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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
JANUARY 25, 2021
BEGINNING AT 9:30 A.M.
HELD BY VIDEOCONFERENCE
3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES:

2

3 CHAIRMAN:

MR. JOHN POTEET

4

COMMISSIONERS PRESENT:

5

MR. TRAVIS BROWN

6

MR. JEFFEREY BRITT

7

MR. RICKY DONNELL

8

MR. GEORGE FLOYD

9

MR. STEPHEN OLAVE

10

MR. DINO TAYLOR

11

MR. RICHARD WATTS

12

13

14

15

16

REPRESENTING THE LOUISIANA USED MOTOR

17

VEHICLE COMMISSION:

18

19

ROBERT W. HALLACK, ESQUIRE

20

HALLACK LAW OFFICE

13007 JUSTICE AVENUE

BATON ROUGE, LOUISIANA 70816

21

22

SHERI MORRIS, ESQUIRE

DAIGLE, FISSE & KESSENICH, PLC

8480 BLUEBONNET BOULEVARD, SUITE F

23

BATON ROUGE, LOUISIANA 70810

24

25

1 ALSO PRESENT:

2 MS. KIM BARON

3 MR. DEREK PARNELL

4 MS. MONA ANDERSON

5 MS. TONYA BURKS

6 MR. MONROE ALLMOND

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1 (Pledge of Allegiance.)

2 MR. POTEET:

3 All right. First thing is the
4 certification. Guess the certification that we
5 meet is what that is.

6 MS. BARON:

7 Yes. I have it.

8 MR. POTEET:

9 Oh, there it is.

10 Do I have to sign that or something?

11 MS. BARON:

12 No. Mr. Parnell signed it.

13 MR. POTEET:

14 Okay. Do we need to do anything with
15 that? Do we have to vote on it or anything?
16 Nothing?

17 MS. BARON:

18 No, sir. It is just basically there
19 for your information.

20 MR. POTEET:

21 Let's have a roll call.

22 MS. BARON:

23 John Poteet?

24 MR. POTEET:

25 Here.

1 MS. BARON:
2 George Floyd.
3 MR. FLOYD:
4 Here.
5 MS. BARON:
6 Tony Cormier?
7 MR. CORMIER:
8 Here.
9 MS. BARON:
10 Matthew Pederson?
11 MR. PEDERSON:
12 (No response.)
13 MS. BARON:
14 Richard Watts?
15 MR. WATTS:
16 Here.
17 MS. BARON:
18 Steve Olave?
19 MR. OLAVE:
20 Here.
21 MS. BARON:
22 Ricky Donnell?
23 MR. DONNELL:
24 Here.
25 MS. BARON:

1 Dino Taylor?

2 MR. TAYLOR:

3 Here.

4 MS. BARON:

5 Jeff Britt?

6 MR. BRITT:

7 Here.

8 MS. BARON:

9 Travis Brown?

10 MR. BROWN:

11 Here.

12 MS. BARON:

13 Mr. Chairman, we do have a quorum.

14 MR. POTEET:

15 One thing I want to make a note here
16 real quick, guys. Remember, if you are not
17 speaking, please mute your mics because we get
18 a lot of background noise or if you take a
19 phone call in the background or your dog starts
20 barking or something like that, it doesn't
21 sound the same to you as it does to the rest of
22 us on here. So just as a matter of courtesy
23 let's do that.

24 Also, I would like to make a motion
25 here that we move the hearing up, instead of

1 having close to the end of the meeting, I would
2 like to move it up after the adoption and
3 approval of minutes. So I have got a motion to
4 do that. I need a second.

5 MR. WATTS:

6 Second.

7 MR. POTEET:

8 All in favor, say, "Aye."

9 (All "Aye" responses.)

10 MR. POTEET:

11 Are there any opposed?

12 (No response.)

13 Okay. The motion passes. So, Kim,
14 if you will make that note. We are going to
15 move the hearing up to right after the adoption
16 and approval of minutes.

17 Okay. What about public comments?

18 Do we have anyone on the call for public
19 comments?

20 MS. BARON:

21 No, sir. Not that I am aware of.

22 MR. POTEET:

23 All right. So everyone -- I hope
24 everyone had a chance to read and look over the
25 minutes for the last meeting. And is there any

1 discussion on the minutes of the last meeting?

2 No, no discussion. All right. I
3 need a motion to approve?

4 MR. TAYLOR:

5 I will make a motion that we accept
6 the minutes from the last meeting.

7 MR. OLAVE:

8 Second the motion.

9 MR. POTEET:

10 All right. Second from Steve.

11 All in favor, say, "Aye."

12 (All "Aye" responses.)

13 MR. POTEET:

14 Any opposed?

15 (No response.)

16 MR. POTEET:

17 That motion passes.

18 Let's go on to the hearing.

19 (Recess taken.)

20 MR. POTEET:

21 Let's move to know the financial
22 matters.

23 MS. ANDERSON:

24 So if you turn in your packets to the
25 financial statements for December 2020. On

1 page 1, the operating account balance decreased
2 to 2,038,000. The accounts receivable fines
3 decreased to 457,000. And the current
4 liabilities at the bottom of the page and at
5 the top of page 2 were \$83,212.

