

LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
March 18, 2013
BEGINNING AT 9:32 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
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1 APPEARANCES:

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3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. TONY CORMIER

9 MR. RON DUPLESSIS

10 MR. GEORGE FLOYD

11 MR. KIRBY ROY

12 MR. HENRY "DARTY" SMITH

13 MR. DINO TAYLOR

14 MR. DOUGLAS TURNER

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18 REPRESENTING THE LOUISIANA USED MOTOR
19 VEHICLE COMMISSION:

20 ROBERT W. HALLACK, ESQUIRE
21 HALLACK LAW OFFICE
22 13007 JUSTICE AVENUE
23 BATON ROUGE, LOUISIANA 70816

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1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MR. KEVIN REMBERT

7 MS. BECKY BERTRAND

8 MS. TONYA BURKS

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22 MR. POTEET:

23 Pledge of Allegiance.

24 (PLEDGE OF ALLEGIANCE)

25 MS. BARON:

1 John Poteet?
2 MR. POTEET:
3 Here.
4 MS. BARON:
5 George Brewer?
6 MR. BREWER:
7 Here.
8 MS. BARON:
9 Dino Taylor?
10 MR. TAYLOR:
11 (No response.)
12 MS. BARON:
13 Tony Cormier?
14 MR. CORMIER:
15 Here.
16 MS. BARON:
17 Ron Duplessis?
18 MR. DUPLESSIS:
19 Here.
20 MS. BARON:
21 George Floyd?
22 MR. FLOYD:
23 Here.
24 MS. BARON:
25 Kirby Roy?

1 MR. ROY:

2 Here.

3 MS. BARON:

4 Darty Smith?

5 MR. SMITH:

6 Here.

7 MS. BARON:

8 Douglas Turner?

9 MR. TURNER:

10 Here.

11 MS. BARON:

12 Mr. Chairman, we have a

13 quorum.

14 MR. POTEET:

15 Good. Do we have anyone here

16 for public comments today?

17 MS. BARON:

18 No, sir, we do not.

19 MR. POTEET:

20 All right. So we'll start

21 off with items for discussion. We need an

22 approval of the minutes from the previous

23 meeting.

24 MR. SMITH:

25 I make a motion.

1 MR. BREWER:

2 Second.

3 MR. POTEET:

4 All in favor, say "Aye."

5 (All "Aye" responses.)

6 MR. POTEET:

7 Any opposed?

8 (No response.)

9 MR. POTEET:

10 All right. That passes.

11 Moving on to finance matters,

12 Mona, are you ready? I'm sure you are.

13 MS. ANDERSON:

14 Turn in your packets to the
15 financial information. On Page 1, the
16 operating account balance last year was
17 \$1,197,000 and for 2013, it's \$1,468,400,
18 which is a \$271,400 increase. The accounts
19 receivable hearing fines balance was
20 \$91,450. And down at the bottom of the
21 page, the current liabilities are \$30,864,
22 and that's comprised mainly of benefit
23 payments that we made at the beginning of
24 March.

25 On Page 2, the deferred

1 revenues, for 2013, we only have \$8,451
2 remaining and for 2014, we have \$288,363.

3 That's up from last year this time when we
4 had about \$224,500.

5 On Page 3, is the revenue and
6 expenditure statement. Our revenues for
7 January down there in the middle of page
8 were \$61,000 -- I'm sorry, for February were
9 \$61,556 and year to date was \$961,000
10 compared to \$993,000 last year. The license
11 fees were up \$34,000, but the difference in
12 the figure -- year-to-date figure has to do
13 with that refund that we made later in the
14 year last year.

15 On Pages 3 and 4 -- on Page
16 4, the salaries and related benefits were
17 \$463,350 year to date compared to \$425,600
18 last year.

19 We have good news on the
20 travel for the Commissioners. We wrote a
21 letter to the Division of Administration
22 requesting that we be allowed an exception
23 on the mileage cap that was placed. And we
24 cited that our meeting is early on Monday
25 morning, so it might require some

1 Commissioners to have to rent a vehicle the
2 day before or even a couple of days before,
3 and we also cited that there are not
4 Enterprise locations at -- in some of the
5 hometowns for the Commissioners. And we
6 were granted an exception and it was
7 approved for us to continue to reimburse the
8 Commissioners for the mileage to the
9 meetings. That was a good thing. The
10 remaining expenditures for the month -- year
11 to date were \$135,500 compared to \$151,000
12 last year.

