

LOUISIANA USED MOTOR VEHICLE COMMISSION

STATE OF LOUISIANA

REGULAR MEETING

MARCH 15, 2010

BEGINNING AT 9:08 A.M.

3132 VALLEY CREEK

BATON ROUGE, LOUISIANA

REPORTED BY:

BETTY D. GLISSMAN, CCR

Betty D. Glissman, CCR  
(225) 754-8609

1 APPEARANCES:

2  
3 CHAIRMAN:

4 MR. GLEN ROBINSON

5  
6 COMMISSIONERS PRESENT:

7 MR. RHETT BOURGEOIS

8 MR. TONY CORMIER

9 MR. RON DUPLESSIS

10 MR. KIRBY ROY

11 MR. HENRY "DARTY" SMITH

12 MR. DOUGLAS TURNER

13  
14  
15 REPRESENTING THE LOUISIANA USED MOTOR  
16 VEHICLE COMMISSION:

17 SHERI MORRIS, ESQUIRE  
18 ROEDEL, PARSONS, KOCH, BLACHE,  
19 BALHOFF & McCOLLISTER  
20 8440 JEFFERSON HIGHWAY, SUITE 301  
21 BATON ROUGE, LOUISIANA 70809  
22  
23  
24  
25

1 ALSO PRESENT:  
2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. HEATHER ELLIS

6 MR. BUTCH WRIGHT

7 MR. ROY HEBERT  
8  
9  
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11  
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1 MR. ROBINSON:  
2 Let's go ahead and get  
3 started.

4 Commissioner Roy, do you want  
5 to lead us in the Pledge?

6 MR. ROY:  
7 Yes, sir.

8 (Pledge of Allegiance.)

9 MR. ROBINSON:  
10 Welcome to everybody.  
11 Kim, if you would, roll call,  
12 please.

13 MS. BARON:  
14 Glen Robinson?

15 MR. ROBINSON:  
16 Present.

17 MS. BARON:  
18 George Brewer?

19 MR. BREWER:  
20 (No response.)

21 MS. BARON:  
22 Rhett Bourgeois?

23 MR. BOURGEOIS:  
24 Here.

25

1 MS. BARON:  
2 Tony Cormier?

3 MR. CORMIER:  
4 Here.

5 MS. BARON:  
6 Ron Duplessis?

7 MR. DUPLESSIS:  
8 Here.

9 MS. BARON:  
10 George Floyd?

11 MR. FLOYD:  
12 (No response.)

13 MS. BARON:  
14 John Poteet?

15 MR. POTEET:  
16 (No response.)

17 MS. BARON:  
18 Kirby Roy?

19 MR. ROY:  
20 Here.

21 MS. BARON:  
22 Darty Smith?

23 MR. SMITH:  
24 Here.

25

1 MS. BARON:  
2 And Douglas Turner?

3 MR. TURNER:  
4 Here.

5 MS. BARON:  
6 Mr. Chairman, we have a  
7 quorum.

8 MR. ROBINSON:  
9 Thank you.  
10 Anyone for public comments  
11 this morning?

12 MS. BARON:  
13 No, sir.

14 MR. ROBINSON:  
15 Item 4, items for discussion  
16 on the agenda, approval of the minutes from  
17 the previous meeting. We received these a  
18 number of days ago.

19 MR. ROY:  
20 I move to approve.

21 MR. BOURGEOIS:  
22 Second.

23 MR. ROBINSON:  
24 Motion and a second.  
25 All in favor?

1 (All "Aye" responses.)

2 MR. ROBINSON:

3 Anyone opposed?

4 (No response.)

5 MR. ROBINSON:

6 None.

7 The financial matters, Item  
8 "B", Ms. Heather, if you would, please.

9 MS. ELLIS:

10 Good morning. If you would  
11 turn to Page 1, please. February of 2010  
12 expenses at the bottom of the page,  
13 \$61,991.28.

14 On Page 2 is our total  
15 revenues, \$58,232.76 for a difference of  
16 \$3,758.52. That's compared to February of  
17 2009 where there was an almost \$34,000  
18 difference between expenses and revenues.

19 Page 3, this is a three month  
20 comparison, so you can see how the last  
21 three months have gone. As far as our  
22 expenses, they are staying consistent except  
23 for January because there were three  
24 payrolls.

25 Page 4, our revenues are

1 continuing to develop due to our receiving  
2 the license fees for the majority of the  
3 year, and we had \$58,219.26 in revenues.  
4 On.

5 Page 5, our year-to-date  
6 budget balance. As far as our operating  
7 services, we have 31 percent left.  
8 Professional services we have 42.9 percent  
9 left. Our total expenditures, we have spent  
10 almost 65 percent leaving a little over 35  
11 percent left for the last four months of the  
12 year. And Page 5 --

13 MR. ROBINSON:

14 So we are close.

15 MS. ELLIS:

16 We are close.

17 We have taken in all but 24.4  
18 percent of our budgeted revenues for the  
19 year.

20 Page 7, our balance sheet,  
21 our total assets including our cash in the  
22 bank, petty cash and our CD investments.

23 Page 8 is the balance sheet  
24 with our liabilities.

25 And Page 9 is our CD



1 statement, and these remain unchanged until  
2 the end of April. At the end of April, we  
3 will have to either renew or cash in two of  
4 the CDs and that will be up to the Board to  
5 decide this month what to do with those CDs.

6 MR. ROBINSON:

7 Do we need the funds?

8 MS. ELLIS:

9 I don't believe so, not at  
10 this point.

11 MR. BOURGEOIS:

12 How long should we tie them  
13 up?

14 MS. ELLIS:

15 They are on an automatic six  
16 month renewal and the interest rates  
17 everywhere right now are going to be between  
18 1.3 and 1.5.

19 MR. DUPLESSIS:

20 Should we look at a money  
21 market or at least on one or two of them to  
22 have available liquidity if we need it?

23 MR. ROBINSON:

24 I think we ought to look at  
25 whatever we are allowed to do based on State

1 statutes other than CDs. We have got our  
2 CPA here.

3 Mr. Hebert, can I put you on  
4 the spot? You don't mind, do you?

5 MR. HEBERT:

6 No. That's fine.

7 MR. ROBINSON:

8 We are talking about we've  
9 got three CDs currently.

10 MR. HEBERT:

11 Yes, sir.

12 MR. ROBINSON:

13 What are we allowed to do  
14 with our fund balance other than put them in  
15 CDs, is there some kind of money market we  
16 can put them in?

17 MR. HEBERT:

18 Well, I mean, the Revised  
19 Statutes defines what we can invest in.  
20 Sheri probably has a better feel for that  
21 than I, but, you know, any --

22 MR. ROBINSON:

23 But I put you on the spot.

24 MR. HEBERT:

25 -- any security that's

1 guaranteed by of the US Government, bonds,  
2 "T" bills, that kind of thing, we are  
3 allowed to do. I mean, that's the mix you  
4 see normally is either a CD or a treasury  
5 bill, treasury note, Fannie Mae, Freddie  
6 Mac, any of the government supported  
7 obligations. Their rates are a little  
8 higher than CDs, but you typically get those  
9 in hundred thousand dollar quantities. So  
10 it is tying up a big chunk of cash. It is  
11 not like you can go buy \$50,000 worth.

12 MR. ROBINSON:

13 What would the time frame be  
14 if you do that, have you got to commit to a  
15 certain length of time?

16 MR. HEBERT:

17 It depends how much you buy,  
18 I mean, because they have varying maturity  
19 dates. So whatever the security is that you  
20 buy and its maturity cycle. I mean, you can  
21 buy one that has six months left on it. Of  
22 course, you are going to pay closer to par  
23 for it at the point. So you might buy  
24 \$100,000 bond for 99.5 for six months and,  
25 you know, it's really a mixed bag. CD rates

1 are less than one right now most every place  
2 I've seen. Point 9 was the last quote I got  
3 last week from Chase and Capital One both.

4 MR. BOURGEOIS:

5 Point 9 you said?

6 MR. HEBERT:

7 That's for a one year, one  
8 million dollar CD. It's just not out there  
9 right now.

10 MR. ROBINSON:

11 Director Parnell, why don't  
12 you look into it and get with -- see if  
13 there is something better we can do. We  
14 just can't -- until we know about our  
15 legislative package that's going through, we  
16 probably almost need to do another CD,  
17 though, until we make sure our legislative  
18 packet gets passed and see what's out there  
19 and what kind of return we might can get.

20 Ms. Heather, I'm sorry, we  
21 were on Page 9.

22 MR. ROY:

23 Ms. Heather, excuse me, are  
24 you predicting or you are not predicting  
25 that the interest rates will be the same,

1 1.5 and 2.1?

2 MS. ELLIS:

3 No, they are dropping.

4 MR. ROY:

5 To what?

6 MS. ELLIS:

7 Usually, the last one we  
8 renewed was 1.3. They seem to be staying  
9 1.2, 1.3 right around there. It is not  
10 going up at all.

11 MR. ROY:

12 For the credit union?

13 MS. ELLIS:

14 For all banks pretty much.

15 MR. ROY:

16 Even the 2.1?

17 MS. ELLIS:

18 Yes.

19 MR. ROBINSON:

20 You see those rates were a  
21 year ago.

22 MR. ROY:

23 Right.

24 MR. ROBINSON:

25 The 1.55 and the 2.15, and

1 that's probably APY what we are --I'm going  
2 to guess that's probably APY, the 2.15.

3 Page 10.

4 MS. ELLIS:

5 Page 10 are revenue and  
6 expenditure comparisons. It's the same  
7 figures, our revenues at \$58,232.76 and our  
8 expenditures at \$61,991.28 leaving our fund  
9 balance at \$1,534,984.10. It is a lot  
10 better place to be than we were last year at  
11 this time. We were staying a lot closer to  
12 our revenues.

13 Page 11 is our accounts  
14 receivable. These are unchanged from last  
15 month except for the payment we received  
16 last month, which is no longer on this  
17 sheet.

18 And Page 12 would be our  
19 summary page. We had almost \$17,000 less in  
20 regular salaries than the previous month due  
21 to February only having two payrolls. There  
22 was no overtime for February. Our rate of  
23 benefits were lower due to same two payrolls  
24 in February instead of three. Per diem was  
25 paid for the February meeting. There is no

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1 administrative travel. Regular field  
2 expenses were paid. We paid for the  
3 Commissioners' February travel. No monies  
4 paid out for conferences. We had no  
5 printing expenses. Our yearly insurance  
6 premiums have been paid already. We paid  
7 \$529 less than the previous month on auto  
8 maintenance. And our other maintenance were  
9 regular payments. Our rental was paid for  
10 the copier and mail machines. Dues and  
11 subscriptions are zero. We had no postage  
12 for February. Our telephone was \$322 less  
13 than the previous month. Our utilities were  
14 \$146 more than the previous month.  
15 Miscellaneous expenses were paid for direct  
16 deposit fees, bank service charges and  
17 criminal record checks. And we have regular  
18 office supplies for February and the  
19 February invoice for January charges of  
20 audit supplies. We paid out Robert Hallack  
21 and Sheri Morris for January invoices, and  
22 we also paid court reporter and CPA for  
23 January.

24 MR. ROBINSON:

25 Since you are both here,

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1 let's go back to Page 7, our main account,  
2 our Bank One account. Are we allowed to  
3 have that in any kind investment account  
4 where you -- you know, where they pull the  
5 money out on a daily basis based on what you  
6 don't need?

7 MS. MORRIS:

8 As long as it is secured. It  
9 is FDIC insured.

10 MR. DUPLESSIS:

11 That's what we have to find  
12 out.

13 MR. ROBINSON:

14 Well, it wouldn't be FDIC  
15 insured with that kind of balance.

16 MR. HEBERT:

17 The 250,000 is the FDIC  
18 limits.

19 MS. MORRIS:

20 It is showing \$600,000. So,  
21 we couldn't have --

22 MR. HEBERT:

23 The banks should be pledging  
24 securities, though, with the FDIC insurance.

25 MR. ROBINSON:



1 I forget what they call my  
2 accounts, but --

3 MS. MORRIS:

4 The fiscal agent bank is  
5 going to collateralize -- they have to  
6 collateralize the State's deposit. So that  
7 would be collateralized.

8 MR. ROBINSON:

9 I don't remember the  
10 terminology, but my main account, if I need  
11 \$20,000 to clear checks that day, the bank  
12 takes out everything over \$20,000 and pays  
13 the interest for that day.

14 MR. HEBERT:

15 That's a sweep account.

16 MR. ROBINSON:

17 A sweep account, yes.

18 Are we allowed to do that?

19 MS. MORRIS:

20 Yes.

21 MR. ROBINSON:

22 We need to look into that,  
23 too.

24 MR. DUPLESSIS:

25 Put it in three different

1 accounts or two different accounts that fall  
2 under the insurance limits.

3 MR. ROBINSON:

4 Again, it is not going to be  
5 a tremendous amount of money, but some day  
6 these rates aren't going to be 1.2 percent.  
7 You know, some day these rates are going to  
8 be four or five percent again and we might  
9 as well start doing our homework on it.

10 MR. HEBERT:

11 You can set your sweep up, go  
12 in and -- they have different flavors of  
13 sweep accounts, so that the funds are swept  
14 into a government backed money market  
15 account, so we meet the requirements to have  
16 it collateralized or invested in government  
17 securities. They pay a little lower rate  
18 than commercial bonds, but you can -- it is  
19 one method of meeting the obligation to have  
20 it secured.

21 MR. ROBINSON:

22 We just have to look at with  
23 rates so low that the cost -- the bank  
24 charges to do that, whether it's -- you  
25 know, where we come out, but I'm sure the

1 appropriate person at the bank can run us  
2 some numbers and tell us what we would be  
3 looking at over say a period of 90 days.

4 The other thing on the  
5 balance sheet, Mr. Hebert, is there anything  
6 on there that you are aware of that -- are  
7 we okay with everything on there, is there  
8 something that might -- this is just  
9 something we have never ever really looked  
10 at is the balance sheet. And, again, I know  
11 you weren't asked to come and speak on these  
12 things.

13 MR. HEBERT:

14 I think the -- I mean, the  
15 one suspect number I have on here is that  
16 accrued interest receivable, the \$10,474, if  
17 I can find it.

18 MR. ROBINSON:

19 Does it look high?

20 MR. HEBERT:

21 Yes.

22 MR. ROBINSON:

23 The one I always wonder about  
24 is why is the parking lot on there, why is  
25 that not part of the building?

1 MS. ELLIS:

2 Because that's repairs that  
3 were made recently and we have to depreciate  
4 it per year.

5 MR. ROY:

6 I had that question last  
7 month.

8 MR. ROBINSON:

9 I must not have been  
10 listening.

11 All right. So we have to  
12 have the parking lot on there. Well, let's  
13 look at Account 103 and see -- we will take  
14 a look at that.

15 All right. That's my  
16 questions on the financials.

17 Does anybody else have any  
18 questions on the financials?

19 (No response.)

20 MR. ROBINSON:

21 Thank you, Ms. Heather.

22 Does somebody want to make a  
23 motion and we will go ahead and vote on the  
24 financials?

25 MR. BOURGEOIS:

1 I make a motion we accept the  
2 financials.

3 MR. SMITH:

4 I'll second.

5 MR. ROBINSON:

6 All in favor?

7 (All "Aye" responses.)

