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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
SEPTEMBER 15, 2014
BEGINNING AT 9:30 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. 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. STEVEN OLAVE

15

16

17

18

19 REPRESENTING THE LOUISIANA USED MOTOR
20 VEHICLE COMMISSION:

20

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

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

1 ALSO PRESENT:
2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MR. JOHN McKOWEN

8 MR. ERIC STRODERT

9 MR. DWAYNE TAMBLING

10 MR. KEVIN REMBERT

11 MAJOR PAUL EDMONSON

12 KELLY DUPUY

13 JEFF WATTS
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1 MR. POTEET:

2 Kim, roll call, please.

3 MS. BARON:

4 John Poteet?

5 MR. POTEET:

6 Here.

7 MS. BARON:

8 George Brewer?

9 MR. BREWER:

10 Here.

11 MS. BARON:

12 Dino Taylor?

13 MR. TAYLOR:

14 Here.

15 MS. BARON:

16 Tony Cormier?

17 MR. CORMIER:

18 Here.

19 MS. BARON:

20 Ron Duplessis?

21 MR. DUPLESSIS:

22 Here.

23 MS. BARON:

24 George Floyd?

25

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 We have full attendance. All
19 right. The next thing on the agenda is we
20 have a new Commissioner, Steve Olave, and so
21 we have an oath of office that we have --
22 we'll come back to that, Steve. You can't
23 vote until we -- okay.

24 MR. HALLACK:

25 Steve, could you raise your right

1 hand, please? We're about to give you the
2 oath for public office for the State of
3 Louisiana. So, I, Steve Olave --

4 MR. OLAVE:

5 I, Steve Olave --

6 MR. HALLACK:

7 -- do solemnly swear or affirm
8 that I will support the Constitution --

9 MR. OLAVE:

10 -- do solemnly swear or affirm
11 that I will support the Constitution --

12 MR. HALLACK:

13 -- and the laws of the United
14 States --

15 MR. OLAVE:

16 -- and the laws of the United
17 States --

18 MR. HALLACK:

19 -- and the Constitution and laws
20 of this State --

21 MR. OLAVE:

22 -- and the Constitution and laws
23 of this State --

24 MR. HALLACK:

25 -- and that I will fully,

1 faithfully, and impartially discharge --

2 THE WITNESS:

3 -- I will faithfully, and
4 impartially discharge --

5 MR. HALLACK:

6 -- and perform all the duties
7 incumbent on me.

8 MR. OLAVE:

9 -- and perform all the duties
10 incumbent on me.

11 MR. HALLACK:

12 That's it.

13 MR. POTEET:

14 Welcome. Okay. We have someone
15 here on public comments, I think.

16 MS. BARON:

17 Yes, we do. Mr. Eric Stroderd.
18 He has concerns and he wants to speak today
19 on the finance license.

20 MR. POTEET:

21 Okay. Eric, do you want to come
22 forward, please?

23 MR. STRODERD:

24 My name is Eric Stroderd and I'm
25 speaking on behalf of the Louisiana

1 Independent Auto Dealers Association. You
2 know, it's been brought to our attention
3 multiple times from our members and/or
4 dealers the concerns with the New Motor
5 Vehicle Commissioners showing up to
6 independent lots, and what they're
7 requesting or asking of some of these
8 independent dealers is to provide or sign
9 off on a finance license that supposedly
10 we're required to sign off on.

11 After doing further investigation
12 or looking into this finance license, which
13 would be governed by the New Motor Vehicle
14 Commission, it also states that the
15 independent dealer will be governed -- if
16 you would sign this finance license, it
17 would be governed -- you would be governed
18 under the New Motor Vehicle Commission
19 according to the advertising and the
20 marketing laws or rules, which basically
21 states that the New Motor Vehicle Commission
22 will govern the independent dealer according
23 to the advertising laws and the marketing of
24 what the independent dealer does.

25 You know, my concern for our

1 dealers is the fact that we're already being
2 governed by the Used Motor Vehicle
3 Commission according to our laws and
4 advertising and marketing. So we don't feel
5 that there's a necessary need to have two
6 governing bodies over the same information
7 and we feel that it would do harm to the
8 dealers long-term and we just don't feel
9 like it's needed.