13 And on Page 5 down at the
14 bottom of the page, the year-to-date
15 revenues over expenditures was \$362,149
16 compared to \$416,240 last year. The
17 difference again with that is we have that
18 refund that's still showing up in the
19 revenue and the increase in salaries and
20 benefits.

21 On Page 6 is a recap of the
22 revenues and expenditures and the fund
23 balance. On Page 7 is a graph showing those
24 -- the last 12 months -- a comparison of the
25 last 12 months on the revenue, expenditures

1 and fund balance.

2 On Page 8 is our accounts
3 receivable hearings report. For Car Boyz,
4 the \$800, that was paid, but the check was
5 returned. We have moved that amount to the
6 collections amount on the income -- on the
7 revenue and expenditures statement, but
8 since we printed this report, Stacy Gaudin
9 has gone out and collected that \$800 from
10 Car Boyz. So that has been paid. And the
11 following page is our certificates of
12 deposit report.

13 MR. PARNELL:

14 Mona, can I stop you for a
15 moment? Also, if you notice that we're
16 talking about Car Boyz, if you notice at the
17 bottom of the page, he was assessed a fine
18 and costs of \$23,850. That was November
19 16th of 2012 when he came in for his
20 hearing. He's been in contact -- we've been
21 in contact with the bond company to retrieve
22 the bond amount, but he wanted to come in
23 and speak with us about possibly making
24 payments, being on a payment plan, to pay
25 out the rest of the \$20,000 -- the \$23,850

1 to expire at the end of 2013. And so he
2 kind of asked me what did I think about
3 that, and I did say I would speak with you
4 Commissioners and see what your thoughts
5 were about that.

6 Initially, I was kind of
7 thinking, okay, maybe we can try to work
8 something out with him, but when he came in
9 and wrote the bad check for \$800 and we did
10 get it back and I had to go after him and
11 get my investigator out there on numerous
12 occasions to get that paid, my mind changed
13 a bit. My thought was, if you decide you
14 want to go ahead and allow him to try to pay
15 it out, I think he needs to put down at
16 least 40 or 50 percent of what that amount
17 is, and then pay the rest out over
18 incremental time because, if not, \$2,400 a
19 month or so, I'm just not confident that he
20 will stay diligent and pay that amount.

21 What are your thoughts on
22 that?

23 I mean, I just need to get
24 something out there. I mean, writing the
25 bad check, for me, kind of put me in a whole

1 different mind set with him. You know, he
2 had a good explanation and a good story as
3 to why he needed us not to go against his
4 bond and he won't be in business and all
5 that story. But for me to have to go after
6 him to get the \$800 fine, I'm like \$2,400 a
7 month, I don't know if I'm going to be able
8 to really get that from you, and I'm going
9 to ultimately end up going against your
10 bond, anyway.

11 So what are your thoughts on
12 how I should handle that situation?

13 MR. TURNER:

14 Could you refresh my memory
15 on what the fine was for and what we did to
16 put him on probation or what do we do?

17 MR. PARNELL:

18 Do you remember -- the Car
19 Boyz, he had a hearing November 16th. At
20 that point, he was with A-1.

21 MS. BARON:

22 He had already opened A-1
23 Autoplex, which is his dealership, just a
24 different name.

25 MR. PARNELL:

1 With Car Boyz, I think you
2 all revoked his license; is that it?

3 MS. BARON:

4 Yes. "It is hereby ordered,
5 adjudged and decreed that James C. Will,
6 also known as James G. Will, individually,
7 and Car Boyz, LLC are assessed a fine of
8 \$23,500 comprised of the following: \$6,000
9 for three counts of violating La. R.S.
10 37:792(b)2; \$6,000 for three counts of
11 violating Louisiana Revised Statute
12 37:792(b)8; \$2,000 for one count of
13 violating Louisiana Revised Statute
14 37:792(b)9; \$9,400 for 94 counts of
15 violating Louisiana Revised Statute
16 37:792(b)12; and \$100 for one count of
17 violating Louisiana Revised Statute
18 37:792.13. It is hereby further ordered,
19 adjudged and decreed that James G. Will's
20 salesman number is hereby revoked. It is
21 hereby further ordered adjudged and decreed
22 that Car Boyz, LLC's dealership license is
23 hereby revoked, and it is hereby further
24 ordered, adjudged and decreed that James C.
25 Will, also known as James G. Will,