6 On page 2, the long-term liabilities
7 decreased to \$4,702,934 due to the decrease in
8 revenues from the dealer licenses that were
9 issued with no payments so that our deferred
10 inflows were a lot less. December is the last
11 month that you will see the 2021 deferred
12 revenue on here, because it will be -- the
13 revenue was fully earned on January 1 and it
14 will be transferred from liabilities to revenue
15 on the January statement.

16 Turning on to pages 3 through 5, your
17 statement of revenues, expenses, and changes in
18 net position. The year-to-date revenues on
19 page 3 were down significantly compared to the
20 2019/'20 fiscal year. Year to date, the
21 revenues were 437,000 compared to 1,046,000
22 last year. We will attempt to collect fees for
23 '21/'22 licenses beginning on July 1, '21.

24 Turning to page 4, under expenses,
25 the salaries and related benefits were 59,000

1 higher than the prior year primarily in
2 salaries and retirement benefits. The health
3 insurance increased for both employees and the
4 agency this year. So we deduct those in
5 December for payment in January. The remainder
6 of the year-to-date expenses were \$22,000 lower
7 than the previous year. And on page 5, the
8 changes -- change in net position was a
9 negative 30,000 for the month and a negative
10 270,000 year to date.

11 Turning on to page 6, the
12 year-to-date budget to actual -- actual
13 expenditures chart is on page 6. We are at the
14 midpoint of the fiscal year and overall we are
15 about 45 percent of budgeted expenditures so
16 that's exactly where we need to be. On page 6,
17 7, and 8 is a compare -- four-year revenue
18 comparison. This year's revenues compared to
19 the 2018/'19 revenues with a decrease of about
20 30 percent to date.

21 On page 9, the certificate of deposit
22 summary, there are no changes in -- there were
23 no changes in December. On page 10 is the
24 accounts receivable hearing fines report. And
25 in December, we assessed \$1,650 in fines and we

1 collected \$1,950. The accounts receivable
2 balance at the end of December was \$457,369.

3 So, unless there are any questions,
4 Mr. Chairman, that concludes my report on the
5 financial statements for December.

6 MR. OLAVE:

7 I make a motion we adopt the
8 financial reports for December.

9 MR. DONNELL:

10 Second.

11 MR. POTEET:

12 I have a motion and a second.

13 All in favor, say, "Aye."

14 (All "Aye" responses.)

15 MR. POTEET:

16 Any opposed?

17 (No response.)

18 MR. POTEET:

19 Okay. Mona, I have a question for
20 you. Can you kind of repeat how we are going
21 to collect fees again? That's going to start
22 back up in July, right?

23 MS. ANDERSON:

24 Correct. So we have several
25 different scenarios that are happening right

1 now. Some dealers didn't read the material
2 that was sent to them so they paid their fees
3 anyway. Those were recorded as overpayment and
4 they elected to have those applied in July when
5 we can collect the payments. We have dealers
6 who have applied online. In that case, we will
7 have to add fees back onto their license to
8 take care of that \$400 renewal. And we will
9 have to notify them at that time if they do not
10 just elect to send their \$400 in.

11 So it is quite an undertaking this
12 year with, you know, the delaying the
13 collection of the fees. Whether or not we are
14 going to collect 100 percent as we would in
15 October, I would say probably not, because we
16 are going to have to go out, probably send
17 investigators out to see them and talk to them
18 about it if we don't get the renewal.

19 MR. POTEET:

20 So, as of right now -- as of right
21 now, we are going to go back to collecting
22 normal fees in July.

23 MS. ANDERSON:

24 In July, yes, sir.

25 MR. POTEET:

1 Does anybody else have any comment or
2 questions about that?

3 MR. OLAVE:

4 I am curious about something. Are we
5 experiencing growth in licensing or decline?

6 MS. ANDERSON:

7 No. I would say, you know, it is
8 kind of hard to tell without any revenue, so.

9 MR. OLAVE:

10 They still need a license, though,
11 right? Whether we are collecting the license
12 fees or not, they still need a license, right?

13 MS. ANDERSON:

14 Right. So that might be -- Tonya,
15 can you address that?

16 MS. BURKS:

17 Yes. I mean, as of right now, it is
18 pretty much the same. So I wouldn't say we are
19 growing with the license. I would probably say
20 we are maintaining the same number.

21 MR. OLAVE:

22 Okay. I was just curious. That's
23 all.

24 MR. POTEET:

25 Yes. I think something came up with

1 a couple of months back, maybe longer, that so
2 far things were pretty flat. No additional, I
3 mean, not nothing, but very little additional
4 but not losing too many.

5 MS. BURKS:

6 And usually our growth doesn't come
7 until maybe around tax season time. So maybe
8 around February or March is usually when we see
9 the increase in dealers.

