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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
MARCH 16, 2015
BEGINNING AT 9:34 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES :

2

3 CHAIRMAN :

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT :

7 MR. GEORGE BREWER

8 MR. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. STEPHEN OLAVE

11 MR. KIRBY ROY

12 MR. HENRY "DARTY" SMITH

13 MR. DINO TAYLOR

14

15

16

17 REPRESENTING THE LOUISIANA USED MOTOR
18 VEHICLE COMMISSION :

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

1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MR. DWAYNE TAMBLING

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1 (Pledge of Allegiance)

2 MR. POTEET:

3 Kim, roll call.

4 MS. BARON:

5 John Poteet?

6 MR. POTEET:

7 Here.

8 MS. BARON:

9 George Brewer?

10 MR. BREWER:

11 Here.

12 MS. BARON:

13 Dino Taylor?

14 MR. TAYLOR:

15 Here.

16 MS. BARON:

17 Tony Cormier?

18 MR. CORMIER:

19 (No response.)

20 MS. BARON:

21 Ron Duplessis?

22 MR. DUPLESSIS:

23 Here.

24 MS. BARON:

25 George Floyd?

1 MR. FLOYD:

2 Here.

3 MS. BARON:

4 Kirby Roy?

5 MR. ROY:

6 Here.

7 MS. BARON:

8 Darty Smith?

9 MR. SMITH:

10 Here.

11 MS. BARON:

12 Steve Olave?

13 MR. OLAVE:

14 Here.

15 MS. BARON:

16 Mr. Chairman, we have a quorum.

17 MR. POTEET:

18 Excellent. Is there anyone here
19 for public comments?

20 MS. BARON:

21 There is not.

22 MR. POTEET:

23 First thing we have -- hopefully,
24 you all have had a chance to read the
25 minutes of the last meeting. So we would

1 like a motion to adopt and approve those
2 minutes.

3 MR. SMITH:

4 I make a motion.

5 MR. OLAVE:

6 Second.

7 MR. POTEET:

8 All in favor, say, "Aye."

9 (All "Aye" responses.)

10 MR. POTEET:

11 Any opposed?

12 (No response.)

13 MR. POTEET:

14 Okay. The motion passes. I
15 would like to propose an amendment to the
16 agenda. Right after the financial report, I
17 would like to propose that we add discussion
18 of the adjacent location amendment.

19 Do I have a second on that?

20 MR. OLAVE:

21 Second.

22 MR. POTEET:

23 All in favor?

24 (All "Aye" responses.)

25 MR. POTEET:

1 All right. We'll add that in. I
2 guess we'll call that A-1.

3 All right. Mona.

4 MS. ANDERSON:

5 Good morning. If you will turn
6 in your packets to the financial statements,
7 for the month ending February 28th, on the
8 statement of net position, the current
9 assets at the end of February were
10 \$2,971,364, and that included cash in the
11 bank of \$1,076,762. Our deposits decreased
12 a little bit between January and February as
13 the license renewals began to taper off.
14 Hearings and fines were \$532,650, which was
15 a decrease from last month. All of the
16 January assessments were collected as well
17 as some from prior months. Current
18 liabilities were \$35,952.

19 And on Page 2, the deferred fees
20 for 2016 were \$282,315. On Page 3, the
21 statement of revenue, expenses, and changes
22 in net position for the month, midway the
23 page, the year-to-date revenues were
24 \$1,372,000 compared to \$992,758 last year.
25 The majority of that increase was in area of

1 fines. Under expenses, the salaries and
2 related benefits increased \$28,224 from last
3 year and the remainder of expenses increased
4 \$21,652. That was primarily in the areas of
5 professional services and vehicle
6 maintenance.

7 On Page 5 of this statement, the
8 year-to-date net position was \$679,193. As
9 I said, this decreased a little from last
10 month, but a definite increase over last
11 year. On Page 6, the month-to-month changes
12 in revenues and expenses are shown. The
13 revenues decreased this month compared to
14 the prior fiscal year, but, again, the total
15 year to date is an increase.

16 On Page 7 is a graph of that same
17 information and you can see that there is a
18 decrease in the spike, and then a decrease
19 in the revenue and that was due to the
20 movement of the deferred revenues last
21 month. On Page 8, that -- this shows
22 comparison of the fee revenue for last year
23 -- or actually year to date last year, and
24 the increase -- we increased in most areas,
25 but primarily again in the hearing fines.

1 Page 9 is our certificates of
2 deposit and there's no change from last
3 month on that report. Page 10 is the
4 accounts receivable hearings. Fines
5 assessed were \$8,650 and payments received
6 were \$9,150. Most of that was in -- last
7 month in February with the exception of the
8 payment from David Boyd at River City Rides.
9 And the total amount due at this time on
10 Page 11 is \$532,650.

11 So unless there are any
12 questions, that concludes my report.

13 MR. POTEET:

14 So have we -- never mind.

15 All right. Does anyone have any
16 questions?

17 MR. ROY:

18 What's the latest on Wego Auto
19 Sales, what's the --

20 MS. BARON:

21 Wego Auto Sales?

22 MR. ROY:

23 Yes.

24 MS. BARON:

25 That is at the bond company.

1 MR. ROY:

2 That's with the bond. And how
3 about -- what was the other one?

4 MR. POTEET:

5 Lauco.

6 MR. ROY:

7 Yes.

8 MS. BARON:

9 Lauco is -- was sent to the bond
10 company as well.

11 MR. PARNELL:

12 The bond will only be covered for
13 \$20,000 or \$35,000.

14 MR. POTEET:

15 So after we collect on those
16 bonds, we'll have to write the rest off.

17 MS. BARON:

18 Once I get -- once I get the
19 total from the --

20 MR. PARNELL:

21 The Attorney General's Office.

22 MS. BARON:

23 Right. We send everything to Ms.
24 Mona and she takes care of that.

25 MR. POTEET:

1 Okay. All right. Well, it looks
2 like you're off the hook. Good job --

3 MS. ANDERSON:

4 Thank you.

5 MR. POTEET:

6 -- very good job.