1 individually, and Car Boyz, LLC are assessed
2 the cost of the proceedings in the amount
3 \$350."

4 MR. TURNER:

5 How is he in business if we
6 revoked his salesman license?

7 MR. PARNELL:

8 Prior to having the hearing
9 and prior to us putting a hold out there on
10 the account, he submitted documentation for
11 a new dealership, which is A-1. That's what
12 he is currently operating, right now. A-1
13 is in business, but it's the same bond. He
14 just had it transferred over from Car Boyz.
15 He transferred it over to A-1. So it was
16 one that actually slipped through the cracks
17 administratively on our end. It should not
18 have happened, but he did slip through.

19 MS. BARON:

20 James Will does not have a
21 salesman license at this time, but Blaine
22 Barcus, the other salesperson does, and
23 that's how the dealership is running at A-1.

24 MR. PARNELL:

25 I didn't issue his salesman's

1 license because of that fee -- that fine
2 that was out there, \$800. I told him,
3 you've got to at least pay that prior to me
4 even thinking about giving you a salesman's
5 license.

6 MR. TURNER:

7 A-1 owes \$20,000. I'm
8 confused. Both of them owe us for \$20,000?

9 MR. PARNELL:

10 No. Car Boyz is the only one
11 that owes us \$20,000. A-1 is fairly new.
12 He hasn't had a lot of complaints with that
13 dealership. That's not the same one.
14 There's a lot of A-1s out there.

15 MR. CORMIER:

16 The A-1 on there is the Damon
17 guy?

18 MR. PARNELL:

19 Yes. That's Damon Bowling.

20 MR. POTEET:

21 So what do you guys think?

22 MR. PARNELL:

23 I just presented it to you to
24 see what your thoughts were on moving
25 forward with the \$23,000 fine that was

1 assessed against him. Shall I go ahead and
2 go against the bond and recoup the \$20,000,
3 we know we can get that, and maybe go after
4 him later for about \$3,000, or do you want
5 to do something and kind of work with him, I
6 guess, for him to stay in business and pay
7 it out monthly?

8 MR. CORMIER:

9 The only thing with that, if
10 you start that and word gets out to the
11 other dealers, I don't know how they will
12 feel about it, but I just think it's --

13 MR. BREWER:

14 He brought it upon himself.
15 I would say go after him.

16 MR. CORMIER:

17 That's what the bond is for.
18 I mean, that's up to y'all. I'm just
19 thinking out loud.

20 MR. DUPLESSIS:

21 Let him work out a payment
22 plan with the bond company.

23 MR. POTEET:

24 Yes, I like that idea.

25 MR. DUPLESSIS:

1 Yes, one or the other.

2 MR. POTEET:

3 Yes. Just tell him that we
4 agreed that we didn't want to set a
5 precedence. I think Tony is right. We
6 start doing stuff like that and everybody is
7 going to want a payment plan. We say, no,
8 we're not going to do it for you. Well, why
9 did you do it for him? Why get into that?
10 Sounds good.

11 MR. BREWER:

12 While we're talking about
13 that, go up to Value Imports, the \$20,000,
14 that was his bond?

15 MR. PARNELL:

16 That was his bond.

17 MR. BREWER:

18 So how are we going after the
19 \$18,000, are we doing anything with him?

20 MR. HALLACK:

21 It's on appeal.

22 MR. BREWER:

23 That's on appeal?

24 MS. BARON:

25 It's still on appeal.

1 MR. PARNELL:

2 But we will go after him for

3 the \$18,000.

4 MR. POTEET:

5 They're on the agenda to

6 discuss.

