see -- with
14 our new sign out front, you can see what
15 building you're looking at when you pull up.

16 We also have been in
17 discussions with a new software company.
18 We've been trying to work through that,
19 because we need to replace our current
20 software company, CAVU, our licensing
21 program. We have another meeting with this
22 company today. Hopefully -- you know, we
23 will have to go forward with that. We'll
24 probably have to get quotes from two other
25 companies, but all in all, so far what I've

1 gathered, it's so much more advanced than
2 what we currently have in CAVU, our
3 licensing program. It's not that we can't
4 do, we should be able to do. We've paid for
5 to do, but we're not able to do. They're
6 still working on fixing a lot of it. So
7 that kind of puts us way behind.

8 But that's pretty much what's
9 been going on, just some items we're working
10 ongoing. Even with the office furniture, I
11 did order two lecterns that can go in this
12 room, one will go here and one over there,
13 because we have hearings and persons coming
14 in and everybody has their papers all over
15 the place, on their lap. So I think it
16 would be a little bit better if we had a
17 lectern standing right, so they can walk up
18 and present themselves to the Board a little
19 bit better.

20 So are there any questions or
21 comments?

22 MR. POTEET:

23 Sounds like you've been busy.

24 That software thing, that's a
25 big deal for Ron and me. We want to see

1 that.

2 MR. PARNELL:

3 Yes, it's huge.

4 MR. DUPLESSIS:

5 Well, that's what makes us
6 operate.

7 MR. PARNELL:

8 We're very skeptical. So
9 when we speak with her, we have a ton of
10 questions. I think some of which, she's
11 kind of shocked about. We know what's bad
12 and we know what we don't want. So we kind
13 of can express to her what we're looking for
14 in a more definitive manner.

15 MR. POTEET:

16 Okay. Does anybody have any
17 other questions for Derek?

18 (No response.)

19 MR. POTEET:

20 All right. So we can move on
21 to our committee reports, our 2013
22 legislative session, I don't know the house
23 bill.

24 Ron, do you want to take over
25 here?

1 MR. DUPLESSIS:

2 Well, I believe it passed.

3 Has it been signed into law,
4 yet?

5 MR. PARNELL:

6 Yes.

7 MR. DUPLESSIS:

8 Good. I don't think you got
9 a dissenting vote in committee or on the
10 floor.

11 MR. POTEET:

12 It was unanimous all the way
13 across.

14 MR. PARNELL:

15 All the way through.

16 Now, Act 204, I did that -- I
17 put a copy of it in your packet.

18 MR. DUPLESSIS:

19 Act 204, House Bill 547, it
20 was pretty much a cleanup bill, but the
21 thing that -- I'm going to let Sheri and
22 Derek review the contents. It's mostly a
23 cleanup bill. The thing I saw, we actually
24 have credibility down there. And, in the
25 past, we've had to kind of be real careful

1 about what we wrote and they were tenuous
2 about passing anything for us, because they
3 didn't think the Commission was well run.
4 It's an indication that the Commission has
5 acceptance down there at the capital. So I
6 think the Governor's Office and both
7 legislators have a lot of respect. I think
8 they're trusting of us to clean up the
9 business, and the business at this point, I
10 think is a clean industry as well as you can
11 expect the used car business to run in the
12 State. So excellent. Good job.

13 I know, Derek, you were down
14 there pushing the bill and, Sheri, you were
15 making contacts and -- as best you could and
16 it looks like it was a good session. So
17 would you guys just kind of cover -- the
18 thing I like about it, it gives us a little
19 bit of power on the curbstoning and I think
20 that makes some significant changes, more so
21 than a lot of other states.

22 MS. MORRIS:

23 A majority of the bill
24 actually drafted by Robert was to kind of
25 clean up our hearing procedures, which were

1 out of line with some other agencies, and we
2 didn't -- we lacked some deadlines for
3 subpoenas and pre-hearing motions and things
4 like that that were kind of creating us to
5 have to continue things or -- and re-notice
6 hearings. So, hopefully, that will work
7 well for us. And it clarifies that there
8 are different procedures that apply to an
9 application under review and a disciplinary
10 hearing of a licensee. So, hopefully, with
11 the new procedures, we'll be able to
12 streamline things a little bit better.