7 MS. ANDERSON:

8 Thank you.

9 MR. POTEET:

10 All right. So the next thing on
11 the agenda is the added discussion of the
12 adjacent location amendment.

13 And, Derek, I'm going to let you
14 talk about that.

15 MR. PARNELL:

16 All right. Commissioners, the
17 discussion of the amendment of rule and
18 regulation 2905(A), which are the
19 requirements of eligibility for licensure,
20 which is the adjacent location. After our
21 discussion -- on the February Commission
22 meeting, we discussed concerns that were
23 brought to you by Mr. Eric Strodert,
24 representing Don's Wholesale, regarding the
25 requirements for the additional location,

1 which is adjacent to their primary location.
2 The concern was -- presented to the
3 Commission was with regard to the
4 requirements, which was the established
5 place of business and the phone. If you
6 turn with me in your packets to the back of
7 your packet, I believe it is, you will see
8 the rule and regulation.

9 MS. BARON:

10 It's in the back pocket.

11 MR. PARNELL:

12 You'll see what the rule and
13 regulation is. It's number 2905,
14 qualification and eligibility for licensure.
15 Robert and I kind of went and drafted
16 something initially. We kind of went back
17 and forth on how we write language. I know
18 you all wanted to kind of look at the
19 language straight.

20 If you turn to the second page,
21 the amendment, what we propose is: Licensee
22 shall be required to obtain a license for an
23 additional location where vehicles are
24 displayed. However, when the location is
25 adjacent to a licensed location and is not

1 separated or divided by an obstruction such
2 as a wall, street, building, or line of
3 trees or similar objects, the licensee shall
4 not be required to have a separate building
5 or telephone. That was the language that he
6 and I kind of came up with that we thought
7 kind of was what you all were talking about
8 at the last meeting. You know, we wanted to
9 make sure that we had some language there
10 that would still require that dealer to have
11 a license, still have -- meet the
12 requirement, except for the established
13 place of business and the telephone line.

14 MR. POTEET:

15 Okay. So you can -- I don't know
16 if you guys want to discuss that.

17 MR. OLAVE:

18 So that would -- if I'm reading
19 that right, that would require Don's to have
20 a separate license, because they're
21 separated by a road.

22 MR. ROY:

23 Because of the street, yes.

24 MR. POTEET:

25 The street is the one thing.

1 What do you guys think about that?

2 MR. PARNELL:

3 When you say street, are you
4 referring to like a street like outside
5 here, this street.

6 MR. POTEET:

7 A public road.

8 MR. PARNELL:

9 Or like Airline Highway type of
10 street, does it matter or does that matter?

11 MR. POTEET:

12 Well, let me tell you what I
13 think about that. I don't think it matters
14 as long as there's a requirement that
15 there's signage on that property that says
16 -- let's kind of imagine this. You've got
17 Don's Wholesale. So here is Don's Wholesale
18 and, you know, he's got his information
19 there. He's got his office, his phone, and
20 everything else. And then across the
21 street, it says, Don's Wholesale, you know,
22 with the phone number on it -- a sign with
23 the phone number on it and maybe something
24 that says, main office across the street.
25 I'm not sure I see why that is a problem. I

1 mean, I understand what people say about,
2 well, people will be walking across the
3 street. Well, we've got Don's Wholesale on
4 one side and Ed's Wholesale across the
5 street. People are going to be walking
6 across. I mean, what --

7 MS. BARON:

8 Are they going side street or
9 like across the street?

10 MR. POTEET:

11 I would say -- I would call that
12 adjacent. I guess we would have to look up
13 adjacent in the dictionary, but, you know,
14 we definitely know that next door is
15 adjacent.

16 MS. BARON:

17 Right.

18 MR. POTEET:

19 We understand that, as long as
20 it's not separated by a wall or a tree line
21 or something or even some small building,
22 like a Rally's hamburger place. It's not
23 very big, but it does separate them. But I
24 don't see why -- again, this is my opinion.
25 I've got a bunch of other guys in here, but

1 I don't see why the street -- as long as you
2 have proper signage, and maybe we put that
3 in, that there has to be signage that
4 indicates that you're related to the main
5 building across the street or the main
6 business across the street.

7 MR. PARNELL:

8 By definition of adjacent, it's
9 next to or adjoining something else.

10 MR. POTEET:

11 They are adjoining the same
12 street. I'm just trying to think of the
13 logic behind it.

14 MR. PARNELL:

15 Sure.

16 MR. POTEET:

17 Why would you -- you know, why
18 would you say to somebody, look, your
19 business is across the street, so now you
20 have to have a separate license, you've got
21 to have another set of phones, you've got to
22 have all the things that will result in
23 that, when they're really only, you know,
24 across the street.

25 MR. BREWER:

1 In his case, I think it was just
2 a road that --

3 MR. PARNELL:

4 It was a road.

5 MR. BREWER:

6 -- it was a dirt road, wasn't it?

7 MR. DUPLESSIS:

8 No. It's a concrete road, but if
9 you have to give him a separate license,
10 you're going to -- he's going to be subject
11 to all of the other requirements of a
12 wholesale business. That seems huge.

13 MS. BARON:

14 That's the problem.

15 MR. PARNELL:

16 I think administratively --

17 MR. POTEET:

18 They have to have a separate
19 bond.

20 MR. DUPLESSIS:

21 Right. These are the other
22 elements of a separate business.

23 MS. BARON:

24 But that would be required
25 anyway, because the zoning requirement will

1 show that it's a separate address, but that
2 address will have to be covered.

3 MR. DUPLESSIS:

4 No, that's not right. That's not
5 right.

6 MS. BARON:

7 You don't think?

8 MR. DUPLESSIS:

9 The municipal address runs in
10 sequential order, because I had a piece of
11 property, it was 8 acres, and every 2 acres
12 is a separate address. You go to the main
13 address by which you register with the post
14 office.