7 MR. BREWER:

8 What's that?

9 MR. POTEET:

10 They're on the agenda to

11 discuss. So Rob is going talk about that

12 for a second -- in a second -- in a few

13 minutes.

14 MR. PARNELL:

15 That, I will inform him of

16 today.

17 MR. POTEET:

18 I'm sorry, Mona, please.

19 MS. ANDERSON:

20 The certificate of deposit

21 report is on Page 9 and there are no changes

22 to that at this time.

23 So unless there are any

24 questions, that concludes my report, Mr.

25 Chairman.

1 MR. POTEET:

2 Does anybody have any
3 questions for Mona on the financial reports?

4 (No response.)

5 MR. POTEET:

6 How about a motion approve
7 those reports?

8 MR. TURNER:

9 Motion to approve the
10 financials.

11 MR. CORMIER:

12 Second.

13 MR. POTEET:

14 All in favor, say, "Aye."

15 (All "Aye" responses.)

16 MR. POTEET:

17 Any opposed?

18 (No response.)

19 MR. POTEET:

20 All right. The next thing
21 we've got on the agenda is the legal matters
22 and pending litigation. Mr. Hallack.

23 MR. HALLACK:

24 We still have the appeals for
25 both Value Imports and A-1 Autoplex on the

1 legal matters. The appeal on A-1 Autoplex
2 will be this afternoon at one o'clock in
3 Judge Janice Clark's courtroom. The other
4 one on Value Imports is before the First
5 Circuit Court of Appeals and they've already
6 set a date for the decision and, generally,
7 it comes out about six to eight weeks from
8 that. So we're looking for a decision on
9 Value Imports in the next three to four
10 weeks.

11 MR. DUPLESSIS:

12 Robert, if we go to the Court
13 of Appeals, I mean, that's -- all of the
14 cases are case law and Westlaw at this
15 point, right?

16 MR. HALLACK:

17 Right.

18 MR. DUPLESSIS:

19 So we can draw all the
20 previous decisions back to that and you
21 don't think we will have any problem?

22 MR. HALLACK:

23 Well, it's always a different
24 issue. I mean, a lot of the appeals that we
25 handle -- that this Commission handled in

1 the past dealt with different kinds of
2 issues. For instance, it dealt with boat
3 dealers and manufacturer issues. We've had
4 a quite a few used car things, but not
5 nearly as many. So, often times, it's a
6 different issue for us.

7 On Value Imports, he alleged
8 a number of things. He alleged that certain
9 Commissioners had personal involvement in
10 the case and stuff like that. There was
11 absolutely no proof of it. That's part of
12 his appeal, you know, amongst other things.
13 I mean -- so that was really an unusual
14 thing about this appeal, is that that was --
15 part of his main argument was that there
16 were certain Commissioners that had personal
17 involvement in it. And to show you, if you
18 remember how ridiculous it was, he thought
19 Glenn Robinson operated Robinson Brothers
20 Ford. That was part of his argument.

21 MR. PARNELL:

22 That was his direct
23 competitor. I think that's how he put it.

24 MR. HALLACK:

25 Of course, he also said that

1 Mr. Duplessis was one of his competitors,
2 too. But, I mean, that was part of his
3 argument. There were other things, too. So
4 we should be getting a decision in that,
5 hopefully, in the next three or four weeks.
6 It was a big record. So that's why it's
7 taking a while, but we're just waiting.
8 That's all.

9 MR. BREWER:

10 What was the name of the
11 dealer that owed the Lafayette auction
12 checks, bad checks?

13 MR. HALLACK:

14 That was Mr. Deen, Phillip
15 Deen.

16 MS. BARON:

17 Real Deal.

18 MR. HALLACK:

19 Real Deal Motorsports.

20 MR. BREWER:

21 What's the latest on them?

22 MR. HALLACK:

23 Mr. Parnell is in the process
24 of drafting a letter denying his license --
25 his application for a license for 2013. I

1 don't think he ever made good on his hot
2 checks to the auction, and then there were
3 some other problems.