8 MR. ROBINSON:

9 Anyone opposed?

10 (No response.)

11 MR. ROBINSON:

12 None. That motion passes.

13 Legal matters, and, of  
14 course, it is listed there in this  
15 financial, but on Page 11 all of those  
16 claims against the bonds is one of the items  
17 on the legal matters. The first one is the  
18 appeal with Doubletree RV. Mr. Hallack is  
19 not here, because we didn't really see the  
20 need for him to be here and, again, it is  
21 just trying to control expenses, not paying  
22 for multiple attorneys if we don't need it.  
23 They are still doing briefs on Doubletree.  
24 It is something that's going to drag on for  
25 a while. It is in the court system and

1 there's nothing -- you know how that works,  
2 nothing is going to happen real fast on it.

3 The New York Marine, which is  
4 the claims against the bond, the last word  
5 from New York Marine is they overnighted us  
6 a check. It was supposed to have been here  
7 Friday. Of course, it didn't come in.  
8 FedEx has already run today. It didn't come  
9 in today. So Attorney Hallack has been told  
10 to go get a default judgment against New  
11 York Marine, which is something we have to  
12 have in order to enforce collection. And I  
13 have asked Director Parnell this morning to  
14 get with the Louisiana Insurance Commission  
15 and file any and all applicable complaints  
16 against this company and see if we can get  
17 some assistance from them in trying to get  
18 our money in.

19 Do you remember the total on  
20 that, Derek?

21 MR. PARNELL:

22 \$26,000.

23 MR. ROBINSON:

24 You know, that one item  
25 almost puts us -- look what that \$26,000

1 does to our budget based on where we stand  
2 as of today. I mean, that's a tremendous  
3 sum of money. So we are going to file  
4 complaints with the Insurance Commission and  
5 we are going to go for a default -- you have  
6 to have a default judgment before you can  
7 try to enforce your judgment and we should  
8 have that --

9 MR. BOURGEOIS:

10 They have done it the past?  
11 Just out of curiosity, I'm wondering in  
12 these kind of cases, what have y'all done, I  
13 mean, you and Ron?

14 MR. ROBINSON:

15 We've never had to sue  
16 before, the time I was on this Commission  
17 before.

18 MR. BOURGEOIS:

19 They paid the judgments?

20 MR. ROBINSON:

21 I don't recall having a whole  
22 lot, but the ones we had were just paid. I  
23 suspect maybe there are so many in this one  
24 company --

25 MR. BOURGEOIS:

1                   It might bring them down?

2                   MR. ROBINSON:

3                   But they assured Attorney  
4 Hallack that they were going to overnight a  
5 check and it would be here prior to today's  
6 meeting. So we will just pick up the legal  
7 process and also file complaints against  
8 this company and see what the Insurance  
9 Commissioner can do -- offer to help us.

10                   Moving on, on the agenda,  
11 Item "D", policy and procedure, Director  
12 Parnell.

13                   MR. PARNELL:

14                   Gentlemen, if you look in  
15 your packet you will see Policy and  
16 Procedure #6, dress code. If you look --  
17 the first document is the one that I  
18 drafted. It is the one that I want us to  
19 look at putting in place and I also want you  
20 to look at the one that is already in place.  
21 The one that is currently in place is very  
22 vague. It is not very precise as it relates  
23 to what is appropriate and what is not  
24 appropriate in working in this environment.  
25 One of the things that I would really like



1 to do is have this Commission and have all  
2 of the employees put forth a professional  
3 image to -- significantly toward the public  
4 impression of the LUMVC. So if you will,  
5 let's look at the document that I have on  
6 top.

7           Basically, it's very  
8 specific. It gives the guidelines, the  
9 purpose, the positive for the work apparel.  
10 It is very specific as to what is  
11 appropriate in the early guidelines. You  
12 are looking at "A" for males and females. I  
13 find this necessary in this environment  
14 because some things are not as they should.  
15 I don't have the image that I want to convey  
16 to the public on the day-to-day basis. What  
17 I have done is -- what I want everyone to  
18 really look at is being -- dressing in a  
19 business casual fashion. Denim jeans, I  
20 will allow -- let's allow it on Fridays  
21 unless approved otherwise, but not every  
22 day, nor should I -- nor do I believe we  
23 should wear tennis shoes during the work  
24 week. But the field personnel, I want to  
25 have them dress a little bit different.

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1 Just because of the nature of their duties,  
2 denim would be appropriate for them because  
3 they are dealing with a lot of different  
4 entities outside in the public.

5 Does anyone have any  
6 questions as it relates to the policy?

7 MR. BOURGEOIS:

8 I like it.

9 MR. ROY:

10 Is there a reason you are  
11 bringing this up?

12 MR. PARNELL:

13 Yes.

14 MR. ROY:

15 You've had some problems?

16 MR. PARNELL:

17 Well, it hasn't been a  
18 problem as of yet, but I do see that the  
19 image that is conveyed to the public is not  
20 as professional as it should be coming from  
21 this Commission. Jeans every day, tennis  
22 shoes is just really not a professional look  
23 and it is just not representative of the  
24 Commission. I believe a business casual  
25 dress would be appropriate.

1           The reason why I wanted to  
2 put it in this format is because it is very  
3 specific because if you are not specific,  
4 you will have different people trying to get  
5 away with doing whatever they can. And I  
6 believe this is well written. It is very  
7 specific. It's already lined out exactly  
8 what is appropriate and what isn't and you  
9 don't have those issues.

10           MR. ROBINSON:

11           Any another questions about  
12 the dress code?

13           (No response.)

14           MR. ROBINSON:

15           It's something we need to  
16 vote on if we want to implement it. We need  
17 the vote of the Commission for Director  
18 Parnell to institute this policy.

19           MR. BOURGEOIS:

20           I make a motion we pass it.

21           MR. TURNER:

22           I second.

23           MR. ROBINSON:

24           A first and a second.

25           All in favor?

1 (All "Aye" responses.)

2 MR. ROBINSON:

3 Anyone opposed?

4 (No response.)

5 MR. ROBINSON:

6 Hearing none, the motion  
7 passes.

8 And we will move on to Item  
9 #5, which is the Executive Director's  
10 report.

11 MR. PARNELL:

12 The first item is a review of  
13 contract with Roy Hebert, our CPA. His  
14 contract was in place and it expired  
15 February 28, 2010 for a year service. An  
16 amendment to his contract was done to extend  
17 his current contract an additional year to  
18 February 28, 2011 with the same terms and  
19 conditions. The amendment was hand  
20 delivered to the Office of Contractual  
21 Review on February 26, 2010 and the  
22 amendment for the extension became effective  
23 March 1 of 2010. So we still have his  
24 services for that additional year.

25 Item #2 is the CAVU status

1 update. As mentioned in previous Commission  
2 meetings, we are working closely with a CAVU  
3 representative, her name is Becky Corey,  
4 trying to streamline the processes that we  
5 are currently using and upgrading our  
6 services that we have been paying for,  
7 basically. Many of the service changes that  
8 we are looking into right now, they are not  
9 charging us for because a lot of it is  
10 already implemented. It just needs to be  
11 cleaned up and streamlined.

12 One of the main things that  
13 we are looking at right now is the online  
14 update, online renewal process upgrade that  
15 they have out there. What they have done is  
16 -- we have kind of gone through and told  
17 them exactly what we want the online system  
18 to do for us, what we are looking at doing  
19 with it. They have sat down -- well, they  
20 actually did a remote with Kim and myself, a  
21 remote demonstration of what the online  
22 process can do for us, what it can do. They  
23 kind of gave us a rough cost estimate about  
24 what it would cost and that estimate was  
25 about \$6,300. I thought that was a little

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1 bit more than I was expecting it to be. I  
2 thought it would be a little bit more, but  
3 that's all the better to me.

4 MR. ROBINSON:

5 And that included \$1,300 for  
6 staff training.

7 MR. PARNELL:

8 Yes.

9 MR. ROBINSON:

10 The actual cost was about  
11 \$5,000, \$4,900, something like that.

12 MR. PARNELL:

13 Yes, \$5,000. Yes, the actual  
14 cost is \$5,000. The training is \$1,250.  
15 What that means is, what we would do is,  
16 prior to -- they say around mid April, what  
17 they will do is come in and set up a system  
18 here, one computer here that actually has  
19 the process on it and each one of you guys  
20 or whomever can actually come in, sit down,  
21 go through it, to see exactly how it is  
22 going to work out and it is going to benefit  
23 us. This is something else that Mr.  
24 Robinson and I were talking about that we  
25 could possibly move the deadline for our

1 renewals having it -- versus January 1,  
2 having November 1 as a first deadline date,  
3 and if done online, it would be November 30.  
4 What that would do is give us an opportunity  
5 to kind of push more people towards the  
6 online process because the understanding  
7 that we both received, Kim and I, is that  
8 the online process has -- it would really  
9 alleviate much of the paperwork, much of the  
10 process -- the slow process that we are  
11 undergoing every year during a renewal  
12 season. Now, granted, it's not going to be  
13 60 percent the first two years possibly, but  
14 I would love it to be that high, but I think  
15 with time and more people that actually use  
16 it, they will see that it will benefit them  
17 to do it that way.

18 MR. ROBINSON:

19 Currently, we mail out  
20 renewals basically through the end of the  
21 summer, but you are not late. We don't  
22 charge as a Commission a late fee unless you  
23 don't have it in by January 1. Well -- but  
24 yet it is supposed to be here by November 1.

25 MR. PARNELL:

1 Right.

2 MR. ROBINSON:

3 So what we have talked about  
4 is moving that late fee up to after November  
5 1, but allow -- if you want to do it online,  
6 you could go to November 30 --

7 MR. BOURGEOIS:

8 And use a credit card?

9 MR. ROBINSON:

10 -- and try to move people  
11 towards, you know, doing it online.

12 Well, I guess the other  
13 thing, you know, we said in a couple of  
14 meetings that after we got through renewals  
15 and we got into the first of the year that  
16 we were going to look into our issues -- our  
17 IT issues and whether there is a better  
18 organization out there for us to use other  
19 than CAVU. At this point, I think it is the  
20 feeling of the folks here in the office that  
21 CAVU really will do what it is that we want  
22 to do and would save us the cost of the  
23 initial purchase, all of the re-training,  
24 you know, all of the problems that go along  
25 with new software that -- you know, Derek



1 has had a lot of discussions with CAVU and  
2 we feel like we can make it work and other  
3 State agencies that use it, they do make it  
4 work, and that we would rather just to try  
5 to move forward with CAVU than try to switch  
6 to another software company at this time.

7 Now, we have not done an  
8 in-depth study, you know, but we know where  
9 our problems are and when Derek sits down  
10 and talks with them, guess what, they are  
11 all solvable. So that's kind of the feeling  
12 of the staff, right, we would like to just  
13 stay with CAVU?

14 MR. PARNELL:

15 Yes.

16 MR. ROBINSON:

17 Like we could have been doing  
18 this online years ago. It's not like it was  
19 available.

20 MR. BOURGEOIS:

21 We finally have a Director  
22 that knows how to use a computer.

23 MR. ROBINSON:

24 Well, I think, you know, ask  
25 the right questions. I think that's more --

1 and trying to push the envelope to move us,  
2 you know, further along than kind of operate  
3 like we have year after year after year. So  
4 at this point we are not going to do --  
5 unless y'all feel differently, we are not  
6 going to bring a bunch of vendors in and  
7 look at competitive software and cost of it,  
8 but try to make it work and we really  
9 believe we can make it work with CAVU if  
10 that's okay with all of Commissioners.

11 MR. BOURGEOIS:

12 We don't need a motion then?

13 MR. ROBINSON:

14 No.

15 MR. BOURGEOIS:

16 It is just an expense?

17 MR. ROBINSON:

18 Y'all are okay with that, I'm  
19 hoping.

20 (Affirmative responses.)

21 MR. ROBINSON:

22 Well, you know, just the  
23 initial expense to buy a new software  
24 package is a lot of money, and then all of  
25 the aggravation of trying to train and learn

1     how to use it.

2                     We need to have the  
3     demonstrations set up, so it is here when we  
4     are in a meeting.  And I think the  
5     appropriate thing would be just let's get a  
6     laptop in here and during the meeting, let's  
7     show the Commissioners how it works, not  
8     make them have to come in at some other  
9     time, but let's do it as a presentation.  
10    You know, let's see if CAVU can have it  
11    ready for us to look at next month.

12                    MR. TURNER:

13                     They might be able to e-mail  
14    us a link or something for a demonstration.

15                    MR. PARNELL:

16                     Yes.

17                    MR. TURNER:

18                     We could look at it in our  
19    office.

20                    MR. PARNELL:

21                     That's kind of -- that's  
22    similar to what we did actually when they  
23    gave us the demonstration.

24                    MR. ROBINSON:

25                     My concern is, it's not so

1       cumbersome that the average car dealer is  
2       going to go to it and say, you know, too  
3       complicated. It has to be a process that's  
4       pretty user friendly and not going to  
5       require a whole lot of work. But, I mean,  
6       we need to move everybody to online  
7       registration and that is in our legislative  
8       cleanup, but currently we can't even offer  
9       it, but that's going to come up later in the  
10      meeting.

11               MR. DUPLESSIS:

12                     Derek, let me ask you  
13                     something. We are doing the same thing at  
14                     my companies right now. Can -- at the same  
15                     time, I guess Keith Horton is going to be  
16                     interactive in making a lot of the change?

17               MR. PARNELL:

18                     Yes.

19               MR. DUPLESSIS:

20                     Do all of your machines have  
21                     enough RAM to handle all of this?

22               MR. PARNELL:

23                     The machines have enough RAM,  
24                     yes. They are a little slow because those  
25                     particular machines are not -- they are not

1 the lowest grade, but they are like a step  
2 above the lowest grade. So they do have  
3 enough RAM to actually do this process, but  
4 they are just a little slow.

5 MR. DUPLESSIS:

6 And basically all of your  
7 employees are going to be online trained?

8 MR. PARNELL:

9 Yes.

10 MR. DUPLESSIS:

11 Let me ask you this at the  
12 same time. Can he go in and set up several  
13 dates where you put your job descriptions on  
14 their and you can put their training courses  
15 and you can put all of the policies and that  
16 sort of thing and go a completely internal  
17 server base?

18 MR. PARNELL:

19 Yes.

20 MR. DUPLESSIS:

21 As long as it is a small  
22 cost, it is a huge return.

23 MR. PARNELL:

24 Yes. Okay. I haven't talked  
25 to him about that, but I definitely will.

1 MR. DUPLESSIS:

2 I think you have, what, three  
3 servers here or something? I mean, you have  
4 enough server capacity to serve the southern  
5 half of the United States.

6 MR. PARNELL:

7 I will speak to him about  
8 that.

9 Moving forward, #3, fleet car  
10 status. If you noticed when you guys came  
11 in today that we were able to -- they had a  
12 lot more parking spaces out front. We were  
13 able to get six vehicles to the Louisiana --  
14 the purchasing agency. They weren't able to  
15 put them in the auction as of yet, but they  
16 are going to give me an update on exactly  
17 when that is going to take place.

18 Number four, GPS status  
19 update. Mr. Nick Larusso, he is the  
20 salesman representative for Acadian and I  
21 believe He is the one that came in and did a  
22 presentation as it relates to the GPS. I  
23 know a couple of meetings ago we spoke to --  
24 we were asking him about what is going on,  
25 what was the status of that. They are just

1 now in the process of getting the contract  
2 with the State. So they are not going to  
3 really be able to move forward until it  
4 actually hits the open bid which is April 1.

