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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
HELD BY VIDEOCONFERENCE
JULY 20, 2020
BEGINNING AT 9:27 A.M.

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

MR. JOHN POTEET

4

5 COMMISSIONERS PRESENT:

MR. JEFFEREY BRITT

6

MR. TONY CORMIER

7

MR. RICKY DONNELL

8

MR. GEORGE FLOYD

9

MR. HENRY "DARTY" SMITH

10

MR. RICHARD WATTS

11

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14

15 REPRESENTING THE LOUISIANA USED MOTOR

16 VEHICLE COMMISSION:

17

18 ROBERT W. HALLACK, ESQUIRE

HALLACK LAW OFFICE

19 13007 JUSTICE AVENUE

BATON ROUGE, LOUISIANA 70816

20

21 SHERI MORRIS, ESQUIRE

DAIGLE, FISSE & KESSENICH, PLC

22 8480 BLUEBONNET BOULEVARD, SUITE F

BATON ROUGE, LOUISIANA 70810

23

24

25

1 ALSO PRESENT:

2 MS. KIM BARON

3 MR. DEREK PARNELL

4 MS. MONA ANDERSON

5 MS. TONYA BURKS

6 MS. KRISTI WALKER

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1 MR. POTEET:
2 Roll call, please.
3 MS. BURKS:
4 John Poteet?
5 MR. POTEET:
6 Here.
7 MS. BURKS:
8 Richard Watts?
9 MR. WATTS:
10 Here.
11 MS. BURKS:
12 Dino Taylor?
13 MR. TAYLOR:
14 (No response.)
15 MS. BURKS:
16 Tony Cormier?
17 MR. CORMIER:
18 Here.
19 MS. BURKS:
20 Jefferey Britt?
21 MR. BRITT:
22 Here.
23 MS. BURKS:
24 George Floyd?
25 MR. FLOYD:

1 Here.

2 MS. BURKS:

3 Darty Smith?

4 MR. SMITH:

5 Here.

6 MS. BURKS:

7 Steve Olave?

8 MR. OLAVE:

9 (No response.)

10 MS. BURKS:

11 Ricky Donnell?

12 MR. DONNELL:

13 Here.

14 MS. BURKS:

15 Matt Pederson?

16 MR. PEDERSON:

17 (No response.)

18 MS. BURKS:

19 He won't be here.

20 MR. POTEET:

21 We need to do the Pledge of

22 Allegiance.

23 (Pledge of Allegiance.)

24 MR. POTEET:

25 All right. I don't have my agenda in

1 front of me. What's first on the agenda?
2 Financials?

3 MS. ANDERSON:

4 Public comments or the minutes?

5 MR. POTEET:

6 Okay. We have to do the minutes.

7 All right. Everybody has had a chance to read
8 the minutes. I need a motion to accept?

9 MR. SMITH:

10 I will make a motion to accept.

11 MR. WATTS:

12 I will second.

13 MR. POTEET:

14 All right. Anybody opposed to that?

15 (No response.)

16 All right. Motion carries. All
17 right. Mona, you are next.

18 MS. ANDERSON:

19 All right. You have in your packet
20 the unaudited June financial statements. Some
21 adjustments will be made to some accounts once
22 the audit is complete. Mr. McKowen has
23 contacted me and sent us his letter of
24 engagement to be signed.

25 All right. So on page 1, the balance

1 in the bank account on June 30 was \$2,342,023,
2 which is approximately \$17,000 lower than the
3 prior month. Our revenues continue to decrease
4 during this non-renewal period. The accounts
5 receivable hearing fines were 453,000. It was
6 the balance due to collection. The current
7 liabilities, which are at the bottom of page 1
8 and the top of page 2, and they increase by
9 90,000. Payroll and related benefits decreased
10 due to open staff -- an open staff position.
11 The majority of the increase was in accounts
12 payable. The deferred revenues or inflows
13 total \$261,370. And the total liabilities are
14 \$4,679,272 leaving us with a net -- total net
15 position of a negative \$225,130 dollars.

16 On pages 3 through 5 of the
17 revenues -- the statement of revenues, expenses
18 and changes in net position. On page 1, the
19 revenue were 1 million -- I am sorry, page 3.
20 The revenues were \$1,755,840. And on page 5,
21 the total expenditures year to date were
22 \$1,347,514 compared to \$1,731,867 last year.
23 The month-to-date net position was a negative
24 \$35,839. And the year to date was a positive
25 \$418,000.