4 MR. POTEET:

5 Did the auction ever get
6 licensed?

7 MR. PARNELL:

8 No. They actually --

9 MS. BARON:

10 They're a new car dealership.

11 MR. POTEET:

12 So you can run an auction if
13 you're a new car dealership?

14 MS. BARON:

15 Their license supersedes
16 everything.

17 MR. POTEET:

18 Oh, really. That's
19 interesting. So if I had a new car
20 dealership, I wouldn't have to have a
21 license with this -- that's good to know.

22 MR. HALLACK:

23 Or the auction board, right,
24 Kim?

25 MR. POTEET:

1 He had to be with the auction
2 board.

3 MR. PARNELL:

4 They don't have a license
5 with us. If you have a motor vehicle
6 license with the New Car Commission.

7 MR. POTEET:

8 So if somebody has a
9 complaint with them as an auction, who do
10 they go to, the New Car?

11 MS. BARON:

12 New Car.

13 MR. DUPLESSIS:

14 Well, it's an act of sale by
15 a dealer and they have to hire a licensed
16 auctioneer.

17 MR. POTEET:

18 So they have to have
19 ownership of those cars?

20 MR. DUPLESSIS:

21 That's correct, and they do.

22 MR. BREWER:

23 They're only selling their
24 own.

25 MR. POTEET:

1 Okay. Interesting.

2 All right. So the next thing
3 we have here is the Tier 2.1 Personal
4 Financial Disclosure Statement. I will let
5 Kim talk about that.

6 MS. BARON:

7 The Louisiana Board of Ethics
8 every year, because you are Board members of
9 a commission, you have to file personal
10 disclosures with them. I will be sending
11 out an e-mail to you telling you the
12 website, giving you the information. They
13 ask for your personal financial disclosure
14 and it has to be done by May 15th of each
15 year. You cannot ask for an extension and
16 it's just like your taxes, it reverts back
17 to the income and employment stuff of the
18 previous calendar year. I'll go ahead and
19 send the e-mail sometime this week. You
20 just go to the Ethics Board. You fill out
21 the information. You print it off. You can
22 fax it, mail it or hand deliver it. You
23 can't send it from the website for some
24 reason. They haven't perfected that, I
25 guess, or whatever. There are six different

1 sections. You've got employment, income,
2 business, nonprofit, other offices and
3 contributions. So they just ask that you
4 fill out whatever is, you know, appropriate
5 for you and send it in.

6 MR. POTEET:

7 That's same as we did before,
8 right?

9 MS. BARON:

10 It's every year, every year
11 before May 15th.

12 MR. BREWER:

13 I don't remember doing that
14 last year.

15 MS. BARON:

16 Yes, you did.

17 MS. BREWER:

18 Did I really?

19 MS. BARON:

20 You did.

21 But I will go ahead and send
22 an e-mail this week sometime and give you
23 the website and the particulars on it, but
24 we just wanted to make you aware, so when
25 you get the e-mail, you're not, like, what.

1 It's just another thing the Ethics Board is
2 asking for. So have fun with that.

3 MR. POTEET:

4 All right. Executive
5 Director's report.

6 MR. PARNELL:

7 If you will turn with me, in
8 your packet, you have the alleged issue
9 counts with the compliance investigation.
10 The first one that we have here is alleged
11 issue counts. There's 100 -- a total of 100
12 alleged issues for the month of February.
13 Forty-nine of those issues are non-delivery
14 of title.

15 The next item is a case
16 report, which illustrates that there were 82
17 assigned cases in the month of February.
18 Thirty-seven of those are claims against
19 bonds, which is kind of dealing with one
20 dealership that we will be looking into a
21 little bit deeper. Five -- completed cases
22 for the month, five completed cases of those
23 cases that were open and 77 remaining to be
24 open.

25 The department summary shows

1 that there were 37 cases for the month open.
2 Of course, the main function of
3 investigators is mainly they get a lot of
4 phone calls, but they also do other items.
5 There were 13 five day notices issued for
6 the month of February, 34 physical
7 inspections done, 51 site visits, one
8 compliance meeting, three audits continually
9 being conducted, and one cease and desist
10 order was issued for the month of February,
11 and \$4,000 in monies were returned back to
12 consumers over some issues that had taken
13 place with some dealers out there. That is
14 the last part I had about the compliance.