10 MR. POTEET:

11 Yes, tax season. Okay. We will see
12 what happens with tax season this year.

13 MR. OLAVE:

14 Yes. What does that even mean
15 anymore?

16 MR. POTEET:

17 Let's skip over to the ratification
18 and come back to Jeff after the hearing. So
19 let's go to ratification.

20 MR. PARNELL:

21 Yes. Commissioners, you will find in
22 your packet a chart that illustrates the
23 licensees that were in violation of state law.
24 These cases have been investigated and I have
25 determined that the public interest can be

1 better served without further administrative
2 proceeding; thus, civil penalties were imposed.
3 I will announce the names of the dealers that
4 have been imposed civil penalties for the
5 record. We do not have anyone here present
6 from any of these dealers so I will go through
7 the list.

8 Deals on Wheels, LLC, from Lacombe,
9 Louisiana, their fine amount was \$950. This
10 title was delivered after paying off their
11 floor planner, which was late. They were not
12 entering the temp tags into the database and
13 they were -- they didn't obtain permission to
14 issue the second temp tag out to the consumer.

15 The next one, Oak Auto Sales, LLC,
16 doing business as Oak Used Auto Sales, Baton
17 Rouge, Louisiana, fine amount is \$150. The
18 business phone was disconnected. Once the
19 business phone is disconnected, we put a
20 five-day notice on the dealer's door. They
21 have five days to respond back to getting their
22 information back up to date. The phone was
23 reconnected.

24 The next item is Star Auto Wholesale,
25 Incorporated, from Baton Rouge, Louisiana. The

1 fine amount is \$200. They were not entering
2 their temp tags into the database.

3 Mr. I Do Care Auto Sales, LLC, from
4 Hammond, Louisiana, the fine amount was \$150.
5 They had no sign posted. The five-day notice
6 was posted on the dealership, which was not
7 vacated because they put their sign back up.
8 Total amount of civil penalties is \$1,450.

9 Commissioners, I ask that you ratify
10 the imposed civil penalties assessed.

11 MR. POTEET:

12 Do I hear a motion?

13 MR. DONNELL:

14 I make a motion.

15 MR. OLAVE:

16 I'll make a motion, Mr. Chairman.

17 MR. POTEET:

18 I got a motion from Ricky. Steve, do
19 you want to be the second?

20 MR. OLAVE:

21 I will second. Yes, I will second
22 the motion. And, Mr. Parnell, thank you for
23 the explanation on the ratifications, also.

24 MR. PARNELL:

25 I will do that ongoing.

1 MR. POTEET:

2 All in favor, say, "Aye."

3 (All "Aye" responses.)

4 MR. POTEET:

5 Any opposed?

6 (No response.)

7 MR. POTEET:

8 All right. That passes. I guess we
9 can go on to the executive director's report.

10 MR. PARNELL:

11 All right. Commissioners, I did
12 receive the Department of Public Safety, the
13 public tag agent is something we talked about a
14 while back that they will allow us the ability
15 to become a public tag agent. What that means
16 is we have to fill out an application packet.
17 The application packet is rather large. It is
18 quite extensive so just kind of reviewing the
19 documents just to make sure that we fit in with
20 what the requirements are and that some of the
21 requirements are not opposed to what our
22 agency's function is. The total package is 74
23 pages so it takes a little time to get through.
24 Just to understand and make sure that we are
25 doing something that we really -- that fits

1 within our scope of work.

2 One other thing that we have been
3 working on is the continuing education. The
4 application package has been completed. The
5 package will be sent -- we are going to send
6 the first one out to the LIADA this week. It
7 is not very long. It is not -- it just has a
8 lot of instructions about what the agency --
9 our agency is looking for. What our rules are.
10 How they meet those guidelines and fill out the
11 application process. And then I think it was a
12 \$600 fee. Once they post that and then we got
13 approved. The member applies for that and
14 moves forward with them. They will have to put
15 together their package and as it relates to the
16 continuing education. But at that point, we
17 can have our dealers getting their continuing
18 education annually prior to them getting their
19 license renewed.

20 The dealer seminar is also a function
21 that the Used Motor Vehicle Commission is going
22 to continue to provide. We are going to
23 discuss with the new cars -- I am sorry -- new
24 dealers that are coming on. We re-vamped the
25 educational process that we were using. It was

1 a four-hour process. We have kind of gotten it
2 down to 2 1/2 hours. It is ready. We plan to
3 start beginning holding numerous virtual
4 seminars beginning in February. We have -- the
5 pandemic happened and we have about 150 dealers
6 or maybe 200 dealers that are out there that
7 have not done their dealer seminar. So,
8 initially, we are going to start having
9 seminars twice a day more often during the
10 month, maybe three to four times during the
11 month, so that these dealers can get caught up
12 and the agency can get back on track to
13 providing that service of the dealer seminar
14 prior to the dealers becoming -- receiving
15 their license.

16 We kind of already talked about
17 licensing. It has been flowing pretty well.
18 There is some differences about process this
19 year, but we have brought in new staff. They
20 have been doing a good job learning -- learning
21 the process. And the financial area, we
22 brought in new staff in that area as well so
23 they have been doing a great job of learning
24 the process. So I think the managers for
25 working with them, getting them up to par and

1 we are flowing pretty well in the areas here in
2 the office.