15 MR. POTEET:

16 Here's my question. What are we
17 trying to stop or what are we trying to
18 accomplish here? If we're trying to protect
19 the public, to me, the protection is that
20 there's a clear requirement that you have
21 some kind of signage that connects that side
22 -- that one across the street or across the
23 road or the one next door or whatever,
24 however you have it, with that one. And I
25 think that we're being fair in saying, hey,

1 we're okay with that, but if you're two
2 doors down, we're not going to go that far.
3 We're going to say it's got to be either
4 next door or across the street. That -- I
5 think Ron and I are in agreement on that,
6 that there is no -- nothing that is being
7 accomplished in the public's interest by
8 requiring that across the street business to
9 go through all the rigamarole of getting a
10 new license, a bond, you know, all of the
11 different things. You're creating a --
12 you're really making it almost like a
13 separate business when it's only right
14 there. I think we should require them to
15 have some kind of signage.

16 MR. DUPLESSIS:

17 Of course, and the phone number
18 posted.

19 MR. POTEET:

20 And the phone posted and --

21 MR. DUPLESSIS:

22 We're creating a unreasonable
23 obstacle of due diligence and that's not
24 what we're with the Commission.

25 MR. POTEET:

1 Maybe -- Sheri just brought this
2 up. What about a distance limit?

3 MR. TAYLOR:

4 I've been thinking about that.
5 Going into Metairie, let's just -- I'm sorry
6 to think like a lot of people that we have
7 to deal with -- well, a lot of people that I
8 have to deal with, excuse me, but like going
9 into Metairie, there is a pretty good size
10 highway right there. There's fences on both
11 sides of the road. I think there should be
12 some type of distance requirement, you know,
13 so somebody doesn't try to take advantage.

14 MR. DUPLESSIS:

15 Why don't you just say a two-lane
16 road. If they go across the street, you're
17 crossing the frontage road, the ditch, the
18 four lane highway, the other -- you know, it
19 goes on and on. You're looking at, you
20 know, 500 yards.

21 MR. POTEET:

22 In my mind, I'm thinking, okay,
23 an interstate highway would not count as a
24 street. You can't be on both sides of I-10.
25 I started to say a median, but there's some

1 pretty small streets with medians. I mean,
2 if we could just clean that up. First of
3 all, does anybody have any opposition to
4 what Ron and Dino are saying, does anybody
5 have a different viewpoint?

6 MR. PARNELL:

7 So let me make sure that I'm
8 clear. I'm trying to understand. We don't
9 want them to have the requirements of having
10 an additional location, that also goes with
11 revenue at the additional location. We're
12 saying that they don't have to pay that
13 revenue.

14 MR. POTEET:

15 True.

16 MR. BREWER:

17 If you have a dealership or used
18 car lot that extends, say, two or three
19 blocks down the street, is he required to --
20 can it be a branch or is he required to open
21 up, like you said, a new business even
22 though that's the main lot.

23 MR. PARNELL:

24 Well, currently, the way it's
25 written now, you have to have an additional

1 location.

2 MR. BREWER:

3 I'll give you an example.

4 Wholesale Auto Group opened up a new lot
5 right down the street. That's an additional
6 location. He has to meet all of the
7 requirements associated --

8 MR. POTEET:

9 Well, what we're doing right now
10 is, right now, if you're not on this
11 property, you have to have an additional
12 license.

13 MR. BREWER:

14 Yes.

15 MR. POTEET:

16 What we're willing to do or what
17 we're proposing is that if you're close by,
18 adjacent or across the street, and I guess
19 we're just going to have to define what a
20 street is, that will be fine. But, again,
21 back to what I said earlier, if you're down
22 two or three addresses down, I think the
23 point is, we've gone to the point -- we've
24 said, this is what we're going to consider
25 --

1 MR. BREWER:

2 Right.

3 MR. POTEET:

4 -- because if you say two or
5 three addresses, well, then, what's wrong
6 with three blocks, or what's wrong with
7 three or four blocks or what's wrong with
8 the next town over. I mean, we have to cut
9 it off at some point.

10 MR. BREWER:

11 And then in the city of Houma,
12 there's two dealerships that have four
13 different locations. So they're having to
14 get four different licenses?

15 MR. POTEET:

16 Yes.

17 MR. DUPLESSIS:

18 If you're a new car dealer and
19 you have four different locations, you have
20 -- I think there is a difference between an
21 extension of a primary and separate primary.
22 So if you've got an office and you've got
23 salespeople, that's a separate primary
24 location, but if you're adjacent to, you
25 really don't have an office at one of the

1 lots. I think that's kind of what we're all
2 asking is to allow continuity of business
3 and not interrupt it. But then, again, it
4 is segregated by the elements that make a
5 business.

6 MR. TAYLOR:

7 I have three car lots within a
8 quarter of a mile of each other. One of
9 them has got a river separating it. One of
10 them has got a gas station separating it and
11 I wholeheartedly agree that I need to have
12 three different licenses, you know. Like I
13 said, they're a good mile. I mean a good
14 football player could hit a couple of them
15 from the other.

16 MR. POTEET:

17 Well, I think that we -- you
18 know, where we are right now is any separate
19 location is requiring a license. What we're
20 trying to do is, you know, compromise a
21 little bit and say, okay, these are the
22 things we'll allow to be one license.

23 MR. OLAVE:

24 Is that really a separate
25 location?

1 MR. POTEET:

2 Yes, and that's kind of where
3 we've come down to. And, again, you know,
4 it's one of those things where if you're
5 negotiating and somebody says, I want a
6 million dollars, and you say, I'll give you
7 a dollar, then we know what the edges of
8 that are. We just don't know where in the
9 middle we're going to end. So I think what
10 we do here is to define street somehow,
11 because we know what it's not. It's not an
12 interstate highway. It's not a -- you know,
13 a four lane highway with a median on it, and
14 then beyond that, then we've got to
15 determine what would be considered, but I
16 think that we have some interpretation with
17 -- we would use wording like major
18 thoroughfare or, you know, highly traveled.
19 And if we make the determination, then if
20 somebody wants to come in and argue with us,
21 we can argue and say, all right, let's look
22 at the location, you know.

23 Am I on the right track here with
24 everybody with this?

25 (No response.)

1 MR. POTEET:

2 So, to me, I'm okay with this,
3 just -- let's just define what a street is
4 and say that, you know, you can have your
5 business across the street if it's not a
6 major thoroughfare.