15 I did just want to let you
16 know that Lessie, Burgess and Sheri, myself
17 and Ing-Ya Cattle was there, the Assistant
18 Director over there, we had a meeting on
19 March 7th. We kind of just talked about
20 various issues, some of which mainly kind of
21 dealt with the Motor Vehicle Sales Finance
22 Act. We do want to make sure that we are
23 all on the same page and we weren't feeling
24 at odds with each other, because it seemed
25 like we were heading in that direction after

1 a phone call we had after our last
2 Commission meeting that Commissioner
3 Duplessis was involved with. With this
4 meeting that we had, it kind of started a
5 little rocky and, you know, she was saying
6 some things that were incorrect. So I had
7 to correct her. And once I made my
8 correction, everything was smooth after
9 that.

10 One thing primarily we talked
11 about was how to define origination of a
12 loan. And what they define it, basically,
13 is that if you are filling out loan
14 paperwork in the office and they forward
15 that bank information off to a financial
16 institution, that means that is the
17 origination of a loan, that is someone who
18 originates the loan. That's someone who
19 does need to hold a finance license.

20 They also stated that it is
21 not origination if the dealer took the
22 consumer to a finance company, whether it be
23 next door or across the street. So there's
24 a question that we asked, is it necessary to
25 consider it origination if a dealer has a

1 computer set up in his office, whereas the
2 consumer goes to that computer, applies for
3 the application via bank, whatever method
4 they want to use, then get approval and get
5 that documentation back. They said that's
6 not considered origination. Thus, that
7 person would not need a license. So Sheri
8 and I, we kind of discussed it on the way
9 back and we just want to put something
10 together for our dealers, so they will
11 understand and know exactly what -- when you
12 need a motor vehicle sales finance license.

13 We talked with Burgess
14 McCranie, which is their attorney. He's
15 supposed to be getting some information to
16 us, so we can kind of go from there and kind
17 of -- and look at it -- look at what he
18 sends, and then we can formulate something,
19 so we can send it out to our dealers, so
20 they can understand exactly what they need
21 to do. When I asked that question, because
22 if I sit at home, I'm on my computer, that's
23 no such thing -- I'm not originating a loan.
24 So if our dealers have computers set up in
25 their office and they send the consumer

1 right there, you go ahead and you fill out
2 your own loan paperwork, that person doesn't
3 need a license with them. So I was just
4 trying -- brainstorming to look at it
5 different ways to kind of look at it. So
6 that's kind of ongoing. We still have some
7 more communication that we need to discuss
8 with them moving forward. So I will update
9 you on any other developments that come up.

10 One thing that they were
11 adamantly opposed to is used dealers having
12 the 12 vehicles prior to getting a finance
13 license. Primarily, their argument was
14 that, you know, the way the statute reads,
15 it's not motor vehicle dealers in that
16 statute, Chapter 6, which is the Motor
17 Vehicle Sales Finance Act. It doesn't
18 define motor vehicle dealer as new only, but
19 in their statute, it does say that in
20 Chapter 32. Within that same statute,
21 Chapter 6, it states that motor vehicle is
22 new or used, but they're arguing it was that
23 -- you know, that statute -- all of those
24 statutes were written in '77, and our
25 Commission didn't even come into existence

1 until '84. So it was referring only to new.
2 We'll wrestle back and forth with that. I
3 was just kind of giving you an idea where
4 their mind state was with that.

5 Do y'all have any comments
6 about that?

7 MR. TURNER:

8 Well, that e-mail I sent
9 since I missed the meeting, the form -- the
10 license form that you fill out, it really
11 reads like it's a finance company filling it
12 out, not a dealer. It's asking you for
13 interest rates, how are you going to do a
14 refund. I mean, as a dealer, you know, you
15 have seven, eight, 10 different lenders --
16 indirect lenders and they're all using it
17 and they're all different. So how do you
18 fill that out, you know? It doesn't make a
19 lot of sense.