3 That is pretty much all that I had as
4 a report for this month. If you have any
5 questions or comments, concerns, please advise.

6 MR. POTEET:

7 Okay. Anybody have any comments for
8 Derek or any questions? Anything at this
9 point.

10 MR. DONNELL:

11 Derek, when do you think you might be
12 getting around to going through that
13 application for the tag agent and let us know?

14 MR. PARNELL:

15 I kind of started it about two weeks
16 ago. But getting finished, give me until
17 another two weeks or so. I ant to get that out
18 of the way as soon as I can. I mean, because I
19 know that is a great revenue source for us. So
20 I definitely want to make sure that we are
21 getting it done.

22 MR. OLAVE:

23 Do we know what we are going to make
24 off of each tag?

25 MR. PARNELL:

1 I think it was \$18 is what we can get
2 off of each tag. I know there is some -- there
3 are some rules that's in it, some language that
4 we can't receive any information. We can't get
5 paid for certain things. That was the reason
6 why we went and talked to them about becoming a
7 public tag agent, because that was the only
8 reason -- the only way that we could get any
9 funding from it, which will be the \$18. All
10 the rest I think goes to roads.

11 MR. OLAVE:

12 Are there still going to be
13 limitations on the number of tags?

14 MR. PARNELL:

15 That will stay the same. As I
16 understand right now, that rule will stay the
17 same. Now, that may be something we can get in
18 touch with Department of Public Safety in the
19 future and maybe adjust those numbers.

20 MR. OLAVE:

21 I haven't heard many complaints from
22 that, but I am just saying.

23 MR. PARNELL:

24 Yes. As of right now, once we
25 initially get started with the process, it will

1 stay the same.

2 MR. DONNELL:

3 Do we have a notary in the building?

4 MR. PARNELL:

5 We do.

6 MR. DONNELL:

7 You can charge more than -- you can
8 charge for notary fee on top of the fee of \$18.

9 MR. PARNELL:

10 Okay.

11 MR. POTEET:

12 All right. You know, I am thinking
13 about having a -- getting that same thing at
14 the auction. I think that might be something
15 that would be useful for dealers. Once we
16 start getting back to sort of normal
17 attendance-type things, we are doing everything
18 outside of the lanes right now and it is a
19 little bit -- it's a little bit cumbersome, but
20 it has worked out pretty well.

21 Let's go to the hearing.

22 (Recess taken.)

23 MR. POTEET:

24 As I said before, we only have two
25 things left on the agenda. The 2020 litigation

1 report was sent to you by Ms. Morris this
2 morning. All of the commissioners had it. I
3 think it might be a good idea if we actually
4 move that to the next meeting to discuss,
5 because we all need to go over what she sent to
6 us. Is everybody okay with that? Or is
7 anybody not okay with that?

8 Okay. So really the only thing that
9 we have left on the agenda is the structure of
10 supervision of compliance investigators. And
11 this is an item that Commissioner Britt wanted
12 to discuss and asked to be put on the agenda.
13 So, Mr. Britt, do you want to take it away?

14 MR. BRITT:

15 Yes. Based on everything that's
16 transpired lately and today has been on my mind
17 a lot, thinking about the operation of the
18 Commission. And I really am of the opinion
19 that Mr. Parnell, who does us a good job, has a
20 lot going on down there, and with all of these
21 field agents, I am of the opinion that he needs
22 a field supervisor to assist him in these
23 operations.

24 Just, for instance, Monroe, I know
25 you are listening. I am not throwing you under

1 the bus, but if we would have had a field
2 supervisor to guide y'all in all of these
3 situations like this, this wouldn't have
4 happened. And that's my thoughts about it.

5 And I would like to entertain a
6 motion to have a field supervisor.

7 MR. DONNELL:

8 So moved.

9 MR. POTEET:

10 Before we vote, let's have a
11 discussion.

12 MR. OLAVE:

13 Yes, yes. Definitely there needs to
14 be some discussion. I support that for sure,
15 Sheriff, but there needs to be some discussion.
16 You know, I have been on the record and it
17 sounds like I have been somewhat critical of
18 the operations. But I have been on the record
19 for the last two or three years with the
20 opinion that there needs to be some reform in
21 the field investigators. It was met with some
22 opposition and some dissension. And, I mean,
23 go back and look at the notes from several
24 minutes where we discussed that. But I believe
25 that we need to have some reform. We can

1 always do things better. And I am not sure,
2 you know, there are several questions that I
3 would have of Mr. Parnell. One of which is,
4 you know, what training are we giving these
5 field investigators before we, you know, go out
6 to the field? You know, again, just
7 rhetorically speaking, my opinion is, you know,
8 we have hired -- and rightly so -- we have
9 hired some ex-policemen who without, I think,
10 accurate supervision are going out acting like
11 policemen. We have heard that, you know, Jeff
12 said that a few times. I have said it. And I
13 just -- I want to know, you know, what we can
14 do moving forward to not only train our
15 investigators, but to provide them the
16 supervisory that Jeff was just mentioning. And
17 I would like to hear from Mr. Parnell.