5 Field investigator  
6 complaints, this is something that Mr.  
7 Robinson asked me to add to --

8 MR. ROBINSON:

9 While you are on GPS, let's  
10 -- because it is very similar. Let's talk  
11 to them about it. We made some changes in  
12 our cell phone usage, too. Let's go ahead  
13 and cover that.

14 MR. PARNELL:

15 What we did, every one of our  
16 field investigators, they just had very  
17 plain Razor flip phones. They didn't have  
18 Internet access and the phones weren't  
19 really working as well as they should. They  
20 were breaking quite a bit. What we did was  
21 went in and did some research, looked at how  
22 much we were paying our phone services for  
23 the four field investigators. What we are  
24 doing, we are paying for their phone  
25 service. None of them had unlimited

1 minutes. Some of them only had 450 minutes.  
2 So every month they were using 1100 to 1200  
3 minutes. Now, this is -- specifically I'm  
4 talking about one individual who is pretty  
5 new, so she didn't have the rollover as some  
6 of the other ones did. We were always  
7 paying the Internet service at home so that  
8 they can actually do their work.

9 What we have gone in and are  
10 doing now, we went ahead and looked at four  
11 Blackberries, which we have already  
12 purchased. I moved a little late, I was  
13 like two days late on actually getting them  
14 free, but I did get them for \$49.99 each.  
15 What we did with that, we got their extended  
16 data plan on those phones where it is  
17 unlimited minutes. Number two, what they  
18 can do is -- I actually added the tethering  
19 feature. I don't know if you want to know  
20 what that is. Tethering is basically when  
21 you use your Blackberry phone as your modem.  
22 They can actually take -- now take their  
23 laptop with them. They plug their phones  
24 into their laptop and it will actually be  
25 their modem. So it is basically the same

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1 thing as having an air card, but it is a  
2 little bit more -- it is a little bit better  
3 because it is on a 3G network versus a WiFi  
4 network. So now our field investigators  
5 will have the ability actually use their  
6 laptops in the vehicle with them because of  
7 the 3G network, as I was just saying, is a  
8 little bit more vast coverage versus the  
9 WiFi network. So that was the direction we  
10 went --

11 MR. ROBINSON:

12 In the past they had to call  
13 in. If they were at a dealer and they  
14 wanted to know if a salesman was licensed,  
15 they had to call the office. That's how old  
16 fashion we have operated.

17 MR. PARNELL:

18 And actually having each one  
19 with that, the cost was -- it was ranging  
20 anywhere from \$600 to \$1,100 per month just  
21 for the phone data -- just for their phone  
22 service and their Internet service. Going  
23 in with this plan, it is going to be a  
24 consistent -- it is about \$550 per month now  
25 with unlimited limits, Internet access on

1 the phones and with the tethering  
2 capability. So it is much more cost  
3 effective. They are going to get more out  
4 of doing things now than they have ever been  
5 able to do before. So that was a direction  
6 that I really believe is going to assist  
7 them a great deal. Now, some of them just  
8 have to get used to using the phones, but --

9 MR. ROBINSON:

10 Yes, we may be able to go in  
11 and cancel some of the Internet we have been  
12 paying for the investigators which will be  
13 another savings.

14 MR. PARNELL:

15 Yes.

16 MR. ROBINSON:

17 But we are not certain -- we  
18 are having a little trouble with one of  
19 them, but we are hoping that we have more  
20 and more savings when it is all said and  
21 done. So -- and that's a major change, too.

22 Then, to Item #5, the  
23 complaints.

24 MR. PARNELL:

25 Item #5, the activity period

1 of February 1 through February 28, 2010,  
2 totally assigned cases was 58. Total  
3 completed cases was 16. The total open  
4 cases right now is 42. The total percentage  
5 completed is at about 28 percent right now.  
6 These cases -- as we know, these cases are  
7 ongoing. So as they are able to close them  
8 out, then these numbers will change for the  
9 month.

10 Do you have any --

11 MR. ROBINSON:

12 This report kind of fell  
13 through the cracks and we are going to start  
14 doing it again every month, just let the  
15 Commissioners see how many complaints that  
16 we do get, so you kind of have a feel for  
17 what's going out on with the investigator  
18 staff. Of course, they do a lot more than  
19 complaints and a lot of people, they don't  
20 file a complaint, they just call for help,  
21 and the investigators work all of those. We  
22 don't require an actual complaint. If a  
23 consumer calls a field investigator and  
24 says, you know, "I'm just having trouble  
25 getting my title," that field investigator

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1 will get in touch with that dealer and he  
2 gets the title and everybody is happy. Now,  
3 we track that but it is not -- technically,  
4 it is not a complaint. But we are going to  
5 start again giving this report every month,  
6 so you kind of have a feel for what's going  
7 on and you know how many complaints we are  
8 receiving. And, again, to show you how we  
9 have changed as a Commission -- was it 58?

10 MR. PARNELL:

11 58, yes.

12 MR. ROBINSON:

13 Twelve or 15 were from one  
14 dealer?

15 MR. PARNELL:

16 Twelve, yes.

17 MR. ROBINSON:

18 And we have already been in  
19 to that dealer and in the past we wouldn't  
20 have done that, but we have already gone in.  
21 The field investigator has already gone in  
22 looking at what other problems might be  
23 there. This particular dealer was 12  
24 complaints non-delivery of title and that's  
25 a red flag that there might be something

1 wrong. Well, in the past, to my knowledge,  
2 we just -- that was it, we worked on those  
3 12 complaints. But in today's world with  
4 this Commission, we went in and we are  
5 looking at seeing what else could be a  
6 potential problem there. So it is just  
7 another way that we are trying to advance  
8 how we operate as a State agency.

9 MR. BOURGEOIS:

10 When they have that many  
11 complaints, is somebody going under and they  
12 just --

13 MR. PARNELL:

14 Well, this particular  
15 gentleman, he didn't -- as he states, he  
16 didn't understand the full process -- the  
17 titling process or the temp tag process. So  
18 we sent the investigator out to actually do  
19 an audit of him.

20 MR. BOURGEOIS:

21 It was a salesman or a  
22 dealer?

23 MR. PARNELL:

24 It was a dealer.

25 MR. DUPLESSIS:

1           We can't ask a bunch more if  
2 we are ever going to hear this case.

3           MR. ROBINSON:

4           It is just -- we point that  
5 out because, you know, my goal is to be more  
6 proactive. I think we are all raised where  
7 there is smoke, there may be fire. And it  
8 is just -- I point it out because I wanted  
9 you to know that we are doing what we had  
10 talked about. We are being more proactive  
11 when we think there might be a situation.  
12 So, I mean, we owe that to the consumers.  
13 We owe that to the State. We owe it to our  
14 industry. You know, none of us that are  
15 licensed UD dealers want some of these  
16 deplorable problems we have had with dealers  
17 over the years.

18           Does that conclude your  
19 report?

20           MR. PARNELL:

21           It does, yes.

22           MR. ROBINSON:

23           Any questions to Director  
24 Parnell on any of that that he has  
25 presented?

1 (No response.)

2 MR. ROBINSON:

3 All right. What -- kind of  
4 the meat of the meeting today is the  
5 committee report, Item #6, and we will start  
6 with "A", the fee increase, and we will turn  
7 this over to Mr. Ron.

8 MR. DUPLESSIS:

9 We have got it in two parts  
10 in your packet, the fee increase, and then  
11 the rest of the proposed legislation which  
12 has some other off fees on it. Sheri worked  
13 over the weekend, I think, to complete most  
14 of this package. Basically, the fee bill is  
15 just real simple.

16 I will let you explain it,  
17 Sheri.

18 MS. MORRIS:

19 Basically, you all wanted to  
20 add \$100 to the license fee and that's what  
21 I have done, but in going through it, your  
22 law has been in several chapters, and then,  
23 you know, certain vehicles were taken out  
24 and the language and is not consistent  
25 throughout. So I tried to do a little bit

1 of correction as I was going through. And  
2 Derek actually noticed that rental dealers  
3 were not in -- we didn't have a license fee  
4 for rental dealers only. So we have added  
5 that in Subsection "A". Item 5 is rental  
6 dealer is defined under this title because  
7 there are other rentals that are licensed by  
8 this Commission.

9 MR. ROBINSON:

10 Not rent-to-own but rental  
11 dealers.

12 MS. MORRIS:

13 The only type that's in the  
14 law is rent-to-own.

15 MR. ROBINSON:

16 So when you say rental  
17 dealers, you are referring to rent-to-own  
18 dealers?

19 MS. MORRIS:

20 Yes. They are -- in the  
21 definition, it is applying to a rental  
22 dealer. And I would guess that that's what  
23 is printed on your license, but the law --  
24 the title of the section is rent-to-own, but  
25 the definition of a rental dealer is someone



1 who does rent-to-own contracts.

2 MR. ROBINSON:

3 Okay.

4 MR. PARNELL:

5 Now, with that definition --  
6 excuse me, with that definition of rental  
7 dealer, does it cover rent with the option  
8 to purchase and the dealer rentals?

9 MS. MORRIS:

10 I believe so. Hold on a  
11 second.

12 MS. BARON:

13 That was mentioned in "B"  
14 just below that.

15 MS. MORRIS:

16 That was the only term that I  
17 saw defined, rental dealer.

18 MR. ROBINSON:

19 We don't license that or do  
20 we, we always have?

21 MS. BARON:

22 Everything used to be  
23 included under the UD, daily rentals and  
24 rent with the option to purchase was under  
25 that UD, and then we broke all of the

1 license types out with the motorcycles and  
2 ATVs, the RVs and all of that. When they  
3 broke all of that out, they also broke out  
4 rent with the option and daily rentals.

5 MR. ROBINSON:

6 So daily rentals through a UD  
7 license, is that what we are talking about?

8 MS. BARON:

9 UD.

10 MR. ROBINSON:

11 Enterprise rentals?

12 MS. BARON:

13 No. This is a UD dealer that  
14 also has a daily rental license.

15 MR. ROBINSON:

16 A daily rental, that is a UD  
17 license?

18 MR. DUPLESSIS:

19 Rent a wreck would be a good  
20 example.

21 MS. BARON:

22 Yes.

23 MS. MORRIS:

24 Well, under 793, rental  
25 dealer -- it's 793A5, rental dealer means a

1 person who regularly provides used motor  
2 vehicles under a vehicle rent with option to  
3 purchase agreement, and I don't recall  
4 coming across a daily rental in the statute.  
5 I was just trying to address the  
6 rent-to-own.

7 MR. ROBINSON:

8 I didn't know that we had  
9 anything on daily rentals.

10 MS. BARON:

11 We have an RD license and a  
12 DR license.

13 MS. MORRIS:

14 I don't know where that is in  
15 the statute.

16 MS. BARON:

17 I don't know.

18 MR. ROBINSON:

19 Do we have anybody licensed  
20 under that title?

21 MS. BARON:

22 Yes.

23 MR. ROBINSON:

24 We do.

25 MS. MORRIS:

1           We have -- it seems that we  
2 have some things that are in rules that are  
3 not in the law. We've got a lot of  
4 disconnect.

5           MR. ROBINSON:

6           Well, let's move forward but,  
7 Derek, make a note we need to follow upon  
8 that.

9           MS. MORRIS:

10           That's why I added Section 5,  
11 rental dealer, as defined in 793A5 because  
12 there are other types of rental dealers not  
13 regulated by this Commission. And it would  
14 not be a change to what is being charged  
15 except for the increase. They are right now  
16 purchasing a separate license.

17           784, going on to the bottom,  
18 this is the off premise permit that we  
19 talked about in your law. Currently, it  
20 provides for an off premise permit, but  
21 there was no fee for an off premise permit  
22 and this is something Mr. Duplessis and I  
23 talked about, but it is a policy decision of  
24 the Board whether this is the fee you want  
25 to go with. It was for -- you could display

1 up to three vehicles for up to three days  
2 for \$35 a day or up to five vehicles for up  
3 to three days for \$50 per day, but it's  
4 strictly up to you what you would want to  
5 charge or what you think is appropriate. We  
6 just put something for your consideration.  
7 And then you could not get more than three  
8 off premises permits within one calendar  
9 year. So you will be limited to three off  
10 site displays.

11 MR. ROBINSON:

12 Well, I guess the question to  
13 the Commissioners is do you want to limit it  
14 to five vehicles or if the guy wants to buy  
15 an off site permit, should we allow him to  
16 have more than five vehicles?

17 MS. MORRIS:

18 It depends on, I guess, on  
19 what the practice is.

20 MR. TURNER:

21 How much are you talking  
22 about charging?

23 MR. ROBINSON:

24 What I just said, let  
25 everybody find it and get on the same page

1 and we will go back to it, and then we will  
2 get to you in just a second.

3 MS. BARON:

4 The copier didn't pull the  
5 page through.

6 Does everybody have that  
7 page?

8 MR. DUPLESSIS:

9 I think we are missing a page  
10 here.

11 MS. MORRIS:

12 It is Page 1 of 2 starting at  
13 Line 19.

14 MR. ROBINSON:

15 We are going to make a copy  
16 of it.

17 While we do that, Mr. Wright,  
18 what do you want to say?

19 MR. WRIGHT:

20 You are limiting it to three  
21 off site permits per calendar year?

22 MS. MORRIS:

23 That was our starting point.  
24 It could be any number.

25 MR. WRIGHT:

1           You need to consider that,  
2 because the Lamar-Dixon Center going on,  
3 they had a national barbecue competition  
4 last weekend and they have got something  
5 this weekend and, you know, if the people  
6 that get the permits act the way they should  
7 act, why not sell them one for every weekend  
8 if they want it?

9           MR. ROBINSON:

10           Well, we don't want to  
11 circumvent having to have a secondary  
12 location.

13           MR. WRIGHT:

14           I agree, but it is all  
15 special events.

16           MR. ROBINSON:

17           Right. But at the same time,  
18 I wouldn't personally be in favor of just an  
19 open ended where you could do every weekend  
20 and basically have a secondary location. I  
21 don't know if three is the number. I don't  
22 know that five vehicles is the number. We  
23 are going to -- let's get this page and we  
24 will discuss all of that as a Commission.

25           MR. DUPLESSIS:

1                   Yes, the question is do you  
2 want to do a tent sale? You know, that's  
3 kind of traditionally a new car dealer thing  
4 or a boat dealer or -- you know, I'm open to  
5 however you want to write the legislation,  
6 but we have curbstoning legislation that we  
7 are trying to prevent this.

8                   MR. WRIGHT:

9                   I understand.

10                  MR. DUPLESSIS:

11                   And so that's the balance.  
12 We just threw something out there and I'm  
13 all ears as to what --

14                  MR. WRIGHT:

15                   I understand. But, I mean,  
16 look at the New Car. When LSU football is  
17 here, they advise, what, 10 weeks in a row?