7 MS. BARON:

8 And you want the sign to have the
9 phone number and something stating the main
10 office located --

11 MR. POTEET:

12 Yes.

13 MS. BARON:

14 -- such and such --

15 MR. POTEET:

16 Something that directs them to
17 the main office, so we can't -- so we do
18 have a specific connection to the other
19 business.

20 MR. OLAVE:

21 Let me ask you this. I don't --
22 again, not from a revenue grab standpoint,
23 but Derek brought up a good point. Is there
24 maybe a separate type license that we could
25 offer for something like that to -- you

1 know, I mean, just bringing it up for
2 conversation.

3 MR. PARNELL:

4 You're talking about \$100 for a
5 one year license or two year license.

6 MR. OLAVE:

7 Not requiring the building and
8 everything else, but, you know --

9 MR. PARNELL:

10 Personally, I wouldn't want to
11 lose the revenue. I mean, we can change --

12 MS. BARON:

13 I agree.

14 MR. PARNELL:

15 -- we can -- we can change our
16 requirement for the additional vehicle
17 location to whatever you want it to be.
18 They don't have to meet all of those
19 requirements, but I think the revenue -- I
20 think we still need to grab that.

21 MR. POTEET:

22 Well, let me ask you another
23 question before -- I think -- again, I'm
24 sure by Ron's reaction, we're on a similar
25 page here.

1 MR. DUPLESSIS:

2 I like revenue.

3 MR. POTEET:

4 But how many businesses do you
5 think are going to fall into that category
6 --

7 MR. PARNELL:

8 Quite a few.

9 MR. POTEET:

10 -- 1,000?

11 MR. PARNELL:

12 Well, I would say 500 at least.
13 We get people coming in -- I had two people
14 came in last week and were trying to -- but
15 I told them the law hadn't been changed yet,
16 you know, trying to do the exact same thing,
17 why can't I keep this license here and why
18 do I need to have a license when it's next
19 door.

20 MR. POTEET:

21 Okay. Well, let me ask you this.
22 Let me ask you this. Would we want
23 something that would be a -- not require all
24 the different paperwork, but just an
25 additional -- like a -- I am just throwing

1 this out here -- like a \$100 fee?

2 MR. PARNELL:

3 That's what it is.

4 MR. POTEET:

5 I mean, we're talking the bond,
6 we're talking about putting in phone lines.
7 We're talking about -- you know, where are
8 we going to cut this thing off? I mean --

9 MR. PARNELL:

10 In my opinion, we can waive all
11 the requirements except the license fee and
12 the -- and the sign, in my opinion.

13 MR. POTEET:

14 We have somebody that's
15 representing LIADA here, but I want to say
16 that their biggest complaint is not the
17 license fee, I think. Am I wrong?

18 MR. TAMBLING:

19 There's no problem with the
20 license fee.

21 MR. POTEET:

22 Right. It's more all of the
23 other stuff. There you go.

24 MS. BARON:

25 Their first response is that, I

1 don't have a problem with the fee. He said,
2 I have a problem with all the requirements.

3 MR. POTEET:

4 And I think we're there.

5 MR. PARNELL:

6 All right. I just wanted to make
7 sure.

8 MR. POTEET:

9 You did a good job.

10 MR. DUPLESSIS:

11 Well, you have to expect that
12 there's cost to that, right? So there are
13 some requirements.

14 MR. OLAVE:

15 If I could add one more thing.
16 And we're writing -- we're rewriting our
17 rules here. Would it be okay to -- maybe
18 it's a separate type license and not --
19 obviously not requiring the same things and
20 once they apply for it, they -- then they
21 have to show what adjacent means to them,
22 and then it has to be a special license. It
23 has to be approved --

24 MR. POTEET:

25 We can call it the adjacent

1 location fee or license.

2 MR. OLAVE:

3 Well, wouldn't that take care of
4 itself then if they applied for that license
5 and they have to submit some sort of
6 document?

7 MR. POTEET:

8 They're going to have to submit
9 something, because we've got to go out and
10 inspect it.

11 MR. DUPLESSIS:

12 We're going to have to legislate
13 it. We can't rule it and we can't have a
14 policy on it. I think we have to legislate
15 it.

16 MR. POTEET:

17 What do you think, Sherri?

18 MR. DUPLESSIS:

19 Because you're adding a fee and
20 you're going to have to fiscal --

21 MR. POTEET:

22 Well, actually, no. We're
23 actually only adding a requirement. We're
24 not adding a fee.

25 MS. MORRIS:

1 You have to recognize the bond
2 that you put for this location, if it's a
3 sufficient amount --

4 MR. DUPLESSIS:

5 Can we a get away without
6 legislating it?

7 MS. MORRIS:

8 That's what I was looking -- I
9 would have to look at it.

10 MR. POTEET:

11 We're not -- right now, they
12 would pay a fee for a license. That's what
13 it is. We're not going to add an additional
14 fee. We're going to eliminate some
15 requirements.

16 MS. BARON:

17 We're just eliminating
18 requirements.

19 MR. POTEET:

20 The fee is still going to be
21 there. We're not changing the fee. It's
22 not going to be an increase. I think what
23 you're saying is, from a legislative
24 standpoint, if we were adding a fee or we
25 were changing a fee, we would have to --

1 MR. DUPLESSIS:

2 The question is, if you have a
3 new licensee requirement, you have to
4 legislate it by statute or can you do it by
5 a rule? I don't know.

6 MS. MORRIS:

7 In 791(c)(ii) for used motor
8 vehicle dealer license and for each place of
9 business -- additional place of business,
10 \$100. So if you allow it to be an adjacent
11 location, then you add an additional place
12 of business and it is adjacent, but it's not
13 really a separate business. So you can use
14 your same salesperson. You can use your
15 same -- I don't --

16 MR. OLAVE:

17 Basically, attached to the same
18 license, but kind of an add on, an adjacent
19 fee or adjacent location --

20 MS. MORRIS:

21 That would be an additional
22 location for the principal business --

23 MR. POTEET:

24 Right.

25 MS. MORRIS:

1 -- but if you're further than a
2 certain amount of space, you have to have a
3 new principal business. The second license
4 is the new principal business, because you
5 have to have a staff there or whatever.