18 MR. BRITT:

19 Before Derek speaks, let me say this
20 with respect to the whole Commission. This is
21 no reflection on Derek whatsoever. This is --
22 my thought is to assist Derek in his daily
23 duties, because, you know, he is sitting in the
24 chair down there tending to everything every
25 day and that's all that is about. I think it

1 will assist him in overseeing everything a
2 whole lot better and smoother and having
3 somebody on top of things.

4 It's about structure. And it is just
5 like all of these guys are former police
6 officers. They understand that structure and
7 you have to have a supervisor. You have to
8 have -- you know, in law enforcement, you have
9 got the head and 2- or 300 under him directing
10 things. And the same procedure would go for
11 Derek. I mean, I am not throwing Derek under
12 the bus by any means. I don't want anybody on
13 this Commission to think that. What I am
14 saying is we need -- he needs a buffer and he
15 needs some assistance.

16 MR. OLAVE:

17 Sheriff, I submit this to you. You
18 are absolutely right about these supervisory
19 part of this. But that comes, would you agree,
20 after some training?

21 MR. POTEET:

22 Who are you addressing that question
23 to?

24 MR. OLAVE:

25 Sheriff Jeff Britt. You made mention

1 you want supervisor in the field. My first
2 question would be the supervisor part of this
3 is great, but what type of training? That's
4 why I wanted to hear from Mr. Parnell. What
5 type of training are we giving these
6 investigators before they go out to the field?

7 MR. PARNELL:

8 Typically, what happens is when
9 someone new comes on, I sit with them. I go
10 through the agency Commission mission, the
11 goals of the agency, the standards of the
12 Commission. Then, I go into the discussion of
13 the department, which is compliance
14 investigators and what are the goals of the
15 compliance investigator. What will I be
16 looking as far as behavior expectations. You
17 know, compliance investigators have a huge role
18 with our agency because they are the persons
19 that most outside persons see all of the time.
20 So I express to them the expectations of making
21 sure that they are good at communicating and
22 make sure they are giving information that is
23 accurate, factual, and they cannot come back on
24 you as a compliance investigator and this
25 agency as a whole.

1 Second, what I do is I give them
2 opportunity to sit down through our dealer
3 inspection -- I am sorry, our dealer seminar.
4 They sit through the entire four-hour process
5 as a new dealer would do. And during that
6 time, you know, they understand what their role
7 is because of the compliance investigators that
8 are teaching it, two of them right now, or
9 three that helps out with that, make it more
10 specific to the things that they are looking at
11 when they go out as far as the dealer.

12 Beyond that, you know, the
13 investigators, there are investigator courses
14 that the compliance investigators can take. I
15 go through the inspection process communication
16 process. After that, after we have had those
17 discussions and they have gone through the
18 dealer seminar, what I do then is start looking
19 at cases with them. Kim does it. We will pull
20 up cases and kind of go through it and see what
21 their process is on it. And we kind of work
22 the cases from the perspective of cases are not
23 ones that can be in the field at that time,
24 because a lot of cases can be handled via the
25 telephone. So we work cases individually with

1 that compliance investigator.

2 After that, what I do is I set up for
3 about two weeks with the compliance
4 investigator to go out and ride with one or two
5 different compliance investigators and see what
6 they are doing in those areas. Because there
7 are a lot of nuances to the compliance
8 investigators, you know. They have to do
9 inspections all for, you know, new licenses
10 that come in, they have to inspect whether or
11 not these dealers have the proper signage and
12 the information that is needed to give
13 information out to the public.

14 So could there be more? Yes.
15 Always, in anything in any situation. I am not
16 opposed to anything what you are saying as it
17 relates to another layer, another buffer. I am
18 not opposed to any of that. Where I do
19 question is what is that role of that
20 individual that we are talking about? What do
21 you suggest that person does?

22 MR. BRITT:

23 Derek, if you are asking me, I think
24 that would be something that the attorneys and
25 one or two of us and you sit down and come up

1 with and present it to the whole Commission.

2 MR. PARNELL:

3 Are we talk about hiring on new staff
4 or staff that --

5 MR. BRITT:

6 No, no. I am not saying hiring
7 anybody.

8 MR. PARNELL:

9 Okay.

10 MR. BRITT:

11 We have capable men working already.

12 MR. PARNELL:

13 I think so as well.

14 MS. MORRIS:

15 We would have to go through Civil
16 Service. We would have to develop a job
17 description and have it approved by Civil
18 Service because of the way the agency's
19 positions are allocated.

20 MR. OLAVE:

21 My opinion in all of this has always
22 been the spirit of the Commission. I use that
23 term because I am most interested in the daily
24 operations. We have a competent executive
25 director that handles the daily operations. I

1 don't -- I am not interested in hiring and
2 firing. I am interested in the spirit of the
3 Commission and I have been vocal and I have
4 been on record for the last couple of years
5 having to do with how our field investigators
6 are interacting with the dealers. I have said
7 it. I have said it before. I have gotten
8 calls from dealers. I have said it before and
9 here we are with a case. And no offense to
10 Monroe, but, again, it comes to fruition that
11 we are, you know, an issue with an investigator
12 as it pertains to a consumer or a dealer or
13 what have you. And, again, I am just -- I am
14 not -- I wish that I had a solution. That's up
15 to you, Derek. I mean, I really -- again, not
16 trying to get involved in that, that is up to
17 you. But I think some reform is necessary at
18 this point.