18                  MR. DUPLESSIS:

19                   Well, they do, and I think  
20 there is a slight difference.

21                  MR. WRIGHT:

22                   Well, I don't disagree with  
23 that, but it's not a major differences.

24                  MR. DUPLESSIS:

25                   I'm not going to argue with



1 you, but if you ever saw what LSU charged to  
2 display at one game, you would see there is  
3 --

4 MR. WRIGHT:

5 We are talking about big boys  
6 and little boys.

7 MR. DUPLESSIS:

8 And I'm not opposed to  
9 anything that the Commission thinks is --

10 MR. ROBINSON:

11 What is the policy with New  
12 Car, do you know? Do you know the limit of  
13 how many off site?

14 MR. DUPLESSIS:

15 It is a group of people that  
16 come together that falls under a different  
17 policy because of trade areas. Just like  
18 boat shows, it would fall under boat show  
19 dealer. With used cars, you don't have any  
20 protected areas because of free enterprise.  
21 So you could do -- in certain venues you can  
22 do an unlimited amount, but not for sale.  
23 Like the malls, you can display at the mall.  
24 You can display at the airport, but you  
25 can't have an act of sale in the show. In

1 fact, you can't have an actual sale in show  
2 or an act of sale unless it is a tent sale.  
3 It is a special requirement.

4 MR. ROBINSON:

5 So as you have written this,  
6 this is display only and not sale?

7 MR. DUPLESSIS:

8 You know, it is display only  
9 but we are open to whatever the Commission  
10 wants to do.

11 MR. ROBINSON:

12 I think that is a significant  
13 difference, too, if it is display only or if  
14 we are going to allow them to sell from the  
15 display. I think that makes a tremendous  
16 difference on how many permits that maybe  
17 you should be able to obtain over the course  
18 of a year. If you are just displaying, I  
19 can see the opportunity to have a lot more  
20 off site displays, because then obviously  
21 you are not getting into a secondary --  
22 almost a permanent secondary location.

23 MR. WRIGHT:

24 Selling, yes.

25 MR. DUPLESSIS:

1                   Because then you have a  
2 conflict with your curbstoning law and  
3 curbstoning is an act of sale off the main  
4 premises, and then you have got to do the  
5 contract and that sort of thing. So when I  
6 looked at it, I just kind of reflected on my  
7 experience that a lot of the lenders force  
8 you to be either on your premises or have a  
9 special permit by which you are there. You  
10 have a tent sale in Lafayette which is  
11 pretty much a known tent sale for new car  
12 dealers that don't do one in New Orleans or  
13 Baton Rouge, but the finance companies are  
14 there to perfect the act of sale at that  
15 spot. So, you know, consider your  
16 curbstoning law versus selling. Now, you  
17 are going to get into --

18                   MR. WRIGHT:

19                   I agree. I don't think that  
20 selling off site would be the best thing. I  
21 mean -- and if you, quote/unquote, have  
22 sales people that are worth their salt, they  
23 can take deposits or work them on a Monday.

24                   MR. DUPLESSIS:

25                   They can bring them back to

1 the main location and they can perfect the  
2 sale.

3 MR. WRIGHT:

4 They will be able to take  
5 deposits, right?

6 MR. DUPLESSIS:

7 I'm not writing legislation  
8 about that. You know, the question is then  
9 you get into the definition of an act of  
10 sale.

11 MR. TURNER:

12 If you take a deposit, that's  
13 a sale.

14 MR. WRIGHT:

15 Why is that a sale? If you  
16 can't arrange financing, it has to be  
17 refunded.

18 MS. MORRIS:

19 A conditional sale.

20 MR. DUPLESSIS:

21 It is a conditional sale.

22 MR. ROBINSON:

23 I think this is the first  
24 issue we need to decide is it the intent of  
25 the Commission to allow them to do off site

1 displays or is it the intent of the  
2 Commission to let them do off site sales?  
3 And I think we need to first decide that.  
4 Then, we can talk about frequency and the  
5 number of vehicles.

6 So do we want to -- are we  
7 doing this to allow them to do an off site  
8 display where they can try to show their  
9 product, develop their name out in the  
10 community or do we want to let them have an  
11 opportunity to sell off site?

12 MR. TURNER:

13 Well, my opinion being a used  
14 car dealer, I don't see why they would do  
15 this, but \$35 a car per day, I don't know  
16 why I would do it unless --

17 MR. ROBINSON:

18 It would be \$105 --

19 MR. DUPLESSIS:

20 No. It is \$35 for three  
21 cars, or \$50 for five, up to five, and I  
22 can't see displaying much more than five  
23 with, you know, an act of sale.

24 MR. TURNER:

25 Well, you know, I'm in one

1 part of the New Orleans area. If I wanted  
2 to hit the other side of town and made a  
3 deal with somebody who owns some property to  
4 display the cars there, it wouldn't make a  
5 lot of sense to pay -- have five cars there  
6 and have a salesman there all day.

7 MR. ROBINSON:

8 Well, you wouldn't have a  
9 salesman there necessarily if it was --

10 MR. TURNER:

11 Well, if you are talking  
12 about selling from that location or from  
13 that display, how would you sell your --  
14 if you just put the cars there, you would  
15 just be displaying. You wouldn't be --  
16 there would be no selling going on. There  
17 would be nobody there to sell the cars.

18 MR. ROBINSON:

19 Well, you display your  
20 product, your name, you would have banners,  
21 signage, you know, and you could have a  
22 salesman there, I guess strictly to get  
23 names and phone numbers and try to work them  
24 back at dealership.

25 MR. TURNER:

1 I think for it to be  
2 feasible. You would have to do a big  
3 promotion. You are talking about signs,  
4 banners. That all costs money and it all  
5 has to be approved by whoever -- whatever  
6 parish you are in and there is a lien law.  
7 There are strict laws on that stuff, too.  
8 So it would be expensive to do and I don't  
9 know that it would be worthwhile. I don't  
10 think I would do it, but that's just my  
11 opinion, you know.

12 MR. DUPLESSIS:

13 I think the concept was if  
14 you did have a Lamar-Dixon, which is in my  
15 neighborhood, and you had a rodeo or you had  
16 -- you were dealing in high end vehicles, it  
17 would be too cramped. I could go there and  
18 see. If you were dealing with BMWs,  
19 Mercedes, like Import One, you know, you  
20 might want to go and display your vehicles  
21 at an event to show your wares, and trust  
22 would be an appropriate thing at maybe the  
23 lawn and garden show or the rodeo or  
24 something of that nature. So that -- when  
25 Butch approached me on the off premises, I

1 didn't see a problem with it. I do think  
2 that you are going to run into -- if it is  
3 not an event, you are going to legalize  
4 curbstoning for a fee. They are going to  
5 show up in the Wal-Mart parking lot.

6 MR. WRIGHT:

7 I agree.

8 MR. DUPLESSIS:

9 So the legislation has to  
10 maintain the integrity of the dealer, the  
11 dealer body and the rest of the State laws.

12 MR. WRIGHT:

13 I agree. You are absolutely  
14 correct.

15 MR. ROY:

16 Suppose they put this next to  
17 a competitor, would that cause problems  
18 also?

19 MR. DUPLESSIS:

20 You know, I think it would  
21 aggravate the fire out of the competitor if  
22 you --

23 MR. ROBINSON:

24 If you keep it to an event --

25 MR. DUPLESSIS:



1                   It has to be an event.

2                   MR. ROBINSON:

3                   -- I mean, you have to --  
4                   what I see in my area is, within 35 miles we  
5                   have three universities, and all three of  
6                   those universities have football games, and  
7                   what I envisioned when we started talking  
8                   about this is a local used car dealer  
9                   setting half a dozen vehicles outside in  
10                  front of the football stadium, they draw,  
11                  you know, eight or ten thousand -- we don't  
12                  get big numbers, but it's the biggest crowd  
13                  we get as a community and you would have  
14                  your five or six units out there displayed  
15                  with your signage. It really is a way to  
16                  develop your name ID and let people see, oh,  
17                  they've got late model diesel trucks, you  
18                  know, that the consumer wouldn't be aware of  
19                  possibly. That's -- and then if you happen  
20                  to be a UD dealer next to that university,  
21                  yes, there might a problem, but that's -- if  
22                  you keep it with an event, I don't think  
23                  that will be too much of a problem. I do  
24                  think there should be something in there  
25                  about mileage. I think we shouldn't let the

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1     guy in Monroe go to Shreveport. I do think  
2     there should be some kind of radius where  
3     the Baton Rouge people can't come up to  
4     Monroe. I think it should be within so many  
5     miles of your dealership.

6             MR. WRIGHT:

7             I don't think it would be  
8     advantageous for a person to go to Monroe  
9     from here, you know.

10            MR. ROBINSON:

11            Well, you just never know.  
12     I mean, you know --

13            MR. DUPLESSIS:

14            Well, let me say this, we  
15     don't see a lot of this activity down here,  
16     but if you are in Houston, if you are a  
17     muscle car dealer and you deal in retro and  
18     you have a car show and it is in Conroe, I  
19     think those guys who have got the four or  
20     five cars in a heartbeat and go to Conroe to  
21     address the muscle car show and hot rod  
22     show. But we don't see a lot of that, but  
23     there are specifics and everybody complained  
24     that, hey, the motorcycle dealers can hold a  
25     tent sale, the boat dealers can hold a tent

1 sale and the new car dealers can hold a tent  
2 sale. The used car dealers have to stay at  
3 home. Well, you know, we have got to write  
4 something that works for them if we think it  
5 is a valid deal without getting into  
6 legalized curbstoning, the whole issue, and  
7 we have got to have a fee.

8 MR. ROBINSON:

9 Well, I can see these  
10 national dealers, used car dealers, I mean,  
11 showing up in anybody's community. They  
12 might have a license in Shreveport. Yes, I  
13 absolutely can see them at the Grambling  
14 University football game.

15 MR. DUPLESSIS:

16 Carmax, it goes on.

17 MR. ROBINSON:

18 Absolutely.

19 So I think we ought to have  
20 something in there on you can do an event up  
21 to so many miles from your dealership. I'm  
22 not talking five or eight, but --

23 MR. BOURGEOIS:

24 Thirty, 20 or 30.

25 MR. ROBINSON:

1                   Thirty, 40 miles, something  
2 like that, you know. I know the local guys,  
3 I think, dealers would all be in favor of  
4 it. In other words, let me have my  
5 community, you have your community, your  
6 events in your community.

7                   But back to the -- I think  
8 the first decision we have to make is the  
9 going to be for displays, which would be  
10 product, banners, things of that nature, are  
11 we going to let them sell at these locations  
12 and if we allow them to sell, you know, how  
13 many more problems are we going to be  
14 exposed to.

15                   MR. DUPLESSIS:

16                   Butch, you are the guy.

17                   MR. WRIGHT:

18                   Well, I mean, I agree. You  
19 can't put a stamp of good housekeeping on  
20 curbstoning and that's what you would almost  
21 be doing. So display would have to be it.

22                   MR. DUPLESSIS:

23                   I have seen new car dealers  
24 that actually calculate the fines into their  
25 advertising budget and it's sad, but they

1 say, "Well, you know, I get fined \$150 or  
2 \$200, that's a half of a quarter of a spot,  
3 I might as well get completely over the edge  
4 and pay the fine and call it even." I mean,  
5 that's not good legislation. That's  
6 probably pretty good bookkeeping, but I  
7 don't think it betters the industry.

8 MR. ROBINSON:

9 So what is the favor of the  
10 Commission, do y'all want to start with  
11 where you can do displays and have an  
12 employee there strictly, you know, as an  
13 informal -- to talk about the product and  
14 work for leads or do we want to allow them  
15 to sell?

16 MR. BOURGEOIS:

17 Within 30 miles, I would say  
18 no sale.

19 MR. ROBINSON:

20 Just display only, you think  
21 display. And you are a dealer.

22 MR. TURNER:

23 I agree with that.

24 MR. DUPLESSIS:

25 We will start there.

1 MR. ROBINSON:  
2 Start with display.

3 MR. BOURGEOIS:  
4 Thirty miles?

5 MR. DUPLESSIS:  
6 Twenty-five, 30 miles is  
7 fine.

8 MR. ROBINSON:  
9 Well, I'm going to add just a  
10 bit to it because I look at my area. I  
11 would say 35 miles.

12 MS. MORRIS:  
13 Would it be okay to say  
14 within the parish in which your --

15 MR. ROBINSON:  
16 No. For some of these  
17 dealers, that could be a mile.

18 MR. DUPLESSIS:  
19 It needs to be by permit,  
20 pre-approved. You need to write in some  
21 time lines of the application. They can't  
22 apply that day and send in the money. You  
23 have to send an application with a minimum  
24 threshold of so many days in advance with  
25 approval by the Commission.

1 MR. BOURGEOIS:

2 How long?

3 MR. DUPLESSIS:

4 Seven to 10 days, something  
5 like that.

6 MR. ROBINSON:

7 Ten days, 35 miles.

8 All right. Then, how many  
9 units are we going let them have?

10 MR. BOURGEOIS:

11 I would say five.

12 MR. DUPLESSIS:

13 Maximum of five.

14 MR. ROBINSON:

15 I would rather just have one  
16 set of numbers and one fee, personally.

17 MR. DUPLESSIS:

18 A maximum of five, \$50 a day.

19 MR. ROBINSON:

20 What do you think of that?

21 MR. WRIGHT:

22 I didn't hear.

23 MR. DUPLESSIS:

24 Maximum five units, \$50 a  
25 day.

1 MR. BOURGEOIS:

2 Total.

3 MR. WRIGHT:

4 Sounds good to me.

5 MR. ROBINSON:

6 So, again, if you want to do  
7 a football game, it would be \$50 which  
8 really is a nominal expense.

9 MR. WRIGHT:

10 It is very nominal.

11 MR. ROBINSON:

12 I think what you are going to  
13 find is these dealers that want to do it,  
14 they are going to have a one time fee in  
15 terms of signage and things of that nature,  
16 but once they do it, they will have that  
17 material. I think this is a real, you know,  
18 advantage to some of the dealers. I think  
19 one other thing we ought to -- we need to  
20 discuss as a Commission, are we going to  
21 allow multiple dealers at the same event  
22 because that will be the next thing that  
23 comes up. Are we going to limit it to one  
24 license per event? Are we going to -- let's  
25 say three dealers want to do the boat show,



1 are we going to allow that to happen,  
2 because, you know, we are going to deal with  
3 that?

4 MR. BOURGEOIS:

5 I don't think we can restrict  
6 that.

7 MR. DUPLESSIS:

8 I just want to crawl under  
9 the table right now. This is a complicated  
10 one. I think if you restrict it to one man,  
11 you are just going to get fireworks like you  
12 just can't imagine.

13 MR. BOURGEOIS:

14 That's showing favoritism.

15 MR. DUPLESSIS:

16 You know, the early bird gets  
17 the worm and whoever, you know, gets in  
18 first is the favorite child. I don't think  
19 that that --

20 MR. BOURGEOIS:

21 I think the event can  
22 control. They might say we are going to  
23 take one dealer and it is the biggest  
24 sponsor because they have got to pay them  
25 something, too.

1 MR. ROBINSON:

2 I only bring it up because  
3 you know it's going to come up.

4 MR. DUPLESSIS:

5 Then, you can call it a tent  
6 show and you can do legislation for that.

7 MR. ROBINSON:

8 What if the dealer that gets  
9 the permit and gets there and finds out  
10 there's another dealer there and we are  
11 going to deal with that. I don't think  
12 there is any doubt.