6 MS. BARON:

7 You can't use the same staff for
8 that.

9 MR. POTEET:

10 I think we should be necessarily
11 vague about what a street is, because I
12 think we need to control that, the level
13 that we interpret what a street is, because,
14 again, if somebody comes in, well, I-10 is a
15 street. It's a gigantic highway. So we
16 have that in there and we make the
17 interpretation of what a street is. Then, I
18 think that that makes all of this work.

19 MR. OLAVE:

20 And then ultimately the approval
21 for that license falls with the Commission
22 and investigated and --

23 MR. POTEET:

24 Just like any other license.

25 MS. BARON:

1 So they won't have to add
2 anything to their bond, because it would
3 just be adjacent?

4 MS. MORRIS:

5 Well, if they need more space for
6 cars, they might need to up their bond.

7 MS. BARON:

8 Well, they'll have to up the
9 amount, but I'm saying they won't have to
10 have an additional bond for that.

11 MR. POTEET:

12 Not because they have another
13 location. It could be as a result of
14 selling --

15 MS. BARON:

16 I'm good as long as they're
17 covered, you know.

18 MR. POTEET:

19 We need to have a motion to
20 change this?

21 MS. MORRIS:

22 Well, the garage liability, they
23 need to report that to their carrier to make
24 sure.

25 MR. POTEET:

1 Yes. I mean, all of that --

2 MS. MORRIS:

3 They need to make sure they've
4 got their -- the coverage for both
5 addresses.

6 MS. BARON:

7 And they can add an address onto
8 insurance, right? Yes, I mean, they can,
9 but I was just -- the bond concerns me,
10 because I guess if they don't put --

11 MS. MORRIS:

12 The bond doesn't usually have an
13 address, does it? It's the address of the
14 office.

15 MR. POTEET:

16 That can be -- it could be
17 corporate address. It could be a P.O. Box.

18 MS. BARON:

19 They would just need to increase
20 their bond size to 35.

21 MR. PARNELL:

22 More than likely.

23 MS. BARON:

24 Yes.

25 MR. POTEET:

1 Probably -- probably -- maybe,
2 because it's more of what they sold.

3 MS. BARON:

4 Okay.

5 MR. POTEET:

6 Okay. Do we need a motion for
7 this now or do we need to rewrite this
8 before we implement it or do we even need a
9 motion?

10 MR. PARNELL:

11 I think we need to rewrite it
12 before we --

13 MR. DUPLESSIS:

14 Well, if we're going to the
15 legislative session, we're going to have to
16 come up with something now, and then give
17 the legislative committee some leeway to vet
18 it at this point, because we're going to be
19 in session by the time we get back here.

20 MS. MORRIS:

21 I think it's the rule that needs
22 to be amended and there is a process to the
23 rules.

24 MR. DUPLESSIS:

25 So we're going to legislate it?

1 MR. POTEET:

2 According to both attorneys --
3 both attorneys last meeting agreed that it
4 did not have to be legislated.

5 MS. MORRIS:

6 And then -- because you can just
7 direct your staff that while the rule is
8 pending, but it's a process to, you know,
9 review the applications under this guidance
10 and come before the Commission if they need
11 to.

12 MR. POTEET:

13 Okay. How about I make a motion
14 that we amend 2905 to allow for adjacent
15 locations?

16 MR. OLAVE:

17 I second the motion.

18 MR. POTEET:

19 All in favor, say, "Aye."

20 (All "Aye" responses.)

21 MR. POTEET:

22 Any opposed?

23 (No response.)

24 MR. POTEET:

25 Okay. Now, we'll allow you to

1 write the new rule.

2 So, Dwayne, you can report to
3 your constituents the change that we've
4 made.

5 MR. TAMBLING:

6 Okay.

7 MS. BARON:

8 So we're going to implement this
9 now? While it's in the process of being
10 done, we're going to implement it now?

11 MR. OLAVE:

12 Well, it's in process.

13 MS. MORRIS:

14 The process is that we have to
15 publish and submit it. We have to finalize
16 the language, publish a notice of intent
17 with a comment period where anybody that's
18 interested or affected by the rule can come
19 in and comment and you can rewrite it or
20 amend it if you want to go through the
21 process based upon the information that
22 you've received, and then it gets a final
23 publication, but it's a minimum of about six
24 months -- four to six months.

25 MS. BARON:

1 Right.

2 MS. MORRIS:

3 In the meantime, if the staff
4 would review the applications in that light
5 and anything that's questionable and they
6 can bring it to the Commission.

7 MS. BARON:

8 So bring it to the Commission.

9 MR. POTEET:

10 And the way I understand this
11 process, if the Commission has given them
12 authorization to do this, that's what we
13 vote on.

14 MS. BARON:

15 Right. Okay. But if it's
16 questionable, we can just bring it before
17 the Board?

18 MS. MORRIS:

19 Yes. If it's a major
20 thoroughfare or something --

21 MS. BARON:

22 Right.

23 MS. MORRIS:

24 -- that needs to be looked at.
25 Sometimes, people argue that's adjacent, but

1 it's not really.

2 MR. POTEET:

3 I would contend that those
4 situations would come up, anyway. If Derek
5 makes a rule saying this is what we're going
6 to say, the licensee can then appeal to us
7 whether it's adjacent -- you know, if it's
8 literally adjacent, next door, or whatever,
9 it's across the street, across a big street,
10 small street, but they would appeal that to
11 us, right?