1 Turning on to page 6. The number of
2 licensed statements chart shows that the total
3 license process for the last two fiscal years,
4 the Commission has 5,964 dealer licenses and
5 the 11,082 salesperson licenses. The
6 salesperson licenses are up 900 licenses from
7 last -- the same period.

8 On the following page, pages 7 and 8,
9 is the four-year revenue comparison. The
10 revenue increased \$336,221 for '19/'20 compared
11 to the revenue from '17/'18. And the chart is
12 on page 8. Page 9, the certificate of deposit
13 report, there are no changes for this month --
14 or in June rather.

15 On page 10, the accounts receivable
16 hearings report, the accounts receivable from
17 the hearing fines on June 30 were \$453,420.
18 \$1900 was assessed and \$27,300 was collected.
19 I requested an update from the Attorney General
20 on the cases that have been sent to them for
21 collection and they sent back some information.
22 Ready to Go Autoplex, a judgment was obtained
23 in November but they have repeatedly tried to
24 service judgment or serve judgment on them and
25 have been unsuccessful. They are going to

1 re-issue service, but they have to serve in
2 person and that may take several attempts.
3 Once the service is made, and then he is
4 allowed appeal -- to run out the appeal delay
5 before they can start garnishing. Michael
6 Laue, the original garnishment was on a bank
7 account. Unlike the wage garnishment, the bank
8 account is, like, a one-time seizure. They got
9 17,000 from him and then he closed the account.
10 And they have attempted to get voluntary
11 payment out of him with no success. And they
12 are working with the Department of Revenue and
13 they are going to continue to Skiptrace, but it
14 is unlikely that they will get anything from
15 that because he has to be employed by someone.
16 Normally, these people are self-employed so
17 they don't -- they are not easily traced
18 through the Department of Revenue.

19 Shawn Calvit, his last payment was a
20 garnishment of wage and they received
21 notification that his employment has been
22 terminated and so the garnishment terminated.
23 And they have attempted contact with no
24 success. And they are going to keep monitoring
25 it to see if they can get in touch with him.

1 So unless there are any questions,
2 that concludes my report of the financials,
3 Mr. Chairman.

4 MR. POTEET:

5 All right. Thank you. Does anybody
6 have any questions for Mona? No questions?
7 Everybody had a chance to use their technology
8 properly.

9 Okay. I need a motion to approve.

10 MR. BRITT:

11 I make a motion.

12 MR. POTEET:

13 I think that was Mr. Britt in there.
14 I need a second.

15 MR. DONNELL:

16 Second.

17 MR. POTEET:

18 Opposed needed?

19 (No response.)

20 And then that passes.

21 Mona, do you want to talk about the
22 next -- the resolution that we need to pass?

23 MS. ANDERSON:

24 Sure. We have a CD at the Bank of
25 St. Francisville that matures at the end of

1 July. And we have obtained four quotes from
2 the fiscal agents on the list that don't
3 already have our maximum fund. The best quote
4 that we got was from Campus Federal Credit
5 Union at 0.85 percent. So in order to move our
6 money from Bank of St. Francisville to the
7 Campus Federal, we need to provide them with
8 paperwork to open a new account. We need to
9 provide the revised statute where our agency
10 was formed. And we also needed to provide our
11 Policy and Procedure Number 96 is where you
12 have given us -- Derek and myself and Kim --
13 permission to transact business on CDs. Moving
14 money from CD to CD to gain a better interest
15 rate. The policy and procedure that we have in
16 place was an older one and it still had old
17 positions and titles so we revised it and you
18 have the new one there in front of you. And we
19 just need a vote for Chairman Poteet to be able
20 to sign off on it.

21 MR. POTEET:

22 All right. Is there any discussion
23 on that? Does anybody have anything?

24 MR. WATTS:

25 What rate are we getting now?

1 MS. ANDERSON:

2 We are getting point -- well, we were
3 getting 2.0 percent. The renewal quote was
4 0.5, and the Campus Federal can give us 0.85
5 monetarily.