13 MR. BOURGEOIS:

14 I would think the event needs  
15 to tell them that's it not a --

16 MR. DUPLESSIS:

17 It's going to be event  
18 controlled.

19 MR. ROBINSON:

20 I don't disagree. I just  
21 wanted --

22 MR. BOURGEOIS:

23 The Jazz Festival last year  
24 had a big -- I don't know if it was Toyota,  
25 or somebody, they give a whole lot of money

1 to the Jazz Festival in New Orleans. They  
2 had a major display. I heard they give  
3 \$100,000. I don't know if it was Toyota or  
4 who.

5 MR. DUPLESSIS:

6 That was for the fee, and  
7 then they paid their little small permit to  
8 the State and they had to fill out the  
9 application and all of the Toyota dealers  
10 agreed and in this case, you know, you don't  
11 have that cohesion with the -- they are not  
12 a franchise, so you don't have that.

13 MR. BOURGEOIS:

14 So that's manufacturer  
15 support is the problem.

16 MR. DUPLESSIS:

17 It was a group, manufacturer  
18 and group dealer.

19 MR. ROBINSON:

20 So we are all on the same  
21 page then. We are going up to five cars,  
22 \$50 a day, up to 35 miles from the dealer's  
23 physical address. What was that number of  
24 hours, 72 hours, up to --

25 MS. MORRIS:

1                   Seven to 10 days is what  
2 y'all had said.

3                   MR. ROBINSON:

4                   No, the number of days you  
5 can buy a permit for. Was it 70 --

6                   MS. MORRIS:

7                   Yes, you have three in there  
8 currently.

9                   MR. DUPLESSIS:

10                  Maximum of three consecutive  
11 days.

12                  MR. ROBINSON:

13                  That's good.

14                  MS. MORRIS:

15                  Then, we have three per year.  
16 Is that something that y'all want to change?

17                  MR. ROBINSON:

18                  Well, let's talk about that.

19                  MS. MORRIS:

20                  If it is tied to an event, it  
21 is more restrictive than it is drafted.

22                  MR. TURNER:

23                  What if you have one dealer  
24 who wants to do three events in one weekend,  
25 three different locations?

1 THE BOURGEOIS:

2 I don't see why we need to  
3 restrict the events, though, unless there is  
4 something that y'all see that I don't see.

5 MR. DUPLESSIS:

6 Basically, I didn't want to  
7 see it get out of control. You know with a  
8 new law like this, you are going to see some  
9 guys start to pencil their ad budget and  
10 their opportunity to be very aggressive.

11 MR. ROBINSON:

12 I want to assist the dealers  
13 to get their product out, develop their name  
14 ID, but I don't want to allow them to have a  
15 second operation to where the bigger  
16 dealers, this is just part of how they  
17 operate. Every weekend they are off site  
18 doing something.

19 MR. DUPLESSIS:

20 Create turf wars, and then  
21 our job gets --

22 MR. BOURGEOIS:

23 Is there a way for them to do  
24 that.

25 MR. ROBINSON:

1                    Depending on what the event  
2 would charge. You know, these events are  
3 going to want money, too.

4                    MR. BOURGEOIS:

5                    A lot more than what we want.

6                    MR. ROBINSON:

7                    Yes, a lot more than what we  
8 want. So I do think its incumbersome that  
9 we do have a maximum per year.

10                   MR. BOURGEOIS:

11                   Three is what you said.

12                   MR. ROBINSON:

13                   I think we need more.

14                   MR. DUPLESSIS:

15                   You Four in one a quarter  
16 would be fair. You know, what I don't want  
17 to see is -- we have the Commission running  
18 pretty smooth and we can get out of here by  
19 noon if we start -- you know, this might be  
20 our new RV or marine war and we are holding  
21 hearings every week on this trying to do the  
22 dealers a favor. I think you start  
23 conservative and you can up it or you can  
24 lower it, but I don't think you open the  
25 flood gates.

1 MR. ROBINSON:

2 Is there a way to write it  
3 where we can just do rules and regs, say,  
4 because that's what we need to do?

5 MS. MORRIS:

6 We could. You know, the  
7 seven -- the application, seven to 10 days  
8 prior, you could really handle that in a  
9 rule. You could really handle the maximum  
10 number by rule. We could just say -- what  
11 we do have to have in the bill is the fee.  
12 So if you all are good with \$50 and you  
13 think that that offsets whatever cost it is  
14 to process these things, then that's what  
15 has to be in the bill. The rest really can  
16 be regulated by rule.

17 MR. ROBINSON:

18 That's what I was thinking.  
19 We will deal with that stuff later.

20 Butch, would you disagree  
21 that there does need to be a number? And  
22 three or five I don't think near is enough,  
23 that at some point --

24 MR. WRIGHT:

25 I think there needs to be one

1 rule.

2 MR. ROBINSON:

3 Well, and then the big  
4 dealers -- you know, again we don't want to  
5 open the door for the big nationwide  
6 independent that has a multi million dollar  
7 ad budget to come in and as -- really  
8 compete with the local dealers in a  
9 particular area, because he's got all of the  
10 money to do it with. I think it has to be  
11 capped at so many a year. But we will do  
12 that in rules and regs when we get this  
13 thing passed.

14 MR. DUPLESSIS:

15 Is the fee too low? You  
16 know, I threw the fee out because everybody  
17 is so fee sensitive and the State shouldn't  
18 encumber business, but yet there should be a  
19 fee that there is an investigation and that  
20 sort of thing.

21 MR. BOURGEOIS:

22 Yes, to cover it.

23 MR. DUPLESSIS:

24 Yes. I think \$50 might be  
25 low. I just threw it out there, so y'all



1 will bite on it.

2 MR. BOURGEOIS:

3 \$50 and you know most of them  
4 are going to have it. For ball games and  
5 shows, a lot of events are several days. So  
6 you are probably going to get \$150 for a lot  
7 of them. So I think it's enough.

8 MR. ROBINSON:

9 I think most everything would  
10 be a one day or two day permit. I think we  
11 are looking at \$50 or \$100. Occasionally,  
12 we have a three day show. Of course, I'm in  
13 a small market. I'm not in the bigger  
14 markets, but it is very rare for us to have  
15 a three day or -- other than the fair,  
16 that's about the only thing I know that is  
17 three days long.

18 MS. MORRIS:

19 You might want to consider  
20 just having a flat fee. One of the other  
21 agencies I represent does have a temporary  
22 permit for shows. It is a flat fee for the  
23 maximum amount of days. It might be easier  
24 administratively and to program not have  
25 some that are \$50 and some that are \$100 and

1 some that are \$150.

2 MR. DUPLESSIS:

3 I don't know, revenues are  
4 down.

5 MS. MORRIS:

6 You can have one day or three  
7 days, but it might be -- administratively  
8 you could not have three different  
9 variations.

10 MR. ROBINSON:

11 I'm always in favor of  
12 simplicity. So I'm already in favor of it.  
13 One fee for up to three days. I agree it is  
14 easier for us to a keep up with.

15 MR. DUPLESSIS:

16 Let's make it \$100 and we  
17 will call it even.

18 MR. ROBINSON:

19 Maybe \$125.

20 MR. DUPLESSIS:

21 I like that a whole lot  
22 better.

23 MR. ROBINSON:

24 Do you think that's too high,  
25 three days -- anything else on the fee

1 increase bill?

2 Ms. Morris, anything else  
3 that you have?

4 MS. MORRIS:

5 On 791 on Line 40, the word  
6 "three" should have been underlined. So if  
7 you want to correct that on your copy, and  
8 that's just going from the \$200 to the \$300  
9 and you will see again we added the rental  
10 dealer in there because they weren't listed  
11 in that portion of the statute. And then we  
12 are going from -- on the next page, Page  
13 802, that's the part that deals with  
14 recyclers, dismantlers and parts recyclers  
15 and car shows. We are also changing their  
16 fee from \$200 to \$300. And then for each --  
17 this is another thing that is kind of  
18 confusing in both of them. For an  
19 additional place of business, which we  
20 talked about at a previous meeting, the way  
21 that the statute was worded, it was hard to  
22 understand whether you charged that extra  
23 fee for an additional place of business or  
24 for an additional license like a duplicate  
25 license. I didn't know if you had a

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1 duplicate license fee, but I did both  
2 sections consistently, so that it would have  
3 an additional place of business, it's the  
4 \$200 fee. You want to make sure that's what  
5 you all mean. I don't know what you charge  
6 for a duplicate license.

7 MS. BARON:

8 If they request a duplicate  
9 license -- like if we mail them their  
10 license and they lose it or whatever, it is  
11 a \$50 fee and that's just -- it's not in the  
12 law. It's a policy and procedure type thing  
13 that they implemented several years back.

14 MR. ROBINSON:

15 Well, it would have to be in  
16 the law to really collect it.

17 Does it come up often?

18 MS. BARON:

19 Yes.

20 MR. ROBINSON:

21 It does?

22 MS. BARON:

23 Yes.

24 MS. MORRIS:

25 And then I would want to add

1 the \$50 fee for duplicate license, because  
2 it looks like it was \$100, but it was really  
3 unclear.

4 MR. ROBINSON:

5 I think it should be \$100.  
6 You lose your license. I mean, we can't do  
7 it for \$50. We would probably lose revenue  
8 having to redo it all for \$50. I think it  
9 ought to be \$100, keep up with your license.

10 You lose yours?

11 MR. CORMIER:

12 Never.

13 MS. BARON:

14 And we send two, because you  
15 get your original and you get one to carry  
16 with you to go to the auction or whatever,  
17 that can be shown at the auction, and we  
18 have several people that call back and say,  
19 "I lost my license." "Okay, \$50."

20 MR. ROBINSON:

21 So put it in there.

22 MS. MORRIS:

23 I will put \$100 licenses in  
24 both sections. That's kind of cumbersome.  
25 You have some licenses in one section and

1 some in another. And then another thing if  
2 we remove that December 31st for the  
3 expiration date and say that it expires on  
4 the date indicated on the license to give  
5 you all latitude to work with adjusting your  
6 licenses. It does still say you have to  
7 submit your renewal application 60 days  
8 prior to the expiration. That's something  
9 that was sort of discussed this morning and  
10 if we need to adjust that, we can adjust  
11 that.

12 MR. ROBINSON:

13 Does that have to be in the  
14 law, the deadline for applications?

15 MS. MORRIS:

16 It doesn't really. It is in  
17 there and so it was 60 days prior to  
18 December 31st. I just put 60 days prior to  
19 the expiration date. But you have a lot of  
20 things in your law that could --

21 MR. ROBINSON:

22 Well, that would still cover  
23 the November 1st --

24 MS. MORRIS:

25 Right.

1 MR. ROBINSON:

2 -- based on current dates.

3 MS. MORRIS:

4 Right. If you keep it  
5 December 31st, 60 days prior would be  
6 October.

7 MR. ROBINSON:

8 You are going to change it to  
9 the --

10 MS. MORRIS:

11 You will see on Page 2 of 2,  
12 Line 12, instead of December 31st, I struck  
13 out and I put prior to the expiration date  
14 indicated on the license. I also did  
15 correct -- make a correction, your license  
16 fee was \$200. I said \$200 per year, because  
17 if you wanted to do a two year license, like  
18 some of the boards are doing some of their  
19 licenses two years, then you would have to  
20 pay double for the license, not that you  
21 could extend the term. I was just trying to  
22 give you options as we work through the  
23 financial issues.

24 MR. ROBINSON:

25 Does any Commissioner have

1 anything else on that bill, the fee  
2 increase? Everybody understands what we --

3 MR. SMITH:

4 For the ruling, are we  
5 talking about if you get both of them, you  
6 get a break, the UD and the AD?

7 MS. BARON:

8 No. It would still be \$200  
9 and \$200. The additional location would be  
10 if you have two UDs.

11 MR. ROBINSON:

12 Did you usually get a break?

13 MS. BARON:

14 Years back, yes. Years back  
15 when they were --

16 MR. PARNELL:

17 Because I don't have one.

18 MS. BARON:

19 -- when they were hooked  
20 together, if you had a UD and an AD, your UD  
21 was \$200 and your AD was \$100, but then they  
22 -- when they separated everything out, they  
23 changed that as well.

24 MR. SMITH:

25 I have the AD and the UD, I



1 might sell three a year.

2 MS. BARON:

3 You've got to have a UD  
4 because you have the AD, because you are  
5 selling those AD cars.

6 MR. ROBINSON:

7 All right. I guess that's  
8 not something we have been doing. How many  
9 people would that affect?

10 MS. BARON:

11 A lot. We have several UD  
12 that also have ADs.

13 MR. ROBINSON:

14 That would have to be in the  
15 law, it's something we can't do with rules  
16 and regs?

17 MS. MORRIS:

18 No. You could do it in  
19 Section 802. In E2 you could provide for  
20 that \$200 to be for an additional place of  
21 business or an additional license if you  
22 have the primary license. If you wanted to  
23 do that -- I don't know how many people  
24 would qualify for that and how it would  
25 affect the revenues.

1 MR. ROBINSON:

2 You are saying it's a lot and  
3 they have been paying for two.

4 MR. SMITH:

5 Well, I'm just asking because  
6 I know that when it goes through, they are  
7 going to be dogging me.

8 MR. ROBINSON:

9 We will leave it like it has  
10 been then.

11 All right. Next the  
12 projection report, which has to do with what  
13 our revenue stream would look like if we are  
14 able to get this fee increase through, and  
15 that's contract CPA.

16 Mr. Roy Hebert, if you would,  
17 please.

18 MR. HEBERT:

19 Yes, sir.

20 This is version two, if you  
21 will. If you remember version one at the  
22 last Commission meeting, we left out on  
23 purpose any capital outlay or major repair  
24 items so that we would have a chance to look  
25 at the numbers without those prior to making

1 decisions about those, and I think that  
2 Derek and Glen have talked back and forth  
3 and -- to make suggestions about where we  
4 would need to spend additional funds in  
5 terms of capital outlay and also one change  
6 -- well, actually two changes in the  
7 personnel area. As Ms. Morris pointed out  
8 at the last Commission meeting, I had  
9 increased salaries based on national  
10 averages for governmental entities.  
11 Whereas, we have, at least right now, merit  
12 pay increases of four percent per year in  
13 the State of Louisiana. So for classified  
14 Civil Service employees, so I have adjusted  
15 the increase from 3.167 percent per year to  
16 four percent per year for the 10 year  
17 period.

18           Also Derek had indicated that  
19 we would probably add a staff position in  
20 the fiscal year June 30, 2014. So you will  
21 see salaries jump in that year a little more  
22 than the four percent increase and that was  
23 at a \$30,000 starting salary. Of course,  
24 that affects also your retirement, your  
25 Medicare taxes, your group insurance. All

1 of those things go up when you add that one  
2 additional employee. And that was pretty  
3 much the change in the personnel area.

4 Under capital outlay, the  
5 plan is, as it is included in the  
6 projections, if they add one new vehicle per  
7 year starting in fiscal year June '11 at  
8 state contract prices, which is  
9 approximately \$17,000 for a full size car.  
10 So I raised that \$1,000 for each two year  
11 increment, so that we are adding a \$17,000  
12 car in June of '11 and \$18,000 in June '13,  
13 et cetera. Also in June of '11, we included  
14 \$15,000 for the computer upgrade and adding  
15 GPS tracking devices. We are guessing at  
16 those numbers. Computers are relatively  
17 cheap. The GPS system, we don't have a  
18 price on, but that's included in there.