13 MR. DUPLESSIS:

14 Robert, anything?

15 MR. HALLACK:

16 It sounds good to me. One of
17 the things that we really needed to work out
18 and clean up was like Sheri said, the
19 process for hearings was just an absolute
20 mess, and the staff and the lawyers really
21 didn't know what to do with a lot of it. So
22 we cleaned it up. We made sure that the
23 application process had its own process and
24 the violation process had its own process,
25 and we put deadlines on certain things. So

1 it makes it -- like Sheri said, it
2 streamlines it exceptionally well and makes
3 it easier for the staff to understand what
4 we're supposed to do. We cleaned up some
5 definitions, and that's -- our definition
6 section is 781. What we talked about
7 earlier about the hearing process, it's 785
8 and 784. We wanted to make sure people
9 understood all of the businesses that we
10 license and regulate. So we wanted to make
11 sure everyone understood that rent-to-own
12 and rent on a daily basis were two separate
13 licenses. That was never in the law very
14 well. People just kind of guessed as to
15 whether or not we actually licensed these
16 people. Now, it's in the law. If you do
17 rent-to-own, you rent on a daily basis, you
18 have to have a license and they are two
19 separate licenses. 785 we talked about
20 already. And like Mr. Duplessis said
21 earlier, we put a little teeth into the
22 curbstoning law by increasing the fine from
23 \$1,000 to \$3,000. That's basically it.

24 MS. MORRIS:

25 You also clarified that --

1 you know, last revision to the auctions that
2 any person authorized by a dealer can attend
3 an auction. It doesn't have to be a
4 licensed salesperson, since we had heard
5 that there were people that were working for
6 multiple dealerships.

7 MR. POTEET:

8 Yes. I think that's an
9 important -- has an important streamlining
10 effect for auctions and for dealers, and the
11 way the law was written really put Louisiana
12 dealers at a disadvantage. Well, it put
13 Louisiana auctions at a disadvantage, with
14 the out of state locations, especially for
15 those of us close enough to another state,
16 you know, where we are and auctions
17 certainly up by Arkansas, over by Texas,
18 because none of those states have laws like
19 that. So I think that was an important
20 thing. It looks simple. We crossed out a
21 word and added a word, but it makes a big
22 difference.

23 So I would like to reiterate
24 what Ron said. I think that since I have
25 been on this Commission four years, five

1 years, I'm not sure of the exact number, but
2 it seems like we've done a good job, and I
3 really want to give the credit to Ron and to
4 our two attorneys and to Derek for
5 developing a good rapport and good
6 reputation with the Legislature that, you
7 know, we look like we know what we're doing
8 over here. And, certainly, five years ago,
9 that was not the case. We were exactly the
10 opposite. So I really want to compliment
11 the four of you for all that you've done.
12 Okay.

13 MR. DUPLESSIS:

14 Next year -- one more thing.

15 MR. POTEET:

16 Go ahead.

17 MR. DUPLESSIS:

18 I think next year, one of the
19 things I would like to see us work on is
20 maybe revenue to the State and license
21 plates, the dealer plates. We have seen
22 that -- you know, the T-tags have pretty
23 much cleaned up. You've got to be pretty
24 brave to sell -- to be fraudulent with
25 T-tags these days, but I think the dealer

1 plates are going to start rearing their
2 head. So, you know, we had talked about at
3 one point talking to revenue and to motor
4 vehicle and seeing if we couldn't clean up
5 some of that with either, you know, policy
6 or, you know, legislation.

7 MR. POTEET:

8 Yes. I think in one of the
9 last two meetings we talked about that,
10 about getting something going with them.

11 MR. DUPLESSIS:

12 It's a tough one, because
13 it's going to take a lot of coordination
14 and, you know, that's tough between agencies
15 sometimes.