12 MS. MORRIS:

13 Right. Any application that's
14 denied can be brought to the Commission.

15 MR. POTEET:

16 Sure. Okay.

17 MS. BARON:

18 Well, we'll start that process as
19 soon as we get the final verbiage.

20 MR. POTEET:

21 Okay. So let's move on. The
22 next thing on the agenda is the ratification
23 of imposed penalties. Derek.

24 MR. PARNELL:

25 Commissioners, please find in

1 your packet a chart that illustrates the
2 dealerships that an imposed civil penalty
3 against them by LUMVC statutes. I have
4 determined that the public interest can be
5 served without further administrative
6 proceedings. The first one on your list is
7 case number 2015-11, which is Auto
8 Guarantee. The violation was causing injury
9 to the public, one count. The fine amount
10 was \$250. The second one was case number
11 2015-27, Premier Asset Management,
12 Incorporated, misuse of -- one count of
13 misuse of temporary tags at \$250. The third
14 on the list is case number 2015-35, Sam's 1
15 -- Sam's 1 Used Cars, not operating from the
16 address shown on the license, there were 11
17 counts, the fine amount of \$2,750. The
18 fourth on the list is case number 2015-38,
19 Da Spot Auto Sales, LLC, one count of not
20 having an address shown on the license.
21 Their fine amount was \$250. Fifth on the
22 list is case number 2015-40, Pitre Motor Car
23 Company, Incorporated, failure to maintain
24 records, 17 counts of that. They were fined
25 \$3,400. Sixth on the list is 2015-41,

1 Autoplex 2000 Preowned Super Stores, two
2 counts of misuse of temporary tags at \$500 a
3 fine was assessed. The seventh one on the
4 list, 2015-42, Clean Used Auto Sales, LLC,
5 and there's one count of not operating from
6 the address shown on the license, \$250. The
7 eighth on the list is 2015-43, Autoplex, one
8 count of not operating from address shown on
9 the license, \$250. The ninth on the list is
10 2015-82, Louisiana Imports of Baton Rouge,
11 LLC, six counts of parking vehicles on a
12 public right-of-way, \$500 fine was assessed.
13 The tenth one on the list is 2015-84, ABC
14 Auto Sales, LLC, two counts of employing
15 unlicensed salesperson, a fine of \$400.

16 Commission, I ask you to
17 ratify the imposed civil penalties assessed
18 and accept the signed stipulated agency
19 orders.

20 MR. POTEET:

21 Does anybody have any questions
22 or discussion? I have a question. What is
23 causing injury to the public? They very
24 first one. I am just curious.

25 MR. PARNELL:

1 What constitutes that?

2 MR. POTEET:

3 Do you remember or --

4 MR. PARNELL:

5 I mean, I can't remember it, but
6 what it could constitute is just not getting
7 the title to them in a timely fashion. We
8 do have a written statute for that. I can't
9 think of it offhand what it was.

10 Like, for example, like when we
11 -- you do have the bait and switches that go
12 on, and they may tell the consumer that the
13 vehicle -- this is what the vehicle has and
14 when the person gets there, they switch it
15 on them and they don't really know exactly
16 what's going on with that vehicle.

17 MS. BARON:

18 Or they put a price up there
19 that's one price and they come back and for
20 cash, you can pay this, but if you're going
21 to finance, then they up the price --

22 MR. PARNELL:

23 Or lower the price.

24 MS. BARON:

25 -- or lower the price.

1 MR. POTEET:

2 Okay. I was just curious. Okay.
3 Do we have a motion to ratify those?

4 MR. SMITH:

5 (Makes motion.)

6 MR. POTEET:

7 Motion from Darty.

8 Second?

9 MR. OLAVE:

10 Second.

11 MR. POTEET:

12 Second the motion from Steve.

13 All in favor, say, "Aye."

14 (All "Aye" responses.)

15 MR. POTEET:

16 Any opposed?

17 (No response.)

18 MR. POTEET:

19 All right. So next on the agenda
20 is the Executive Director's report.

21 MR. PARNELL:

22 All right. Commissioners, you
23 have in your packet some reports that we've
24 pulled off of CAVU. The first one that
25 we're looking at is the alleged issue

1 counts. That's in the back of your folder.
2 We had 184 alleged issues in the month of
3 February.

4 The second document is a case
5 report, which shows the amount of cases that
6 were assigned to the investigators for the
7 month. 112 classes were assigned. 30 of
8 those cases have been completed and closed.

9 The last one that you have in
10 your report is the department summary. It
11 illustrates that 49 of those cases have been
12 closed. There were five 5 day notices
13 issued. 29 physical inspections were
14 conducted. 15 assisted titles to be
15 delivered to consumer. 86 site visits were
16 conducted. Audits -- two audits have been
17 conducted. 22 violations have been issued.
18 And \$19,846.55 was the investigators helping
19 consumers get money back from the dealers.

20 MR. POTEET:

21 How much was that?

22 MR. PARNELL:

23 \$19,846.55. That completes my
24 review of the compliance investigation and
25 complaints totals.

1 Under general information, we've
2 been -- we've kind of talked about this in
3 the past. It's about our licensing program,
4 our licensing solution, CAVU. We've been in
5 situations where we're -- absolutely right
6 now, there is a need for us to go in a
7 different direction. We're trying to --
8 we've listened to and we've talked with
9 several licensing solution companies. Right
10 now, we're kind of working with one called
11 GL Solutions. It's something that we know
12 in the future that we must go towards. CAVU
13 is not growing with us and they're not
14 trying to offer us anything that can
15 actually sustain us in the direction that
16 we're trying to go as a Commission. We've
17 talked with this company, GL Solutions.
18 It's more of a custom program to kind of
19 work with us. So it's expensive, yes, but
20 in a couple of years, about the year 2017,
21 CAVU is going increase their rates and we'll
22 be paying nearly -- close to what we would
23 pay with the custom program. We're
24 continually -- we're hampered. We're having
25 issues with CAVU moving forward in relation

1 to just our processes.

2 Our process is long, cumbersome,
3 and we can't really do the things that we
4 want to do with our system. We have trouble
5 working around it constantly. So I just
6 wanted to notify you all that we've really
7 been working really hard. Hopefully, I want
8 to move by the year 2016 licensing period
9 that we will probably have another licensing
10 solution in place. Of course, I will bring
11 it before you all, so you can kind of look
12 at the numbers and we'll go from there. But
13 it's just a need that we cannot any longer
14 continue with the licensing solution that we
15 have, now.