19 MR. PARNELL:

20 And I will agree with that. But I
21 did want to just point out, I don't have any
22 problems with, you know, looking at having
23 another layer of buffer. But I did want to
24 point out to Commissioner Britt, I don't know
25 if he knows this, but this Commission prior to

1 me arriving, we had investigative -- we had a
2 director, an assistant director, and two field
3 staff supervisors over 11 investigators. And 8
4 of those persons were indicted. I agree with
5 you. There are some things that need to be
6 adjusted. But the way that I have it
7 structured, this agency, it's kind of
8 structured in a way where I have a dealer
9 services unit, where I have one manager that
10 covers that area, fiscal services area.
11 Compliance investigation is one of the areas
12 that I am directly over. And also, Kim helps
13 me in that area. There are some things I will
14 agree 100 percent with you-all on that. None
15 of this stuff with that situation would just
16 happen with Mr. Almond should have happened,
17 period. There is no question about that.
18 That's completely beyond and unacceptable what
19 my expectations were and I know your
20 expectations are, you know. But I will
21 receive, you know, any assistance.

22 MR. BRITT:

23 I am quite familiar with the
24 structure of the Commission prior to you being
25 there.

1 MR. PARNELL:

2 Right.

3 MR. BRITT:

4 All of the people that were working
5 there. I am familiar with the whole thing and
6 it was overloaded, but we are not overloaded
7 now. I am not trying to add anybody. All that
8 I am trying to do is establish another wheel
9 notch on the log to help you and to help the
10 Commission and help the public. That's what I
11 am trying to do.

12 MR. PARNELL:

13 I think that's a good idea.

14 MR. DONNELL:

15 As Mr. Olave stated, the spirit of
16 the Commission.

17 MR. BRITT:

18 Exactly.

19 MR. DONNELL:

20 I just have to ask a question. You
21 know, from this settlement we just done with
22 the State, how much did our premiums go up with
23 Risk Management?

24 MR. PARNELL:

25 I think 15,000. Total from that,

1 yes, sir.

2 MR. DONNELL:

3 \$15,000. And I want to back up what
4 Jeff said: You are doing a fine job down
5 there. But I think you ain't got time to
6 handle it all. I think you need some help.

7 MR. POTEET:

8 Let me say something here, guys.
9 Number one, we have a motion and a second on
10 the floor. And what I would like to say here
11 is what the motion by Mr. Britt is that we
12 would create this position -- before we vote on
13 this, I would like to make this suggestion.
14 And it's all kind of come out in this
15 discussion anyway. But I would suggest that
16 Mr. Parnell get together with a couple of
17 volunteers. I am assuming Jeff would want to
18 volunteer. And what I would like to see is a
19 comprehensive study as to how we are structured
20 and then what we would suggest. Because even
21 if we take one of our current investigators and
22 create a new position, which I would assume it
23 would be at a higher pay and it would have a
24 different title, and then we would still have
25 get that cleared through Civil Service. So

1 when we do that, I would like to be able to
2 present to Civil Service, here is the study we
3 have made, here is what we would like to do,
4 here is what we want to accomplish from that.
5 Then, when this group -- I'm kind of throwing
6 Derek and Jeff in this for obvious reasons, but
7 any of you can be on that group. I don't want
8 it to be 10 or 20 of us, but not more than two
9 commissioners. And then we have something in
10 writing that we can present to -- back to the
11 Commission to peruse and look over and make
12 suggestions. And then we have something to go
13 to Civil Service with. If we don't do it the
14 right way, we will just be having the same
15 discussion a year from now.

16 MR. DONNELL:

17 I agree with the chairman to a
18 certain point. But we can vote on this and
19 still do the same thing.

20 MR. POTEET:

21 We are going to vote. I just want to
22 point out what needs to happen. All we are
23 voting on is that we are going to create this
24 position. But there is going to be -- we are
25 not going to hire somebody next week.

1 MR. OLAVE:

2 You called for a discussion,
3 Mr. Chairman. That's what we are doing.

4 MR. POTEET:

5 That's right, that's right.

6 MR. BRITT:

7 Let me rephrase, if I may, and Robert
8 tell me or Sherri tell me. Can I rephrase the
9 motion?

10 MR. POTEET:

11 Yes. We didn't vote on that motion.

12 MR. BRITT:

13 Here is my motion. That I make a
14 motion -- go ahead, Mona.

15 MS. ANDERSON:

16 I would just like to point out that
17 you are talking about additional money that's
18 not in the budget right now. That's all that I
19 wanted to say.