19 Under major repairs, I think  
20 Glen and Derek discussed the roof on this  
21 building. It is fairly old and probably  
22 will need replacing in the relatively short  
23 term. So we dropped that in the fiscal year  
24 ending June '13 at a guesstimated cost of  
25 \$15,000. Those are the significant changes

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1 between version one that you got at the last  
2 Commission meeting and version two that you  
3 are getting today. It still shows us  
4 positive all the way across, although we are  
5 getting pretty slim by the time we get to  
6 2020.

7 MR. ROBINSON:

8 Well, really we are good  
9 until 2016, 2017 and then those last three  
10 years could be positive or negative  
11 depending on how expensive it actually  
12 turned out.

13 The last page, as last month,  
14 is the assumptions that Mr. Hebert used to  
15 calculate. Take a minute and look this  
16 report over. I think we got this e-mail out  
17 last Friday. I don't know if you got a  
18 chance to look at it or not. We are running  
19 with the absolute minimum staff currently  
20 and Derek and I just felt like at some point  
21 we need to factor in that we are probably  
22 going to need to add an employee. Our fleet  
23 of vehicles is really in poor shape. I  
24 suspect our low mile vehicle is probably  
25 80,000, 90,000 miles.

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1 Do we have one under 100,000?

2 MR. PARNELL:

3 We have two under 100,000.

4 We have one at 47,000 which is the Magnum.

5 MR. ROBINSON:

6 That we are not using.

7 MR. BOURGEOIS:

8 Why we are not using it, why  
9 can't we swap it with one that has lot of  
10 miles?

11 MR. ROBINSON:

12 I think our investigators  
13 like the car they have had all this time.

14 MR. PARNELL:

15 The ones that they looked at  
16 -- and they can't stand that vehicle for  
17 some reason. I don't know.

18 MR. ROBINSON:

19 They seem to think it is not  
20 conducive to work, to get in and out of and  
21 work out of, but I'm sure that was the State  
22 contract at the time, you know. Well, we  
23 may ultimately surrender another vehicle or  
24 even both of those that are out there, but  
25 right now if something goes out --

1 MR. BOURGEOIS:

2 What a lot of companies are  
3 doing is if they have three vehicles, they  
4 buy one every year and that circulates  
5 instead of trying to kill the budget in one  
6 year.

7 MR. ROBINSON:

8 Well, that's kind of what we  
9 are trying to work towards in these new  
10 numbers.

11 MR. HEBERT:

12 The current year budget has  
13 two vehicles in it, the 2010 budget.

14 MR. ROBINSON:

15 Right, but we don't  
16 anticipate having the funds to do that.

17 MR. BOURGEOIS:

18 Because of the license fee?

19 MR. ROBINSON:

20 Just because of the revenue  
21 -- the drop in revenue, but it is \$33,000, I  
22 think.

23 MR. HEBERT:

24 \$34,000.

25 MR. ROBINSON:

1           \$34,000 in the current budget  
2 to buy vehicles out of, but as of right now  
3 they are telling us they still don't have a  
4 State contract to purchase a car anyway.  
5 You've got to buy an SUV, I guess. We had  
6 hoped to buy one this year, but, you know,  
7 we are being told there is no contract that  
8 we can buy a State or a State car under.

9           MR. BOURGEOIS:

10           That's bad.

11           MR. ROBINSON:

12           That's also the big area that  
13 we can go into to cover a shortage issue if  
14 we have a shortage. We do have \$34,000  
15 plugged in the budget for two vehicles.

16           MR. BOURGEOIS:

17           That's enough for two  
18 vehicles?

19           MR. DUPLESSIS:

20           Can you do an emergency  
21 purchase, Derek, and replace them with maybe  
22 low mileage used vehicles? I think you can  
23 do an emergency purchase.

24           MS. MORRIS:

25           I think that if you are



1 talking about a \$17,000, \$18,000 vehicle, I  
2 don't think you need to follow the purchase  
3 procedure. You don't need to bid something  
4 that's \$17,000, \$18,000. I don't know why  
5 you would need a State contract if you are  
6 only going to buy one. Now, if you going to  
7 buy multiple vehicles, you would reach the  
8 threshold, but if you are only going to buy  
9 one, you should be able to purchase it.

10 MR. ROBINSON:

11 Purchase it how, go to a  
12 dealership?

13 MS. MORRIS:

14 Get three quotes, because it  
15 is under \$25,000.

16 MR. ROBINSON:

17 But we can't go to auction --  
18 you and I have talked about this before. We  
19 can't as an agency go to an auction and buy  
20 a pre-owned late model car like a '09  
21 Impala.

22 MS. MORRIS:

23 I don't think an agency  
24 qualifies to participate in an auction, but,  
25 yes, you can buy a used vehicle. You can't

1 buy it from anybody on the Commission, but  
2 you can --

3 MR. DUPLESSIS:

4 You can buy it from  
5 Enterprise if you want to do something like  
6 that under the emergency purchase statute.  
7 That's how they did it in Katrina. They  
8 couldn't get things approved.

9 MS. MORRIS:

10 Agencies are allowed to  
11 purchase new vehicles. They just -- you  
12 know, they don't qualify to participate in  
13 --

14 MR. ROBINSON:

15 Well, we talked last meeting  
16 or the one before that in the meeting that I  
17 would like to go to an auction since we  
18 regulate them and buy a late model  
19 pre-owned, because, I mean, right now '09  
20 Impalas are about \$11,500 with 25,000 miles  
21 and you were saying we would have to have  
22 that in the law.

23 MS. MORRIS:

24 Well, I don't think the  
25 agency has the ability to go to an auction

1 any more than I would have the ability to go  
2 to an auction because I'm not a dealer.

3 MR. ROBINSON:

4 So then who could go to the  
5 auction and purchase one for the agency?

6 MS. MORRIS:

7 I don't think anybody could,  
8 but you could go to a used -- you could go  
9 to a dealer and buy a used vehicle. I don't  
10 think the agency can purchase it from an  
11 auction without authority to participate in  
12 an auction.

13 MR. BOURGEOIS:

14 Which he would have to get  
15 from us?

16 MS. MORRIS:

17 You would have to --

18 MR. TURNER:

19 You would have to be  
20 registered.

21 MR. SMITH:

22 You can find somebody to buy  
23 it.

24 MR. ROBINSON:

25 Can we contract with a

1 licensed dealer to go to the auction and  
2 purchase a vehicle for us?

3 MS. MORRIS:

4 I believe that we could, but  
5 we would need to check with the Ethics  
6 Commission to make sure, because we are  
7 doing business with a licensed --

8 MR. DUPLESSIS:

9 You could send Derek to the  
10 Enterprise lot and buy one directly from  
11 Enterprise as a used vehicle.

12 MS. MORRIS:

13 But they are regulated by us.

14 MS. BARON:

15 No, they are not regulated by  
16 us.

17 MR. BOURGEOIS:

18 That would be the simplest  
19 way to do it.

20 MR. ROBINSON:

21 Well, we can do that.

22 MS. MORRIS:

23 You can buy a used vehicle.

24 MR. ROBINSON:

25 From Enterprise or another

1 national --

2 MS. MORRIS:

3 Somebody not regulated by  
4 this Commission. It could be somebody  
5 regulated by the New Car Commission.

6 MR. ROBINSON:

7 We could just go purchase or  
8 do we have to do --

9 MS. MORRIS:

10 No. You would have to  
11 document it for a purchase under \$25,000 by  
12 three quotes on a similar product. You have  
13 to maintain the documentation.

14 MR. DUPLESSIS:

15 You can buy it off EBAY, put  
16 it on PayPal and be done with it.  
17 Seriously, I mean, that's how we sell them.

18 MS. MORRIS:

19 As long as you are buying  
20 one. If you buy two, then you are in the  
21 bid.

22 MR. ROBINSON:

23 One a year; is that correct?

24 MS. MORRIS:

25 It would be in the fiscal

1 year. So this is the end of the fiscal  
2 year.

3 MR. HEBERT:

4 You can't avoid the  
5 application of the bid law.

6 MR. ROBINSON:

7 Well, something else learned.  
8 Back to this projection  
9 report from Mr. Hebert, do any Commissioners  
10 have any questions about this? It is the  
11 same thing as far as the process and what we  
12 are looking at just with what we felt like a  
13 little more realistic expense added to it.  
14 All right. That concludes that report.

15 And then Item "B" is the  
16 Legislative Committee.

17 MR. DUPLESSIS:

18 Back to the legislative  
19 handout, it was -- the general legislation.  
20 And, Sheri, I don't know what you changed  
21 over the weekend. A lot of this is a little  
22 bit of cleanup stuff and it deals with  
23 seminars. It deals with revocation and it  
24 deals with auctions and unlawful acts at an  
25 auction, and the licensing requirements of

1 the fees which we covered in order to make  
2 us more flexible in doing that. Basically,  
3 these are the items that we talked about  
4 throughout the year. I don't think we have  
5 changed much to the substance of our  
6 material matters.

7 But, Sheri, I don't know what  
8 you changed over the weekend, but I thought  
9 we had a consensus before that.

10 MS. MORRIS:

11 Most of this came from a  
12 draft that Robert had done previously but in  
13 the definitions, 781, we were trying to  
14 control curbstoning some and you have this  
15 presumption in your law, you will see in  
16 13AA(i) that a person is presumed to engage  
17 in the business if they sell five or more  
18 used motor vehicles within a 12 month  
19 period. I tried to put some clarifying  
20 language in there. It is a policy decision  
21 the Board has to -- whether you want to do  
22 that. They would have to be vehicles that  
23 you used or your company used or your family  
24 members used rather than trying to broker  
25 vehicles without a broker's license or

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1 without a dealer's license. So I was trying  
2 to put a little bit more restriction in that  
3 presumption, a little bit more, you know,  
4 detail in that presumption. That may be  
5 something that you are not interested in,  
6 but that presumption really doesn't give you  
7 a whole lot of teeth in your law. I think  
8 it's probably too high of a number for  
9 somebody that is not a dealer or a broker to  
10 be selling in a year's time. That's one  
11 change.

12 783 was an attempt to address  
13 an issue that Mr. Duplessis was concerned  
14 about, about the waiver of warranties and  
15 redhibition claims.

16 MR. DUPLESSIS:

17 Hold on. Let's go back to  
18 the -- Butch has a question.

19 Butch, one of the ways that  
20 we kind of cured this is we found a common  
21 denominator in curbstoning was not selling  
22 your daughter's car, because that's kind of  
23 reimbursement. It's the motivation of  
24 profit is the key to curbstoning. If there  
25 is no profit in it, then there is no



1 curbstoning.

2 MR. WRIGHT:

3 A lot of people do exactly as  
4 I do. I buy a vehicle. When I put "X" many  
5 miles on it, I'm selling it. Now, I pay  
6 sales tax on it.

7 MS. MORRIS:

8 You will be able to do that  
9 if you register it in your name and you are  
10 the insured.

11 MR. WRIGHT:

12 That is the key. As long as  
13 the sales tax is paid and it is registered  
14 to the person that sells it.

15 MR. DUPLESSIS:

16 Basically, the sales tax is  
17 going to take -- and depreciation is taking  
18 away most profit potential. So we found  
19 that the common denominator to kill  
20 curbstoning was the motivation of profit and  
21 that was the defining role.

22 MR. WRIGHT:

23 10-4, I understand. I've got  
24 it.

25 MS. MORRIS:

1                   So this requires you  
2 basically to use the vehicle. You would  
3 license it in your name and insure it for a  
4 member of your family or a business that you  
5 own.

6                   783 was an attempt to address  
7 the warranty issue of redhibition. There is  
8 a recent case where the court allowed  
9 redhibition in the sale of a used car and  
10 this was to give the dealer some protection.  
11 Louisiana doesn't have a lemon law that  
12 applies to used vehicles. A lot of states  
13 do. That's a much more complicated  
14 regulatory scheme than I thought you might  
15 want to get into this year. I think it  
16 would require some study, because all states  
17 seem to have different standards for lemon  
18 laws, but this says that if you disclose  
19 that it was an "as is" sale with a waiver of  
20 warranty that there would be no claim by the  
21 consumer against the dealer for reduction in  
22 the purchase price, return of the purchase  
23 price or repairs without cost.

24                   MR. ROBINSON:

25                   Isn't that in the law now?

1 MR. DUPLESSIS:

2 It is not. In fact, the  
3 federal law -- this is one of these areas  
4 where the federal law and the state law  
5 actually are in conflict and the dealer  
6 unwittingly is putting the "as is" federal  
7 warranty on the window of the car in  
8 complying with federal law. The only  
9 problem is, it doesn't hold water in state  
10 court. So he's trying to do the right  
11 thing. So what this does is this brings a  
12 provision of redhibition that would follow  
13 the federal law. What this does not do is  
14 provide some sort of fraudulent act or some  
15 sort of title impairment or roll back  
16 amount. Those are totally different things.  
17 This is just bringing state law into line  
18 with federal law.

19 MR. WRIGHT:

20 The landmark case, "Hendrix  
21 versus Horseless Carriage" waives  
22 redhibition, hidden defects, the whole  
23 thing. This is why they put an "as is"  
24 sticker on their car. If you put implied  
25 warranty on a car and they sign this waiver,

1 then you are in a mess of trouble because  
2 you conflict with what you are doing. The  
3 State does not prohibit you from waiving the  
4 implied warranty. And, of course, that's  
5 where the key to the whole thing is. And  
6 this -- did I bring you any of the court  
7 cases?

8 MR. DUPLESSIS:

9 You did. You brought me the  
10 warranty. And we can't adopt that because  
11 -- we can't adopt that warranty because we  
12 don't have the right and we would probably  
13 violate some --

14 MR. WRIGHT:

15 It's not copyrighted.

16 MR. DUPLESSIS:

17 It's not copyrighted?

18 MR. WRIGHT:

19 No, sir.

20 MR. DUPLESSIS:

21 I mean, Sheri, if you want to  
22 take a look at it. That was one of the  
23 examples that we found doable. So we want  
24 to kind of change -- the implied warranty is  
25 actually what you are saying. It is just a

1 legal term of art.

2 MR. WRIGHT:

3 But it is not copyrighted.

4 Two attorneys and a car dealer designed that  
5 12, 15 years ago.

6 MR. DUPLESSIS:

7 If you would put that exact  
8 warranty into law, then it would become law  
9 and it would become doable.

10 MR. WRIGHT:

11 But what it is, it is a law  
12 already. It is "Hendrix versus Horseless  
13 Carriage".

14 MR. ROBINSON:

15 Well, that's a case law in  
16 one circuit. It is not adaptable to the  
17 rest of the state.

18 Ms. Morris, you can take a  
19 look and see.

20 MS. MORRIS:

21 What I did was, what the law  
22 currently says is that the Commission has  
23 the power and duty to require all dealers to  
24 have a condition of sale such as a warranty  
25 disclaimer, implied or written warranty, or

1 a service contract approved by the  
2 Commission. Well, it is my understanding  
3 that the Commission is not approving any of  
4 those. So I was taking out the "approved by  
5 the Commission" since the Commission never  
6 has really done that. And then the warranty  
7 that Butch provided us with, I tried to  
8 incorporate that if you use a warranty that  
9 discloses things and the consumer signs it  
10 -- this was a rather long warranty, and then  
11 it had a signature that you would be  
12 protected from these claims. So I really --  
13 I don't have the language set out in here,  
14 but really what this language says is it  
15 tells you about redhibition and it tells you  
16 -- it says that you are waiving it. It is a  
17 clear waiver of -- it says you are buying  
18 the car "as is" and you are waiving the  
19 right to redhibition and it tells you what  
20 redhibition is. So I kind of summarized it  
21 here rather than setting forth these five  
22 paragraphs, but if you want that all --

23 MR. ROBINSON:

24 Is that a form that you are  
25 holding up?

1 MR. WRIGHT:

2 It is a bill of sale.

3 MS. MORRIS:

4 It is a bill of sale that has  
5 an "as is" warranty on it.

6 MR. ROBINSON:

7 Does everybody want one? I  
8 would like to see it.

9 MR. WRIGHT:

10 We have seven cases in our  
11 file, five districts, two Court of Appeals.  
12 I've got letters from the Federal Trade  
13 Commission and they say three items have to  
14 be fulfilled in order for that to execute an  
15 "as is" sale, and it has to be embodied  
16 within the bill of sale. It has to be  
17 written in unambiguous terms, and it has to  
18 be explained to the customer and signed for.