16 MR. POTEET:

17 And CAVU doesn't offer the
18 flexibility that we need.

19 MR. PARNELL:

20 No. They don't really offer
21 anything, you know. To be perfectly honest
22 with you, I probably haven't talked to any
23 representative of CAVU in almost a year and
24 I don't think anyone on staff has either.
25 We were having staff meetings. We were

1 having meetings with them and we would try
2 to have a list of the things that we need to
3 get taken care of and they had a priority
4 list and all this and that, but nothing
5 would happen. And we're paying them all of
6 this money and it's just not worth it. In
7 the future, it doesn't look like they're
8 trying to change their product. Other --
9 I've talked to two other agencies in the
10 State and they have decided to leave CAVU as
11 well just because of the same issues. You
12 know, when I initially came on, they
13 promised, oh, they're going to do this,
14 they're going to do that. They had new
15 persons that came in and bought the company.
16 It sounded good initially for about a year,
17 six months or so. After that, it went right
18 back to more of the same. It's just
19 something that has to happen, I believe, for
20 us to work.

21 MR. TAYLOR:

22 Derek, have we talked to any
23 other used car commissions in other states
24 to see what type of software they're using?

25 MR. PARNELL:

1 A lot of those companies, they
2 have their own software that they've gotten.
3 It is more custom for them. Some of the
4 other used car commissions fall under the
5 Department of Public Safety -- well, a lot
6 of them fall under the Department of Safety,
7 so were kind of using what they're using,
8 but most of them have their own custom
9 program.

10 MR. POTEET:

11 The important thing is the
12 flexibility.

13 MR. PARNELL:

14 Flexibility, I believe, yes.

15 MR. POTEET:

16 This was something that was near
17 and dear to Ron's heart five or six years
18 ago.

19 MR. DUPLESSIS:

20 I think it's just a character of
21 CAVU. I just didn't think that really
22 anything would happen. I'll tell what I do
23 at the gun club. We just use a magazine
24 subscription software and it's custom built.
25 It's not very costly and my guy can show you

1 how to go about that, how to evaluate it,
2 and we publish, you know, what, seven, eight
3 different company websites. But just
4 getting that online integration into simply
5 a magazine subscription software with
6 renewal going down to a Paypal cart and
7 basket, it's not that difficult. And I
8 think you can put it together for, I don't
9 know, 7 or 8 thousand dollars. And your
10 maintenance fees are -- I'm pretty tight.
11 It runs around about \$175 a year. So --

12 MR. POTEET:

13 I think that the key is that, you
14 know, we get something that works, something
15 that has, you know, flexibility to do what
16 we have to do or what we want to do. So,
17 you know, look at two or three different
18 options and present those to us and explain
19 why one is better than the other.
20 Sometimes, things are -- you know, just
21 because it's more expensive doesn't mean
22 it's better, but also we just want to make
23 sure that we're getting our money's worth no
24 matter what we spend.

25 MR. DUPLESSIS:

1 Is your IT guy doing well for
2 you?

3 MR. PARNELL:

4 He kind of has been addressing
5 it. Really sat and brainstormed about quite
6 a bit. Staff -- you know, we looked at the
7 program, what we don't like about CAVU, what
8 it's not doing. When we go in and speak to
9 any of these licensing solutions companies,
10 they think we're somewhat difficult, because
11 we just want to be sure whatever we move to
12 next is going to be something that we can
13 really grow from in the next 15 years or so.

14 MR. DUPLESSIS:

15 What did your Board say, Sheri?

16 MS. MORRIS:

17 I have one licensing board that
18 really has outdated software. They've kind
19 of done the same thing. Look to see what
20 the other state boards have and whatever,
21 unfortunately, there doesn't seem to a real
22 package software that's flexible. So there
23 are several states that have custom
24 software. Those people that put it together
25 will sell it to you, but it's very

1 expensive, and then it's not custom to your
2 state law, it is customized to wherever they
3 developed it. And so it's been very
4 difficult, because the funding -- there's
5 not a lot of funds available, and I have
6 several clients working on it, it is very
7 hard.

8 MR. DUPLESSIS:

9 Well, what's your requirements?
10 Because I can put this together for you. I
11 mean, we already have it. We have all
12 online software. We have a website that you
13 go to modules that is plugged in and it goes
14 to the bank account and it's, you know,
15 another day at the office. The gun club is
16 run on the same thing and another business I
17 have is similar. They all filter down to a
18 bank account, and then we have it tied into
19 a modular website set up. So this module
20 has got qualities and it goes right to a
21 shopping cart and you're done. It's a piece
22 of cake. We can put it together for you for
23 probably under 10 grand.

24 MR. PARNELL:

25 What we'll do is, we'll put

1 together a requirement and I'll get it to
2 you and have you -- let your guys look at
3 it. It's going to be a pretty extensive
4 list, a pretty detailed list.

5 MR. POTEET:

6 I think the one way, there are
7 two different ways to look at this sort of
8 thing. One is to say, this doesn't do what
9 I want it to do, and make a list, this is
10 what I want. You know, that's -- we have
11 the same problem in our industry. There are
12 only 350 auctions in the National Auto
13 Auction Association and we all have pretty
14 extensive requirements in software. So
15 there are two companies we can choose from.
16 And, you know, there's not much else you can
17 do, because who wants to get into a business
18 that has only 350 customers, and that's the
19 same problem that I would think with
20 organizations like ours. I mean, how many
21 -- if you decided to run a software company,
22 you know, you're not talking about getting
23 thousands of millions customers, you're
24 talking about getting 50 or 40 or maybe even
25 less. So you've got to -- it's got to

1 either be expensive to make it worth your
2 while or it's got to be easy, one or the
3 other, probably not both.

4 MR. DUPLESSIS:

5 What do you have besides getting
6 them to pay their bill and have the website
7 interaction, is there any other --

8 MS. ANDERSON:

9 Printing the licenses.

10 MR. PARNELL:

11 Printing the licenses.

12 MS. ANDERSON:

13 It has to work with Pay Point.

14 MR. PARNELL:

15 It has to work with Pay Point.

16 MR. ANDERSON:

17 It has to go through Pay Point
18 for the state for the payment online. It
19 has to -- First Data is the company that
20 does the online payment process. It's a
21 state contract and we have to go through
22 them, and so whatever --

23 MR. DUPLESSIS:

24 But that's a plug-in modular to
25 the website.

1 MS. ANDERSON:

2 I haven't had a lot of negative
3 response. I don't know all the technical
4 part of it, but I haven't had a lot of
5 negative response from most companies. They
6 can work with it, but, you know, it is -- we
7 do have to have that.