20 MR. BRITT:

21 I am quite familiar with that.

22 MS. ANDERSON:

23 Okay.

24 MR. POTEET:

25 That's right.

1 MR. BRITT:

2 Here's my motion. I make a motion
3 that the Commission entertains having a field
4 supervisor to assist Derek with the field
5 agents. In that motion, I say that myself and
6 Derek, one other commissioner and both
7 attorneys are involved with the consultation of
8 anything financial with Mona that we come up
9 with a solution to this. And we get it in
10 writing, as you said, John. That's going to
11 be -- that's my motion. And I think everybody
12 can deal with that.

13 MR. POTEET:

14 That's one of the most thorough
15 motions that I ever heard. Do I have a second?

16 MR. WATTS:

17 I second it.

18 MR. POTEET:

19 Second from Mr. Watts.

20 All in favor, say, "Aye."

21 (All "Aye" responses.)

22 MR. POTEET:

23 Any opposed?

24 (No response.)

25 MR. BRITT:

1 We need to pick another commissioner.

2 MR. POTEET:

3 That motion carries. Is there a
4 commissioner that would like to volunteer to be
5 on this?

6 MR. WATTS:

7 I will volunteer, I guess, if nobody
8 wants.

9 MR. OLAVE:

10 You have my attention.

11 MR. POTEET:

12 Olave and Watts both want to
13 volunteer.

14 MR. DONNELL:

15 If they need help, I will, too.

16 MR. WATTS:

17 Y'all can have it then.

18 MR. DONNELL:

19 Can we go back?

20 MR. POTEET:

21 Wait, Ricky. Let me finish this real
22 quick and then you can go back. So what I
23 would like to say is, Jeff, since you are kind
24 of spearheaded this, I would like you to get
25 together with Derek and start fleshing this out

1 and then figure out what the next step is. Is
2 that okay with you guys?

3 MR. BRITT:

4 Absolutely.

5 MR. OLAVE:

6 I would like to be part of that as
7 well.

8 MR. BRITT:

9 Absolutely.

10 MR. POTEET:

11 All right. Okay. Ricky. You are
12 on.

13 MR. DONNELL:

14 I just got to thinking about, we are
15 going to carry this until the month -- the next
16 meeting, but what is -- what is a litigation
17 report that we are putting off until next
18 month?

19 MR. POTEET:

20 Sherri, can you answer that?

21 MS. MORRIS:

22 I emailed it this morning. It is
23 just a list of three cases that were pending in
24 the prior calendar year. One of them is
25 inactive. It's been around for three years and

1 no action has been taken in that. And I don't
2 expect that it will be because the law that
3 related to that case changed and, I guess, the
4 investigation is closed, but I don't really
5 know. The case that you just discussed this
6 morning that was settled by the Office of Risk
7 Management and there is one other pending case
8 that is also being handled by the Office of
9 Risk Management.

10 So I put that there. If anybody
11 wants copies of the pleadings or whatever, I
12 can send whatever you-all think you-all need,
13 it is just additional information prior to the
14 meeting.

15 MR. DONNELL:

16 Did you do this on your own or did
17 somebody request it?

18 MR. POTEET:

19 We requested it.

20 MS. MORRIS:

21 I had a request at the last meeting
22 that you-all wanted more information about the
23 pending litigation. So this is one manner of
24 doing it. Some of the boards and commissions
25 have a monthly litigation report. Every board

1 and commission handles it differently. But I
2 can -- this is just one manner in which we can
3 handle it. And I can report it monthly,
4 quarterly, however you-all want to see those
5 cases. This is the -- you know, we haven't had
6 the whole real history the time that I have
7 been here. In the beginning, we had a lot of
8 litigation and we didn't have litigation, I
9 think, for years and now we have these three
10 that are pending. Like I said, one of them is
11 inactive.

12 MR. DONNELL:

13 Did you happen to get -- did you
14 happen to get the reports I requested from the
15 Risk Management?

16 MS. MORRIS:

17 I do not have them. I requested them
18 from the person that emailed me that I believe
19 that you spoke to. I have not received that.

20 MR. DONNELL:

21 That was the Attorney General. I am
22 talking about Risk Management is what I asked
23 you for last month.

24 MS. MORRIS:

25 It would be the same report. It's a

1 request for settlement authority. I think that
2 is what you are asking for, and it goes to both
3 agencies. It has to be signed by both.

4 MR. DONNELL:

5 Okay.

6 MS. MORRIS:

7 I am familiar with the report.

8 MR. DONNELL:

9 I understand. I would like just to
10 see from the agency, the Risk Management
11 agency.

12 MS. MORRIS:

13 Okay. I can ask the same -- for the
14 same report from the Office of Risk Management
15 as well, but I asked for the attorney general
16 through the same person that you spoke to
17 because I thought that she would be familiar
18 with the conversation. I wasn't in on the
19 conversation, so I was just copied on the
20 subsequent email.