16 MR. POTEET:

17 Right.

18 Okay. The next thing is,
19 we've got to do a ratification of a license
20 revocation. I think we have one today. And
21 the way I think we want handle this is, we
22 want to have Derek explain to us why -- the
23 reasons behind the revocation, and then the
24 Commission will vote on whether that should
25 be passed or not.

1 So, Derek, can you handle
2 that for us?

3 MS. MORRIS:

4 You need to make sure no one
5 is here representing him.

6 MR. POTEET:

7 Is anyone here representing
8 Donald Dixon, Quality Automotive?

9 (No response.)

10 MR. POTEET:

11 Derek.

12 MR. PARNELL:

13 Donald Dixon, doing business
14 as Quality Automotive out of Independence,
15 Louisiana has been revoked for insurance
16 expiration. Quality Automotive became
17 non-compliant with the Commission's
18 requirements to hold a license when his
19 insurance became expired on April 9th of
20 2013. The dealer has been given ample time,
21 an opportunity, to become compliant. A
22 letter of suspension was sent in April of
23 2013 and an informal notice of revocation
24 was sent on May of 2013, both of which gave
25 the dealer 10 days to comply. So he had at

1 least 20 days from -- in between both of
2 those letters to actually comply. Since
3 there was no attempt by the dealer to get
4 his business back in compliance, Quality
5 Automotive's status has been
6 administratively revoked made effect April
7 10th of 2013. I just ask that you ratify
8 the revocation of Donald Dixon, doing
9 business as Quality Automotive of
10 Independence, Louisiana, because he has not
11 complied with the regulations of this
12 Commission.

13 MR. POTEET:

14 Do any if the Commissioners
15 have any questions for Mr. Parnell?

16 (No response.)

17 MR. POTEET:

18 No.

19 I need a motion to ratify
20 this license revocation.

21 MR. SMITH:

22 I move.

23 MR. POTEET:

24 Darty Smith.

25 MR. ROY:

1 Second.

2 MR. POTEET:

3 And second by Kirby.

4 All in favor, say "Aye."

5 (All "Aye" responses.)

6 MR. POTEET:

7 Any opposed?

8 (No response.)

9 MR. POTEET:

10 All right. That license will
11 be revoked.

12 The next thing on the agenda,
13 compliance hearings. No.

14 Items for next agenda. I'm
15 not going to be able here on July 15th with
16 the amount of people we have got, I have two
17 questions. The first question is, are all
18 of you going to be able to be here on July
19 15th? Everybody? Would anybody be opposed
20 to changing the meeting to July 22nd? It's
21 the next Monday. I don't like to miss a
22 meeting, but I have a family event out on
23 the west coast and there's just no way I can
24 make it back.

25 MR. DUPLESSIS:

1 I will not be here on the
2 22nd.

3 Is Dino going to be here?

4 MR. POTEET:

5 He should be here. He had an
6 emergency, I think it was.

7 MS. BARON:

8 He said something unexpected
9 came up and he had to go to Dallas.

10 MR. POTEET:

11 So I would expect he would be
12 here.

13 MS. BARON:

14 Mr. Cormier is sick.

15 MR. POTEET:

16 We might as well just leave
17 it on the 15th and I'll miss that meeting.

18 Do you need extra time? The
19 15th is as early as it could possibly be.
20 You're okay?

21 MS. ANDERSON:

22 Yes.

23 MR. POTEET:

24 Well, we'll just leave it the
25 15th.

1 All right. Any other
2 discussion today?

3 (No response.)

4 MR. POTEET:

5 No.

6 The meeting is adjourned.

7

8 (Meeting adjourned at 10:04 a.m.)

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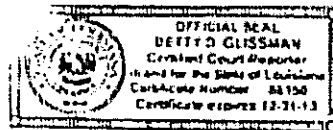
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REPORTER'S CERTIFICATE

I, BETTY D. GLISSMAN, Certified Court Reporter, Certificate No. 86150, in and for the State of Louisiana, do hereby certify that the Louisiana Used Motor Vehicle Commission June 17, 2013 meeting was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

This July 8, 2013, Baton Rouge, Louisiana.



Betty D. Glissman
BETTY D. GLISSMAN, CCR

CERTIFIED COURT REPORTER