19 MS. MORRIS:

20 Subparagraph "G" is an item  
21 for cleanup. It calls our account the Used  
22 Motor Vehicle and Parts Commission fund, but  
23 the name of our Commission is the Used Motor  
24 Vehicle Commission and it says that your  
25 funds are deposited in the treasury. This

1 came up with another agency that I'm working  
2 with. It is my understanding your funds are  
3 not actually deposited in the treasury.  
4 They are deposited in your account and this  
5 agency is not even using the State's fiscal  
6 agent bank. So if you want to try to do  
7 online renewals because if the money has to  
8 run through two accounts, it is two  
9 transaction fees assessed the by the bank  
10 and you are in two different banks. So I  
11 just saw that when I was going through. So  
12 I took that language with the State treasury  
13 deposit out. It is my understanding that  
14 you are not depositing in the State Treasury  
15 anyway.

16 MR. ROBINSON:

17 Any questions?

18 (No response.)

19 MS. MORRIS:

20 791, this is -- we talked  
21 about just having the application signed by  
22 the dealer rather than verified under oath  
23 before a notary public, especially when we  
24 go to online renewals so that that's not a  
25 step that is closed down, the dealers being



1 able to do their renewals. It is a  
2 violation to make any material  
3 misrepresentation on an application. So we  
4 still could discipline a licensee who has a  
5 material misrepresentation even though it is  
6 not under oath. Under oath you could  
7 prosecute the person for perjury, but I  
8 don't know that we have ever done that  
9 anyway. So that's just to facilitate your  
10 online renewals.

11           Again 4A is to renew the date  
12 to make your bonds concurrent with your  
13 license period. If you change -- if you  
14 decide to remove that December 31st to a  
15 different licensing period, your bonds would  
16 have to be the same as your license period.  
17 This is the provision we talked about, about  
18 the bond -- increasing the bond for those  
19 dealers that sell more than 120 vehicles per  
20 year. And so 61A leaves the \$20,000 if you  
21 sell less than 120 vehicles during the 12  
22 month period preceding the licensure period,  
23 and then "B" is the -- your new provision  
24 that says if you sell 120 or more that you  
25 have a \$35,000 bond, which is that increase

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1 of \$15,000. And just to put those two break  
2 outs, it was necessary to put this  
3 additional paragraph that both of those  
4 bonds would be on a commercial surety  
5 authorized to do business in the State of  
6 Louisiana. And it lists the items that are  
7 secured by that including the bond of this  
8 Commission.

9 MR. ROBINSON:

10 Any comments or questions  
11 about Item "G"?

12 (No response.)

13 MS. MORRIS:

14 "J" is a cleanup item that I  
15 saw going through the law. You all have --  
16 when you put in that education course, there  
17 was a provision that allowed current dealers  
18 a specific time to prove that they had  
19 attended the course and that really expired  
20 in 2004. So it would just go back to the  
21 provision that you have to show evidence to  
22 the Commission that someone has attended the  
23 course. We really don't need those two  
24 grandfather provisions anymore.

25 MR. ROBINSON:

1                   Okay.

2                   MS. MORRIS:

3                   Under 792 there were -- again  
4 this is another thing, because your licenses  
5 are kind of split, some dealers are left out  
6 of certain provisions. So I noticed that in  
7 the unauthorized acts, particularly because  
8 we were adding provisions for the auctions,  
9 that they were not listed. Only the used  
10 motor vehicle dealer was listed and I  
11 understand that you all have multiple  
12 licenses, but if you revoke somebody's  
13 license, you would want to have the  
14 authority to revoke all licenses, not just  
15 the used dealer license. So that was just  
16 to straighten that out in the "A" and the  
17 "B" portion.

18                   And then actually 794 on Page  
19 4 is -- are the provisions related to the  
20 auction. This is -- were the provisions  
21 that were drafted by Robert which were in  
22 the -- that he had presented. I think Mr.  
23 Duplessis worked with Robert Hallack on  
24 that. The only thing that I added was the  
25 provision that Mr. Poteet had suggested,

Betty D. Glissman, CCR  
(225) 754-8609

1 that we look at the ethics rules for the  
2 national auction about things of value and I  
3 added -- I pulled the ethics provisions off  
4 the Internet and added that it is a  
5 violation to entice somebody by giving them  
6 something of value other than payment on  
7 their account or a credit which is reported  
8 to the IRS on a 1099.

9 MR. ROBINSON:

10 So this whole section is new  
11 basically?

12 MS. MORRIS:

13 It was -- yes, it would be a  
14 new section of law. It was written by  
15 Robert Hallack originally. So it wasn't the  
16 draft that you all were provided earlier.

17 MR. ROBINSON:

18 Commissioner Poteet has seen  
19 this? I guess not.

20 MR. DUPLESSIS:

21 He has.

22 MS. MORRIS:

23 He has with the exception of  
24 that one paragraph.

25 MR. ROBINSON:

1           Okay. That's good. He's the  
2 representative for that industry.

3           MR. DUPLESSIS:

4           He recommended that we put  
5 the ethics in, which we did.

6           MR. ROBINSON:

7           That's fine. If he's good  
8 with it, that's good.

9           MS. MORRIS:

10           I can double check with him.

11           And then the last issue is on  
12 802. That was a cleanup, too. That is the  
13 second provision for the -- proving that you  
14 went to the course. And so I changed it  
15 there, too, since that's really a provision,  
16 but I did notice one more thing that I  
17 didn't put in here. In 783 it says that the  
18 Commission has the power to hold and conduct  
19 hearings on violations of this chapter.  
20 Areas of responsibility disputes, which we  
21 no longer have since we don't have the  
22 marine dealers, and mandatory repurchase  
23 disputes and we don't have that anymore  
24 since we don't have the new vehicles, and so  
25 I would like to take that out if you don't

1 have a problem with it as well of 783 since  
2 that went to the New Car Commission. It  
3 would just make our statutes cleaner.

4 MR. ROBINSON:

5 Does anyone have any  
6 questions, comments?

7 (No response.)

8 MR. ROBINSON:

9 Let's go back to Page 2, 791,  
10 Item "G", now that Butch is back. Look  
11 through that again if you would, Ms. Morris,  
12 now that Butch is here, run that through for  
13 changes.

14 MS. MORRIS:

15 On 783 the warranty, we  
16 basically --

17 MR. ROBINSON:

18 No, 791 Item "G", the bond.

19 MS. MORRIS:

20 The bond.

21 This is the change that would  
22 increase the bond for those dealers who sold  
23 more than 120 or more vehicles per year in  
24 the previous licensing period. It would  
25 leave the bond at \$20,000 for dealers who

1 sold less than 120 vehicles and increase it  
2 by \$15,000 to \$35,000 for dealers who sold  
3 120 or more vehicles.

4 MR. ROBINSON:

5 Comments, Butch?

6 MR. WRIGHT:

7 I'm going to have to check on  
8 that one because I'm going to say 85 to 90  
9 percent of the dealers sell more than 120  
10 cars a year.

11 MR. ROBINSON:

12 You haven't had any feedback  
13 on it, is what you are saying?

14 MR. WRIGHT:

15 I told them that y'all were  
16 still discussing it, that it was going to be  
17 raised, how much, I didn't know.

18 MR. ROBINSON:

19 And -- well, at this point  
20 now, we don't have time for feedback. When  
21 does this bill have to be in?

22 MS. MORRIS:

23 Absolutely, it's at the  
24 latest as Wednesday for the draft, but if we  
25 need to look at some provisions and get

1 feedback, we could work on that between the  
2 time it is actually filed and the hearing at  
3 the first committee.

4 MR. DUPLESSIS:

5 You could get it to the  
6 committee without a problem. So if you will  
7 let us submit it like this and if you have  
8 some heartburn with it, we can amend it for  
9 you in committee if it is reasonable. We  
10 are not like that locked into it that we  
11 can't change it and get it passed.

12 MR. WRIGHT:

13 I'm reserving all comment  
14 until I get with my people. I mean, I can't  
15 speak for them. I had a couple of them in  
16 your neck of the woods say, "We don't care,  
17 that's fine, \$35,000." A bunch of these  
18 little guys just don't sell that many  
19 vehicles.

20 MR. ROBINSON:

21 Well, that's what we are  
22 trying to do is protect the little guy, but  
23 we don't want to put a bond that might be so  
24 high that it's difficult for a dealer to --  
25 we don't want to put people out of business



1 because they can't get a bond. That's why  
2 we started at \$50 and we backed it to \$35.

3 MS. MORRIS:

4 And then we took out the  
5 dealers with 120.

6 MR. WRIGHT:

7 You figure 120 cars and  
8 divide that into a year, monthly.

9 MR. ROBINSON:

10 That's 10 a month.

11 MR. WRIGHT:

12 Ten a month. A dealer can't  
13 stay open selling 10 a month most of the  
14 time.

15 MR. BOURGEOIS:

16 I didn't think so.

17 MR. WRIGHT:

18 Huh?

19 MR. BOURGEOIS:

20 I didn't think so.

21 MR. WRIGHT:

22 No.

23 MR. ROBINSON:

24 What happens if we want to  
25 change it in committee, does that make us

1 look bad as a Commission or --

2 MS. MORRIS:

3 I don't think so.

4 MR. ROBINSON:

5 -- make it harder to pass  
6 because it looks like we didn't know what we  
7 were doing the first time?

8 MS. MORRIS:

9 No. I think -- legislation  
10 is always a compromise, but it is just the  
11 timing.

12 I understand, Butch, you have  
13 a board meeting later this month.

14 MR. WRIGHT:

15 Uh-huh (affirmative  
16 response.)

17 MS. MORRIS:

18 So he will have his feedback  
19 by the end of the month. The Session starts  
20 on the 29th. It is just to get it as  
21 pre-filed bill.

22 MR. ROBINSON:

23 Explain that's what we have  
24 done to them and that we -- this is how we  
25 are going with it, Butch, and then we can

1 change it before committee if it's --

2 MS. MORRIS:

3 We have to provide one week's  
4 notice before the committee hearing in order  
5 to have it amended.

6 MR. ROBINSON:

7 You understand we have to get  
8 it submitted and tell them they can call any  
9 of us and -- when is your meeting?

10 MR. WRIGHT:

11 The 27th.

12 MR. ROBINSON:

13 Just contact any of us after  
14 that and we will move forward, but we are  
15 going to submit it this way, because we have  
16 got to get the bill filed.

17 MR. DUPLESSIS:

18 It won't go through  
19 committee. I mean, if you come up with  
20 something that's fair, we will just agree to  
21 make the -- you know, there is nothing more  
22 powerful than the agency and the industry  
23 coming together and agreeing in the  
24 committee and it moves on and it is fine.  
25 There is no issue.

1 MS. MORRIS:

2 In order to have these  
3 submitted by Wednesday, Mr. Chairman, we do  
4 need authors for both of the bills.

5 MR. ROBINSON:

6 Well, we just -- I just  
7 learned Friday that we had to have authors  
8 by Wednesday.

9 Any offers on authors for the  
10 bill?

11 MR. DUPLESSIS:

12 Can we get Bodi?

13 MS. MORRIS:

14 I don't believe he will do a  
15 fee bill because he turned down another fee  
16 bill that I asked him to author. I don't  
17 think you will have a problem with the other  
18 bill except he is not on the Commerce  
19 Committee anymore, and so it is difficult to  
20 come back. It is really more convenient to  
21 have somebody in the Commerce Committee  
22 author the bill. The fee bill is a little  
23 bit different issue, because most people are  
24 not -- a lot of the legislators are not  
25 willing to take fee bills at this time, but

1 the other ones, so far as they are not  
2 controversial, I think we should be able to  
3 get them placed within the Commerce  
4 Committee.

5 MR. DUPLESSIS:

6 Waddell. That's the only two  
7 I can think of. Everybody else is in the  
8 Senate side that I know of.

9 Derek, do you have any  
10 legislative friends, people that you know?

11 MR. PARNELL:

12 No. No.

13 MR. ROBINSON:

14 Well, it is a tall project we  
15 have and we have got two and a half days to  
16 do it. So as of right now, for those of you  
17 that do not know, we do not have a sponsor,  
18 a legislator, to sponsor our fee increase  
19 bill. We have to have a sponsor by, I  
20 guess, five o'clock Wednesday, which we  
21 weren't aware of until Friday or at least I  
22 wasn't aware of until Friday.

23 MR. DUPLESSIS:

24 Sheri, that is going to be  
25 our protocol. Can you call Waddell or who

1 do we need to get?

2 MS. MORRIS:

3 I will call Waddell. I don't  
4 know what his feeling is on a fee bill. I  
5 know last year it was quite -- I worked on a  
6 fee bill last year. It is quite difficult  
7 to get a sponsor. It was particularly  
8 difficult to get a Republican sponsor. So I  
9 don't -- I haven't talked to Mr. Waddell  
10 about that, but I will.

11 MR. DUPLESSIS:

12 I would call the Governor's  
13 office. That's what is killing us, the  
14 Governor wants, you know, to push no fee  
15 bills and, you know, I understand that, but  
16 we need to have the fee approved. We are  
17 kind of getting shot down at every corner.

18 MS. MORRIS:

19 It is my understanding that  
20 the Governor's office will not assist with a  
21 fee bill, but if they feel that the agency  
22 needs the increase, they will not interfere  
23 with it either.

24 MR. DUPLESSIS:

25 Right. And I guess my point

1 is, who do you call? If it is a Democrat  
2 and that would be Buddy Caldwell or it would  
3 have to be the Governor's office to  
4 recommend an author and they don't have to  
5 support it. They just don't oppose it.  
6 But, you know, it has to come on the House  
7 side, too.

8 MR. BOURGEOIS:

9 Which even narrows it down  
10 even mor.

11 MR. DUPLESSIS:

12 That's correct. And it has  
13 to be -- and it normally has to be someone  
14 familiar to that committee. Otherwise it  
15 takes a tax. So what has happened, it  
16 narrows the playing field down on the fee  
17 bill to make it virtually challenging, let's  
18 say, to get something passed.

19 MR. SMITH:

20 Is it on the Senate or the  
21 House?

22 MR. DUPLESSIS:

23 It's got to be on the House  
24 side and it's on -- the fee bill almost has  
25 to be germane to that committee to be

1 effective.