6 MR. POTEET:

7 All right. I need a motion.

8 MR. BRITT:

9 I make a motion.

10 MR. POTEET:

11 We need a second.

12 MR. WATTS:

13 I will second.

14 MR. POTEET:

15 Anybody opposed?

16 (No response.)

17 If not, it passes. I will sign that
18 and email it over to you later after we finish
19 up this call.

20 MS. ANDERSON:

21 Thank you very much.

22 MR. POTEET:

23 All right. Next on the agenda I
24 think is the ratifications; is that correct?

25 MR. PARNELL:

1 Yes.

2 If you will find in your chart packet
3 that illustrates the licenses that were in
4 violation of state law. These cases have been
5 investigated and I have determined that the
6 public interest can be served without further
7 administrative proceeding. Thus, the civil
8 penalties were imposed. If will you look at
9 the list, it has two dealers on it for this
10 month. It is much smaller than it normally
11 has. We don't have anyone here representing
12 those dealerships, to speak on behalf of the
13 dealerships so I will go through the list and
14 see how you're pleased.

15 The first person on -- the first
16 dealer on the list is 608-Cars, LLC, from
17 Keithville, Louisiana. Their fine amount is
18 \$250. Unique Autos, LLC, from Zachary,
19 Louisiana, their fine amount is \$600.

20 608-Cars, LLC, they failed to
21 disclose a salvage title. When we went to
22 investigate the dealership, the dealership
23 blamed it on the auction saying that he didn't
24 get any information from the auction stating
25 that that vehicle had a salvage title. So we

1 reached out to the auction and the auction
2 absolutely had that information and went back
3 to the dealer. The dealer would not provide
4 any information otherwise.

5 The last individual that I have
6 discussed a little while ago, Unique Auto, LLC,
7 just has three certificate of titles that he
8 did not get to the consumer within the time
9 frame. He is beyond 60 days on all three of
10 those but he has since done so.

11 So, Commissioners, I ask that you
12 ratify and impose civil penalties as assessed.
13 The total amount of civil penalties for the
14 month is \$850.

15 MR. DONNELL:

16 I got a question. With the OMV is
17 being shutdown as much, you know -- I mean,
18 him, I guess I just wondered if the dealer had
19 trouble with obtaining his titles? The last
20 one.

21 MR. PARNELL:

22 He got them. He didn't specify that
23 it was due to OMV. This one was about 80, 85
24 days out. He didn't specify that was the
25 reason or not. He just said that he was late.

1 This is a dealer that before the pandemic we
2 had a little bit of an issue with in regards to
3 getting his titles out. And, honestly, this is
4 actually before the pandemic even started where
5 we ran into his situation. These cases -- this
6 one here, in particular, is a little bit
7 further back.

8 MR. DONNELL:

9 That's all that I had.

10 MR. POTEET:

11 All right. We need a motion to
12 accept those.

13 MR. CORMIER:

14 I make a motion.

15 MR. POTEET:

16 Tony has made a motion. Do we have a
17 second?

18 MR. WATTS:

19 I will second.

20 MR. POTEET:

21 All right, Mr. Watts. Any opposed?

22 (No response.)

23 All right. That carries. What do we
24 have next here, Derek?

25 MR. PARNELL:

1 I can give you a few updates about
2 what has been going on. The office and field
3 staff, we continue to work remotely. This has
4 been working well for our industry -- our
5 agency. We do -- somebody is in the office
6 every day pretty much and during the week, but
7 not necessarily. We haven't necessarily
8 started letting consumers into the building. I
9 am just kind of being a little bit protective
10 over staff. I am just trying to make sure as
11 long as we are still functioning in the high
12 level as we are, I am not going to rush that to
13 getting -- getting the doors back open up.

14 The next thing is our security system
15 upgrade. We did receive three quotes, one from
16 ADT, one from Certified Alarms, and from our
17 current system, The Alarm Center. We did like
18 the quote from Certified Alarms and the
19 products that they have as far as camera and
20 just updating everything where we have apps and
21 whatnot on our phones to communicate better
22 with the system.

23 I decided to go with Certified Alarm
24 Company. I think that is going to be a better
25 fit for what we are trying to do moving

1 forward. I still need to get them to look out
2 at the situation where we can lock the door in
3 the office.