20 MR. PARNELL:

21 Yes, and that's the whole
22 thing. We're still trying to get clarity
23 from them. I mean, they're saying that
24 basically if the documentation is filled out
25 in that office, that's the origination of

1 the loan, not necessarily that -- you're not
2 financing them, you're sending them off to
3 another lender, but that's where the
4 origination of the loan starts. And their
5 argument has been that the origination is
6 what determines whether a motor vehicle
7 sales finance license is required or not.

8 MR. TURNER:

9 Well, all I'm saying is, the
10 application that they're asking used car
11 dealers to fill out makes no sense to what a
12 used car dealer does. So it's not tailored
13 to that. The left hand doesn't know what
14 the right hand is doing.

15 MR. DUPLESSIS:

16 That's clear. That's clear.
17 You're right. When they did all of that,
18 they weren't thinking in that realm, and I
19 wasn't at that meeting, but you gave me the
20 cliff notes on it. It appears that they
21 only want to enforce it and they only want
22 to get a license when there's an issue and,
23 you know, we talked about that with them and
24 I walked away confused. If that's what
25 you're charged with and this is what you're

1 supposed to do, then they whine about not
2 having enough money, but if you don't have
3 enough -- you know, what's the fee, two
4 hundred bucks or something?

5 MR. HALLACH:

6 Four hundred dollars.

7 MR. DUPLESSIS:

8 I tell you what, I can find
9 staff for \$400 a lick. 400 a pop when
10 you're taking a sheet of paper. That's a
11 pretty good price in my book. So I'm kind
12 of thinking that we need to really kind of
13 talk with them, because they didn't know
14 whether they wanted to actually enforce it
15 or not enforce it. They were totally
16 confused as to how they wanted to affect it.
17 But, you know, the problem that I have with
18 our dealers, you know, you've got a guy
19 operating in good faith and you've got an
20 agency that's confusing and they don't know
21 what they're doing. I mean, how is it a
22 fair deal to our guys? So, you know, I
23 don't know whether we should be good
24 stewards and put something on the website,
25 but we can't put something ambiguous that we

1 can't even figure out.

2 MR. POTEET:

3 Correct.

4 MR. DUPLESSIS:

5 So I'm clueless.

6 MR. POTEET:

7 It's going take a lot more
8 study to get something -- at a point where
9 we could -- I mean, I think the point you're
10 making, too, about -- well, what Doug is
11 saying, you can't even fill out -- you can't
12 fill out the form, basically.

13 MR. HALLACK:

14 Right.

15 MR. POTEET:

16 What are you going to do,
17 just make up stuff? I think we have a long
18 way to go before we get this resolved, I'm
19 sorry to say.

20 MR. TURNER:

21 It is a big, big, gray area.

22 MR. PARNELL:

23 I agree with you, yes.

24 MR. POTEET:

25 It's all gray.

1 MR. TURNER:

2 A dealer had came to me about
3 it sort of with his hands up and said, I'm
4 not even going to send it in. He hasn't
5 done anything. Nobody has ever come back to
6 him or called him or anything and that's
7 been, I don't know, four or five months ago.

8 MR. PARNELL:

9 It generally pops up when
10 they're having issues out there. That's
11 what we talked about.

12 MR. TURNER:

13 He was advertising an
14 interest rate or something.

15 MR. CORMIER:

16 Would that be for each
17 location? Like I said, a dealer may have
18 five locations, that's for each one, really?

19 MS. BARON:

20 Each location.

21 MR. PARNELL:

22 Also, I kind of wanted to let
23 you know that on the 13th, WAFB, they ran a
24 story on one of our dealers, Red Barn
25 Motors. This is a dealership out in Denham

1 Springs. The story is about the dealership
2 pretty much closed down without giving
3 notice to the staff or consumers or
4 anything. Staff went in that morning and
5 found that the doors were closed. We were
6 in contact with the dealer. The dealer has
7 been stating that there were some personal
8 issues that caused him to close down his
9 dealership, also that his plan was to
10 re-open the dealership within the next week
11 or so, but I'm not really sure that that's
12 going to happen at all. I just kind of
13 wanted to let you know that there was an
14 article out there in the newspaper. Kiran
15 Chawla is the young lady that came here from
16 WAFB before and asked about, you know, what
17 could she say in the news about it, and I
18 kind of let her know that -- you know, what
19 we knew about it and that's pretty much
20 where she ran. She didn't do anything
21 outside of that realm. I know in the past,
22 the Commission kind of got beat up a lot
23 with WAFB primarily, but Kiran Chawla has
24 always been real good with contacting me and
25 kind of letting me know what's going to

1 happen before it happens and see how I feel
2 about it and kind of talk about what's going
3 on. How long will that last? Who knows.
4 She's still a reporter, you know. But that
5 kind of concludes my portion.