2 MS. MORRIS:

3 Anybody in the House can  
4 author it, but, you know, you want somebody  
5 that is going to help you get it passed,  
6 because a fee bill is an uphill battle in  
7 some respects, and so you want somebody that  
8 is going to take an interest in it and they  
9 are going to work, because it is not -- you  
10 need a two-thirds vote. So that's higher  
11 than a simple majority. So you need  
12 somebody that is going to be supportive of  
13 your cause, understand how to explain it  
14 when it comes up on the floor, because fee  
15 bills are just, you know, not looked at in a  
16 real positive light at this point. So you  
17 need to have an author that's articulate  
18 enough and willing to do the work necessary  
19 to get it through as well, because --

20 MR. ROBINSON:

21 Then, you have to have that  
22 in 48 hours.

23 MS. MORRIS:

24 You want the best chance of  
25 passage.



1 MR. TURNER:

2 Well, I'll hear from Tony and  
3 B.G. this afternoon.

4 MR. DUPLESSIS:

5 Well, if we get an author, if  
6 we get any author from the House, then we  
7 can pick a co-author on the committee, and  
8 then we need to assign -- we can start to  
9 add to it and pick up -- and you see that  
10 all of the time. You see an author that  
11 introduces a bill and by the time it gets  
12 passed, you will have 50 co-authors on the  
13 bill. So we can pick up co's on the  
14 committee as we go along. We've just got to  
15 get it filed. But you almost have to have  
16 committee members to do this and there are  
17 -- they don't want to aggravate the  
18 Governor's office in these economic times.

19 MR. ROBINSON:

20 So if anyone knows of a State  
21 representative, we sure could stand for you  
22 to call them on your way home today and see  
23 if we -- he or she can help us with this  
24 legislation. That is the big challenge  
25 before us in the next couple of days.

1                   That's everything in the  
2 proposed legislation?

3                   MS. MORRIS:

4                   Yes, Mr. Chairman. You do  
5 need a motion to approve the proposed  
6 legislation.

7                   MR. ROBINSON:

8                   Any comments, questions, on  
9 this proposed legislation?

10                  MR. BOURGEOIS:

11                  I make a motion that we pass  
12 it.

13                  MR. CORMIER:

14                  Second.

15                  MR. ROBINSON:

16                  Second, Tony.

17                  All in favor?

18                  (All "Aye" responses.)

19                  MR. ROBINSON:

20                  Anyone opposed?

21                  (No response.)

22                  MR. ROY:

23                  What are we voting on?

24                  MR. ROBINSON:

25                  We are voting to introduce

1 this legislative revision, this -- the one  
2 we just went over, Chapter 4C, Title 32.

3 MR. ROY:

4 I'm going to vote "Nay" on  
5 it.

6 MR. ROBINSON:

7 Let's roll call, please.

8 MS. BARON:

9 Glen Robinson?

10 MR. ROBINSON:

11 Yes.

12 MS. BARON:

13 George Brewer?

14 (No response.)

15 MS. BARON:

16 Rhett Bourgeois?

17 MR. BOURGEOIS:

18 Yes.

19 MS. BARON:

20 Tony Cormier?

21 MR. CORMIER:

22 Yes.

23 MS. BARON:

24 Ron Duplessis?

25 MR. DUPLESSIS:

1 Yes.

2 MS. BARON:

3 Kirby Roy?

4 MR. ROY:

5 No.

6 MS. BARON:

7 Darty Smith.

8 MR. SMITH:

9 Yes.

10 MS. BARON:

11 And Douglas Turner?

12 MR. TURNER:

13 Yes.

14 MS. BARON:

15 We have a "yes" majority.

16 MR. ROBINSON:

17 Now, this is on the cleanup

18 legislation?

19 MR. ROY:

20 And it involves the fee --

21 the license fee.

22 MR. ROBINSON:

23 No. This is the cleanup

24 legislation.

25 MR. ROY:

1                   The cleanup, I'm for it, yes.

2                   MS. BARON:

3                   The cleanup you are for?

4                   MR. ROY:

5                   Yes, ma'am.

6                   MR. ROBINSON:

7                   Do we need to call roll  
8 again?

9                   MR. DUPLESSIS:

10                  Is there something on the  
11 license fee you would recommend to us?

12                  MR. ROY:

13                  Y'all use the words "fee  
14 sensitive". I talked to a few of the  
15 dealers around home and like you say, the  
16 bigger dealers, it's no big deal, \$100, but  
17 \$50, the smaller dealers wouldn't mind  
18 dealing with and in two to three years go up  
19 another \$50. That is the only reason I'm  
20 taking a stand.

21                  MR. DUPLESSIS:

22                  What threshold do you find  
23 the small dealer at, 120 below or 150 or --

24                  MR. ROY:

25                  One-twenty below.

1 MR. ROBINSON:

2 Well, that's two different  
3 issues. That's for the bond. He is talking  
4 about the license.

5 MR. ROY:

6 The license, yes.

7 MR. DUPLESSIS:

8 I must tell you, I would -- I  
9 don't want any -- I don't think I want  
10 anybody coming and opposing the fee bill and  
11 it is such a small amount of revenue, I  
12 think I would accept that change.

13 Sheri, your input.

14 MS. MORRIS:

15 Well, I think all of your  
16 revenue projections have been based upon an  
17 increase to all the dealers. I don't know  
18 your percentage, the number of dealers you  
19 would have under 120.

20 MR. DUPLESSIS:

21 Kim, any idea, any guess or,  
22 Butch, or anybody that can help us with a  
23 percentage?

24 MR. WRIGHT:

25 I don't know if I understood

1 it.

2 MR. DUPLESSIS:

3 How many dealers do you have  
4 that sell on a statewide basis below 120 a  
5 year?

6 MR. WRIGHT:

7 We are talking about the  
8 licensing fee, right?

9 MR. DUPLESSIS:

10 Yes, sir.

11 MR. WRIGHT:

12 In essence, you've got  
13 dealers that sell 700 a year and don't turn  
14 the revenue that somebody might sell 150 a  
15 year. You know, it depends on what class  
16 cars they are dealing in and who you are  
17 speaking with.

18 Is it Mr. Roy?

19 MR. ROY:

20 Yes, sir.

21 MR. WRIGHT:

22 I don't know what area you  
23 were talking to people --

24 MR. ROY:

25 Avoyelles, Marksville,

1 Bunkie.

2 MR. WRIGHT:

3 Marksville, Bunkie?

4 MR. ROY:

5 Yes, sir.

6 MR. WRIGHT:

7 I met some people from up  
8 there that belong to the association and, of  
9 course, I can't sit down and call them all  
10 everything that happens because I've got 700  
11 of them, but these are obviously all small  
12 dealers.

13 MR. ROY:

14 Yes.

15 MR. WRIGHT:

16 I can understand where it  
17 would hurt a small dealer.

18 MR. ROY:

19 Well, I'm not sure of the 120  
20 mark.

21 MR. WRIGHT:

22 But 120 is not a lot of cars.  
23 You can't sustain a car lot on 10 cars a  
24 month.

25 MR. ROY:



1                   One is very small. The other  
2 two, I'm not sure. I would have no clue.

3                   MR. ROBINSON:

4                   If he is very small, he is  
5 not selling over 10 a month.

6                   MR. WRIGHT:

7                   Well, that's I'm saying, and  
8 at 10 a month, I don't see how he is --  
9 maybe in the Bunkie area you can, but, I  
10 mean, 10 a month, it won't sustain a car  
11 lot. Face it, you make \$1,000 gross on, you  
12 work it down to \$500 and where are you at?  
13 So, I mean, I can understand.

14                  MR. ROBINSON:

15                  Does anybody have a  
16 calculator to look at -- what are you trying  
17 to look at, Ron, \$50 increase instead of  
18 \$100?

19                  MR. DUPLESSIS:

20                  That small amount, I just --  
21 I don't see it as something that is going to  
22 impede us from getting it passed.

23                  MR. WRIGHT:

24                  I think the key to it is, is  
25 the \$100 going to be at one time. Would

1 that make a difference? I mean, if they  
2 took it in increments over whatever period,  
3 would that make a difference?

4 MR. ROY:

5 A period of two years, three  
6 years, or are you talking about months?

7 MR. WRIGHT:

8 I don't know, whatever  
9 period, you know. Would that make a  
10 difference?

11 MR. ROY:

12 One of them said it would be  
13 okay \$50, and then in two, three years  
14 another \$50.

15 MR. WRIGHT:

16 I mean, of course, then you  
17 are back down to what the Commission needs  
18 to stay whole, you know.

19 MR. ROY:

20 And I understand that, yes.

21 MR. ROBINSON:

22 At this point, we just have  
23 to move forward with what we have.

24 MR. DUPLESSIS:

25 I agree.

1 MR. ROBINSON:

2 Did you explain to them it  
3 would cut expenses 46 percent?

4 MR. ROY:

5 Yes. It wasn't a fight. It  
6 was a good discussion. All three of them,  
7 all three businesses are friends of mine,  
8 and we discussed it. I told them we were  
9 short of funds and, I mean, any time if it  
10 is \$50, it is \$50, you know. It is just an  
11 additional fee they have to pay.

12 MR. ROBINSON:

13 All right. Anything else  
14 from the Legislative Committee?

15 MR. DUPLESSIS:

16 Done.

17 MR. ROBINSON:

18 We have no hearings today.

19 MS. MORRIS:

20 We still need a motion to  
21 approve the submission of the fee bill if  
22 this is what we are going to submit.

23 MR. ROBINSON:

24 We need a motion to approve  
25 the introduction of the fee bill.

1 MR. SMITH:  
2 I'll make a motion.

3 MR. BOURGEOIS:  
4 Second.

5 MR. ROBINSON:  
6 All in favor?  
7 Let's do a roll call on the  
8 fee bill.

9 MS. BARON:  
10 Glen Robinson?

11 MR. ROBINSON:  
12 Yes.

13 MS. BARON:  
14 Rhett Bourgeois?

15 MR. BOURGEOIS:  
16 Yes.

17 MS. BARON:  
18 Tony Cormier?

19 MR. CORMIER:  
20 Yes.

21 MS. BARON:  
22 Ron Duplessis?

23 MR. DUPLESSIS:  
24 Yes.

25 MS. BARON:

1 Kirby Roy?

2 MR. ROY:

3 No.

4 MS. BARON:

5 Darty Smith?

6 MR. SMITH:

7 Yes.

8 MS. BARON:

9 And Douglas Turner?

10 MR. TURNER:

11 Yes.

12 MS. BARON:

13 Majority rules.

14 MR. ROBINSON:

15 Thank you.

16 MS. MORRIS:

17 I have one more thing that I  
18 neglected to mention. The law talks about  
19 the fee for an educational course. You all  
20 aren't charging a fee and you don't have a  
21 fee in the law. Is that something that you  
22 want to correct?

23 MR. ROBINSON:

24 We don't have what?

25 MS. MORRIS:

1                   A fee for the educational  
2 course.

3                   MR. ROBINSON:

4                   Well, it is my understanding  
5 the Legislature said we couldn't charge for  
6 it.

7                   MS. MORRIS:

8                   Well, it talks about the fee  
9 has to be approved by the Commission in the  
10 statute. Is that something that needs to be  
11 removed? There is no fee. It was never --  
12 there is a \$25 fee, but it talks about a  
13 fee.

14                   MR. ROBINSON:

15                   All I know is that it was  
16 explained to me that the Legislature wanted  
17 us to do it without a fee.

18                   Isn't that how you understood  
19 it, Butch, when we were on the Commission?  
20 That's when it went into effect.

21                   MR. WRIGHT:

22                   You are referring to the  
23 seminar?

24                   MR. ROBINSON:

25                   Yes.

1 MR. WRIGHT:

2 Actually, I wasn't on the  
3 Commission when it went into that, but I do  
4 understand that that was said. Now, there  
5 is a charge, isn't there?

6 MR. ROBINSON:

7 No. We never charged.

8 MR. WRIGHT:

9 That comes along with your  
10 license fee?

11 MR. ROBINSON:

12 No. I mean, I personally am  
13 not interested in the fee. We need our fee  
14 bill is what we need.

15 MR. DUPLESSIS:

16 We don't know need --

17 MR. ROBINSON:

18 We don't need a fee -- we  
19 don't need it. That's how I feel. We need  
20 to concentrate on what we have. We've got a  
21 big enough challenge right now.

22 MS. MORRIS:

23 Is that something you want to  
24 take out the provision that you can charge?

25 MR. ROBINSON:

1           No. I don't know why we  
2 would take it out. It is our option to  
3 implement it, isn't it?

4           MS. MORRIS:

5           No. You would have to have  
6 it approved by the Legislature.

7           MR. TURNER:

8           It is already in there,  
9 though, right?

10          MS. MORRIS:

11          I mean, there is no amount.  
12 It just talks about it, but it never was  
13 set.

14          MR. ROBINSON:

15          Just leave it. If it is in  
16 there, just leave it.

17          MS. MORRIS:

18          Okay.

19          MR. ROBINSON:

20          The last item, items for next  
21 agenda, anything Commissioners would like on  
22 the agenda next month? If there is  
23 something that comes up, just call.

24          MS. BOURGEOIS:

25          Do you want to talk about



1 changing the meet to 10 o'clock?

2 MR. ROBINSON:

3 Yes. We are going to do  
4 that.

5 MR. BOURGEOIS:

6 The next meeting.

7 MR. ROBINSON:

8 Anything anybody wants on the  
9 agenda for next month? Okay. If there is  
10 something you want, call me and we will get  
11 it on.

12 We talked about a lot -- I  
13 think almost all of us prior to the meeting  
14 there seem to be some travel issues for  
15 people being here at 9 o'clock and we might  
16 want to start the meet at 9:30 or 10. I  
17 think I've talked with everybody about that.

18 MR. BOURGEOIS:

19 I make a motion to go to 10  
20 o'clock.

21 MR. ROBINSON:

22 Do you want to try 10 or 9:30  
23 or -- Commissioner Turner, you and Mr.  
24 Brewer seem to have the trouble coming from  
25 the New Orleans area. Would 9:30 help

1 enough or do you want to try 10?

2 MR. TURNER:

3 I think 10 would be better.

4 MR. ROY:

5 I would like to keep it at 9,  
6 but it is no big deal.

7 MR. BOURGEOIS:

8 It pushes too much into  
9 lunch. I see that happening we might have  
10 to order pizza.

11 MR. ROBINSON:

12 Well, let's try 9:30 and see  
13 what 30 minutes does. I mean, it won't push  
14 us into the lunch hour either. Let's try --  
15 the meeting next month will begin at 9:30.  
16 I need one more motion.

17 MR. BOURGEOIS:

18 I make a motion to move it to  
19 9:30.

20 MR. TURNER:

21 I make a motion to adjourn.

22 MR. ROBINSON:

23 Mr. Turner, motion to  
24 adjourn.

25 Second?

1 MR. CORMIER:

2 Second.

3 MR. ROBINSON:

4 All in favor?

5 (All "Aye" responses.)

6 MR. ROBINSON:

7 Anyone opposed?

8 (No response.)

9 (Meeting adjourned at 11:16 a.m.)

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1 REPORTER'S CERTIFICATE  
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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 Citizens Property  
7 Insurance Corporation March 15, 2010 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 March 31, 2010 Baton Rouge,  
15 Louisiana.  
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19  
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23 BETTY D. GLISSMAN, CCR  
24 CERTIFIED COURT REPORTER  
25

Betty D. Glissman, CCR  
(225) 754-8609

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