8 MR. DUPLESSIS:

9 Right. But it's just a plug into
10 whatever your adaptive software.

11 MS. ANDERSON:

12 Yes. And they are flexible,
13 First Data and Pay Point.

14 MR. DUPLESSIS:

15 It's a piece of cake. That's no
16 problem whatsoever.

17 MS. ANDERSON:

18 Yes.

19 MR. PARNELL:

20 Okay. We'll get the
21 requirements.

22 MR. POTEET:

23 We'll work on that with Ron and
24 we will see where we are. Definitely, to
25 me, that's a big priority. Obviously, we

1 those payments that come in, both on the
2 online aspect and on the, you know, checks
3 and what-have-you we receive in the mail,
4 and multiply that, it's just -- you've got
5 to go through four or five different screens
6 just to post one payment. And our
7 accounting system -- you know, I go to one
8 screen, one screen to post a payment.
9 That's how it should be, you know. And like
10 Derek said, they're not -- it's not just --
11 it's not that they're getting bad service.
12 There's no service at all. You can't even
13 get somebody to talk to you about it.

14 MR. POTEET:

15 We can't complain about the
16 service, because there is none.

17 MS. ANDERSON:

18 And about every six months or so,
19 they change staff and they get somebody on
20 there that's really gung ho and they send us
21 this and we have a snapshot of that and we
22 do all that, spend a lot of time providing
23 them with data and nothing gets done.

24 MR. DUPLESSIS:

25 What is your accounting system?

1 MS. ANDERSON:

2 It's Sage 50. It's Peachtree.

3 MR. DUPLESSIS:

4 So basically it's Peachtree
5 based?

6 MS. ANDERSON:

7 Right.

8 MR. DUPLESSIS:

9 Piece of cake.

10 MR. POTEET:

11 Okay. Next on the agenda is the
12 committee reports, the 2015 legislative
13 session.

14 MR. DUPLESSIS:

15 Sheri, I'm going to let you take
16 it, because I think we have most of our
17 legislation stitched up with the exception
18 of maybe the finance issue -- the finance
19 act. I'm kind of discombobulated on that
20 issue. I do know that we have a pending
21 appointment with the Governor's Office. So
22 if y'all would bring us up to speed with
23 that.

24 MS. MORRIS:

25 Before we finalize the

1 legislation, we're still looking at the
2 history of the vehicle sales finance act and
3 putting together some information that the
4 Governor's Office staff has requested and
5 hoping to meet with them. I do think before
6 we file the bill that we do need to
7 communicate with the scrap metal issue that
8 came up, so that if there's anything that
9 they need.

10 MR. DUPLESSIS:

11 Okay. Is there any scrap metal
12 issue that I'm unaware of?

13 MS. MORRIS:

14 Well, I think they were
15 suggesting that it was not necessary for us
16 to put that in there and they suggested that
17 maybe quantity the -- how -- they want to
18 know how we're going to calculate what is
19 the finance part of business and that sort
20 of thing. So we didn't really nail that
21 down either.

22 MR. DUPLESSIS:

23 And what's your recommendation,
24 can we solve that, can we do that in this
25 session right here?

1 MS. MORRIS:

2 I guess we contact the
3 representatives of that agency and see what
4 we can work out, some common ground.

5 MR. DUPLESSIS:

6 We're sitting here March 16. The
7 clock is ticking.

8 MS. MORRIS:

9 We thought we were going to the
10 Governor's Office three weeks ago.

11 MR. DUPLESSIS:

12 Right.

13 MS. MORRIS:

14 That got delayed, that got
15 delayed. So we would kind of put that
16 project as a priority and it has been
17 delayed, so now we're here at the deadline
18 again. That seems to happen every year.

19 MR. DUPLESSIS:

20 Do you have a seat on the
21 legislation before we get like we are under
22 the gun, the clock is ticking.

23 MS. MORRIS:

24 The session starts mid April. So
25 we still have our April meeting. We'll get

1 everything finalized. We have to have it
2 submitted. There won't be any hearings
3 before the Commission hearing.

4 MR. DUPLESSIS:

5 So, virtually, what we did is
6 submit a bill, and then after the committee
7 meeting --

8 MS. MORRIS:

9 We are looking at maybe two
10 bills.

11 MR. DUPLESSIS:

12 Okay. That concludes my report,
13 Mr. Chairman.

14 MR. POTEET:

15 Does anybody have any questions
16 or comments on any of that?

17 MS. MORRIS:

18 I think we will keep working on
19 that legislation.

20 MR. DUPLESSIS:

21 Right.

22 MR. POTEET:

23 All right. If we don't have
24 anything else, is there anything that we
25 need to bring up for the next agenda? The

1 next meeting will be April 20th.

2 MS. MORRIS:

3 We do need to make sure we go
4 through the legislation before it gets to a
5 committee.

6 MR. POTEET:

7 Is everybody going to be able to
8 make that meeting? We haven't had a problem
9 with that in a while, but it's always nice
10 to know. Okay. Without hearing else, I
11 propose that we adjourn the meeting.

12 MR. BREWER:

13 Second that.

14

15

16 (Meeting adjourned at 10:26 a.m.)

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18

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REPORTER'S CERTIFICATE

1
2
3 I, BETTY D. GLISSMAN, Certified Court
4 Reporter, Certificate No. 86150, in and for
5 the State of Louisiana, do hereby certify
6 that the Louisiana Used Motor Vehicle
7 Commission March 16, 2015, meeting was
8 reported by me in the stenotype reporting
9 method, was prepared and transcribed by me
10 or under my personal direction and
11 supervision, and is a true and correct
12 transcript to the best of my ability and
13 understanding.

14 This March 31, 2015, Baton Rouge,
15 Louisiana.

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17
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22
23
24 _____
BETTY D. GLISSMAN, CCR
25 CERTIFIED COURT REPORTER

\$

\$1,076,762 [1] - 7:11
\$1,372,000 [1] - 7:24
\$100 [3] - 27:4, 29:1, 33:10
\$175 [1] - 51:11
\$19,846.55 [2] - 46:18, 46:23
\$2,750 [1] - 42:17
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