6 MR. POTEET:

7 Okay. Do we have any
8 questions about any of that?

9 (No response.)

10 MR. POTEET:

11 All right. The next thing we
12 have is discussion of the 2013 legislative
13 session, Ron.

14 MR. DUPLESSIS:

15 I think basically he just
16 kind of gave you the update. Nothing has
17 really changed for us in our proposals. So
18 we have an author and it has been
19 pre-written, it's been filed.

20 MR. PARNELL:

21 It hasn't been filed, yet.
22 We will file it this week. Prior to the
23 Commission meeting last week, Representative
24 Edward James, who is a good friend of mine,
25 was supposed to be writing it. Then, during

1 that meeting, he said he couldn't do it at
2 the last minute. So what he did was that
3 the next two days later, he brought
4 Representative Ed Price over to my office
5 and we kind of sat and talked, which is a
6 good thing, because he's actually on the
7 Commerce Committee, which will help us get
8 our legislation -- our proposed legislation
9 through a lot earlier, a lot smoother, than
10 if it was with him writing it alone,
11 Representative James that is. So this week,
12 Sheri did go back and she just sent it to me
13 yesterday, a cleaned up version, the final
14 version, of what we're going to go ahead and
15 just send on off to him either tomorrow or
16 today -- today or tomorrow and go ahead and
17 get it filed.

18 MR. DUPLESSIS:

19 Okay. The one thing I will
20 do is, when Burgess and Lessie are down
21 there, I will talk to them about making
22 clear their intentions, whether they are
23 going to enforce this or what their position
24 on enforcement is, if we need to work on
25 something for next year or do an amendment

1 this year. I think the least we can do,
2 Doug, is get them to redo their forms for a
3 new or used or whatever. They don't need
4 any kind of legislation for that, but, you
5 know, we'll try to make it clear to the guys
6 that want to conform. I think right now we
7 leave the sleeping dog lie. That's really
8 not an issue, but we'll try to clear it up.

9 MR. POTEET:

10 I agree with that. I don't
11 think we have much choice but to let the dog
12 sleep a little bit longer, because there's
13 not much we can do.

14 MR. DUPLESSIS:

15 You are correct.

16 MR. POTEET:

17 What will we tell people? I
18 don't know. We will let Doug tell them. If
19 they have any questions, call Doug.

20 MR. DUPLESSIS:

21 Tell them, you need to call
22 the New Car Commission, and they will get
23 them quick.

24 MR. TURNER:

25 So what you're telling me, if

1 I call the New Car Commission, do I need two
2 finance licenses, one for financing and one
3 for titles?

4 MR. DUPLESSIS:

5 If it's different locations.

6 MR. TURNER:

7 Hold on. We will call you
8 back on that.

9 MR. DUPLESSIS:

10 That's it, Mr. Chair.

11 MR. POTEET:

12 No hearings today.

13 So do we have any items we
14 need for the next agenda?

15 (No response.)

16 MR. POTEET:

17 Is everybody going to be here
18 next month? I will not be at the next
19 meeting.

20 Does anybody want to chair
21 that? Ron usually chairs it when I'm not
22 here.

23 MR. DUPLESSIS:

24 I will be happy to.

25

1 MR. POTEET:
2 Then, do we have a motion to
3 adjourn?

4 MR. SMITH:
5 Motion.

6 MR. BREWER:
7 Second.

8
9 (Meeting adjourned at 10:08 a.m.)

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1 REPORTER'S CERTIFICATE

2
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 Used Motor
7 Vehicle Commission ^ create 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 April 1, 2013, Baton Rouge,
15 Louisiana.

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