21 MR. DONNELL:

22 Well, I just didn't know what the
23 litigation report was.

24 MS. MORRIS:

25 It is just the list.

1 MR. DONNELL:

2 We never had one before.

3 MR. POTEET:

4 This came up in the last meeting. In
5 the spirit of transparency, Sherri and Derek
6 and I discussed this and we will have this
7 report coming forward monthly. If there is
8 nothing to report, it will say nothing to
9 report. And the only reason I wanted to move
10 it until next month was because we just got the
11 report this morning. I don't know how you can
12 discuss something --

13 MR. DONNELL:

14 Right, I understand.

15 MS. MORRIS:

16 If anybody thinks that they want to
17 discuss the strategy or defense of a particular
18 piece of litigation, if you could let Kim know
19 that at the beginning, you know, prior to the
20 meeting so that it can be noted properly on the
21 agenda. And, like I said, these cases are
22 turned over to the Attorney General for
23 handling. So those will be -- we would have to
24 get them to the meeting to discuss anything
25 that's not in the public record.

1 MR. POTEET:

2 Mr. Watts, you had something that you
3 wanted to say.

4 MR. WATTS:

5 Yes. I was just -- I might be out of
6 line here a little. But I am the legislative
7 representative for the Commission.

8 MR. POTEET:

9 Yes.

10 MR. WATTS:

11 I want to mention, nobody has ever
12 called me or nothing in a year and a half. We
13 voted on this as me being the Vice Chairman and
14 I don't know who to contact. I want to get
15 involved more if we have litigation coming from
16 the House or the Senate or anything coming from
17 the Legislature. I would like to be involved.
18 Nobody never calls me. They always set
19 somebody up.

20 MR. POTEET:

21 There has been nothing much going on
22 in the last year and a half.

23 MR. PARNELL:

24 The way it happens with legislative,
25 like, you did the legislative chair, basically.

1 When we have meetings with full board and we
2 want to do legislation for that upcoming year,
3 you would spearhead that discussion, that
4 situation. If there is litigation that's out
5 that could come up that could affect our
6 agency, I will let you -- I always let you know
7 what that is.

8 MR. WATTS:

9 Okay.

10 MR. PARNELL:

11 I usually let you-all know as a full
12 body. We didn't ever since -- when you became
13 Legislature chair, we didn't really have any
14 legislation really going on since that point.
15 There wasn't any legislation this past year
16 that really affected us individually like that
17 in we didn't put any legislation forward.

18 MR. POTEET:

19 If you were -- I can't remember how
20 long you have been on the commission,
21 Mr. Watts, but if you remember, some of you
22 remember when Ron was the Legislature chair,
23 and what we would do is -- just as Mr. Parnell
24 said, he would get involved with -- mostly with
25 Sherri and with Derek when things came up and

1 then he would spend time looking into it and
2 following it and then come back to our
3 commission and report what was going on. So
4 that's, yes, that's what you should be doing.
5 You should be working with Derek and Sherri as
6 legislation comes up. Or any legislation that
7 we propose in our meetings or have suggested to
8 us from other constituents so we can discuss
9 it. So, yes, that's your role. And, you know,
10 really with COVID, the government has been kind
11 of out of business a little bit to some degree.
12 And we didn't have anything come up in the last
13 session. So that's why your position seems
14 dormant, if you want to look at that.

15 MR. WATTS:

16 I feel dormant.

17 MR. PARNELL:

18 I don't think the next legislative
19 session is going to be all hunky-dory like it's
20 been this past year. We have concerns about
21 other things that come up sometimes, too.

22 MS. MORRIS:

23 We will be monitoring bills if
24 they are pre-filed and if anything affects the
25 commission, we will forward those along. I

1 haven't checked in the last week or two, but
2 the last time I checked there were zero
3 pre-filed bills and I would expect that they
4 will be getting filed pretty soon.

5 MR. PARNELL:

6 When does the session start, Sherri?

7 MS. MORRIS:

8 I believe in March. So generally the
9 month before, we will start seeing the activity
10 with bills being filed. The session starts on
11 the 12th of April. So 30 days before, we will
12 start seeing pre-bills -- filed bills.

13 MR. POTEET:

14 Okay. Thank you. Derek.

15 MR. PARNELL:

16 Commissioner Britt and Commissioner
17 Olave, I will reach out to you guys within the
18 next week or so, so we can really start putting
19 together a game plan and have discussions about
20 what we just talked about today.

21 MR. BRITT:

22 Yes. Why don't we plan on maybe next
23 week. Not this week, but the following week.

24 MR. PARNELL:

25 Okay. Also, I will inform you, I am

1 going to look a little deeper if that other --
2 that case that's out there that Sherri talked
3 about. That second one that came in. I will
4 look into that one as well.

5 MR. POTEET:

6 All right. Anything else we need to
7 discuss today?

8 Okay. Is February 15 the next
9 meeting date?

10 MS. BARON:

11 Yes.

12 MR. ALLMOND:

13 I just want to throw my two cents'
14 worth here since I seem to be most of the
15 consternation today as far as offering up to
16 sit in on y'all's committee when y'all are
17 discussing this buffer layer, because I think
18 that I can throw you some insight into the
19 investigators' side of things as far as what I
20 have seen and what I think needs to be done,
21 also.

22 MR. PARNELL:

23 We will look into that. I will let
24 you know what we do moving forward with that.
25 I will give you a call, too.

1 MR. POTEET:

2 Okay. We are adjourned.

3
4 (Meeting adjourned at 2:05 p.m.)
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