4 Okay, the current Resolution 71, we
5 are going to -- we need to get with the
6 attorneys to get some language so we can go
7 ahead and get our emergency rule in place.
8 Since the resolution stated that the fees are
9 suspended, my goal is to make -- try to collect
10 those fees on that second year during the
11 renewals so we are not out of that money
12 altogether. Speaking with the legislative
13 auditor, that was one thing that they also
14 noticed as well, that the language didn't say
15 that it was waiving those fees, it was just
16 saying that they were just suspending those
17 fees. So my intention is to go back in the
18 second year and go ahead and try to retrieve
19 those fees back. We will sit with the
20 attorneys and try to get some language just to
21 make sure and see if that is actually the
22 direction that we need to go in and if we can
23 do that.

24 The Occupational Licensing Review
25 Commission, they advised us recently that we

1 did not need to do anything else as it relates
2 to the rule and reg changes that we made
3 primarily for our third-party ability to have
4 continuing education. We noticed that we were
5 not on their recent agenda. And so we did ask
6 them where we are on that situation. We did go
7 before the board initially and they had some
8 concerns. And then when we went back again to
9 address those concerns, we hadn't had any other
10 issues from them. And so we are just waiting
11 to see when it is going to be published in the
12 book. I am not really sure. I didn't look at
13 any of the dates prior to this call, so I am
14 not really sure of the specific date where that
15 would happen. I don't think it will be beyond
16 a month, but I don't know. Maybe Sherri can
17 kind of advise that date. I don't know.

18 MS. MORRIS:

19 We just have to check and make sure
20 that it was sent. It should have been sent to
21 the register. So if it is not published -- if
22 it wasn't published this month, we can get it
23 in for next month.

24 MS. BARON:

25 The final assertion was sent this

1 week, Derek. The assertion order and
2 everything was sent to Catherine this week and
3 I have not heard back from her. So it will be
4 published in July or August.

5 MR. PARNELL:

6 It will be no later than August.

7 MS. BARON:

8 I think that the 10th is the
9 publication date. So it will be August 10
10 because it was after July 9 that I sent it.

11 MR. PARNELL:

12 Other than that, it's been fairly
13 uneventful. And that is all of the information
14 that I have. Do we have any questions,
15 comments, or concerns, please advise.

16 MR. BRITT:

17 Did you get the old car towed off?

18 MR. PARNELL:

19 Yes, yes. It took them a while. It
20 took them quite a bit to get that vehicle. You
21 know, they initially came and they didn't come
22 with, you know, they just had, like, a flatbed
23 to pull it up on there and they had a lot of
24 problems getting that vehicle up there on
25 there. It took them quite some time to get it

1 up there and they finally did it. And it is
2 nice and clear around here so I am not getting
3 any complaints from our neighbor across the
4 street about that vehicle sitting on cinder
5 blocks.

6 MR. DONNELL:

7 I noticed it looks like everybody is
8 working. I think we need to be moving toward
9 that direction and getting everybody back to
10 work.

11 MR. PARNELL:

12 Back in the office.

13 MR. DONNELL:

14 It is time to go back to work, you
15 know. We are going to bust this economy. I
16 think it is just time to go to work.

17 MR. PARNELL:

18 Wait.

19 MR. DONNELL:

20 Follow the guidelines but get
21 everything back to work.

22 MR. PARNELL:

23 Yes. That's what we are moving
24 towards.

25 MR. POTEET:

1 Anybody else have any other comments?

2 Any other items of interest or questions?

3 Okay. I am going to take that as a
4 motion to adjourn.

5 MR. SMITH:

6 I will make a motion to adjourn.

7 MR. POTEET:

8 All right. We will talk again soon.

9 Be safe.

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11 (Meeting adjourned at 9:49 a.m.)

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REPORTER'S CERTIFICATE

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3 I, BETTY D. GLISSMAN, Certified Court

4 Reporter, Certificate No. 86150, in and for the

5 State of Louisiana, do hereby certify that the

6 Louisiana Used Motor Vehicle Commission July

7 20, 2020, meeting was reported by me in the

8 stenotype reporting method, was prepared and

9 transcribed by me or under my personal

10 direction and supervision, and is a true and

11 correct transcript to the best of my ability

12 and understanding.

13 This August 3, 2020, Baton Rouge,

14 Louisiana.

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21 _____

22 BETTY D. GLISSMAN, CCR

23 CERTIFIED COURT REPORTER

24

25