10 MR. POTEET:

11 Any comments on that, especially
12 from any of the used car dealers on the
13 Commission?

14 MR. BREWER:

15 The New Car Division, it would
16 seem like they would be almost controlling
17 the used car dealers and it probably would
18 do better if it was governed by the Used Car
19 Commission, in my opinion, as far as a
20 specialty finance license. We never did get
21 that straight, anyway. We have some dealers
22 that are taking credit applications and
23 according to the New Car Department, that's
24 wrong. I mean, we're not supposed to be
25 taking those. It's private information. So

1 we need to get that straight about the
2 finance license for governing by us or the
3 New Car Department.

4 MR. TAYLOR:

5 Well, we've -- Derek, we've had
6 several different stances on this. And,
7 Derek, correct me if I'm wrong, but number
8 one, how long has this been written into the
9 legislation that they're -- or the Motor
10 Vehicle Sales Act?

11 MR. PARNELL:

12 Well, it was initially written in
13 the '50s, but since 1999, the Motor Vehicle
14 Sales Finance Act has been with the New Car
15 Commission.

16 MR. TAYLOR:

17 Eric, what's happened is, is that
18 this term, origination of loan -- and
19 origination of loan has made all of us
20 independents that don't actually offer
21 finance. At one time, we felt that that
22 meant that we might -- that we were
23 equivalent to people that were financing
24 cars. Okay. So if you're originating a
25 loan, indirectly, you are still a lender is

1 how it was classified. And if that was the
2 case, then we were supposed to assume or buy
3 this license.

4 We went down and talked to the
5 New Car Commission, several of us did. They
6 gave us some time for both of us to try to
7 work some things out. We get back from the
8 meeting -- and, Mr. Hallack, you can correct
9 me if I'm wrong here. We get back and after
10 discussing it with our attorneys, we decide
11 that, you know, well, we might not have to
12 -- was my last conversation we had, we might
13 not fall under this, and then the last one I
14 got was from you now saying that you're
15 being told that we do need it. I don't see
16 this under the Used Car Commission we have a
17 clear stance on this. I haven't heard a
18 clear stance on this, and -- excuse me, I've
19 heard several clear stances on it.

20 MR. POTEET:

21 No consensus.

22 MR. TAYLOR:

23 Correct. So I agree with you
24 wholeheartedly that we don't need to be
25 governed by two bodies. As a matter of

1 fact, it's not two bodies. We're probably
2 governed by several bodies and we don't need
3 another one. And once again, Eric, I kind
4 of feel like you do. I really don't know
5 the stance that we're taking as the New Car
6 Commission now and I think that we need to
7 address that and have a stance, right,
8 wrong, or ugly. That's my opinion.

9 MR. DUPLESSIS:

10 I spent considerable time looking
11 at not so much talking go to the New Car
12 Commission. I think that this matter goes
13 straight to the law books and that's what I
14 did, and Derek and I spent some considerable
15 time on it last week. We spent previous
16 time on it as well. It's, in my opinion,
17 quite clear that they do have -- the way
18 that the sales finance act is written, they
19 do have the authority and you are
20 originating loans and they have that right,
21 but what I didn't read in the law was the
22 broad -- the broad authority to govern
23 marketing and advertising. I didn't see
24 that in there and I think that's a point of
25 contention and that's really, I think, where

1 we're going with this. I think it has some
2 self-interest there and I have a couple
3 questions for you. Are they actually going
4 out and soliciting the licenses and in that
5 solicitation, they actually say that if you
6 sign this that you're capitulating your
7 authority to the New Car Commission in sales
8 and marketing and advertising?

9 MR. STRODERD:

10 We had two occurrences and
11 multiple occurrences within those two. So
12 the first occurrence happened over seven or
13 eight months ago. There was a commissioner
14 running around the Baton Rouge market
15 telling dealers -- independent dealers that
16 they needed to sign a license and at that
17 time, they were walking in with the
18 application saying, this thing needs to be
19 signed, because it's according to the law.
20 So we advised at that time to our dealers
21 that they should not sign it until further
22 information was -- came up and we knew for
23 sure where to stand on this. This last
24 occurrence has been threatened at some level
25 to sign the finance license. Nobody has

1 walked in with the license saying, hey, you
2 must sign this, but they've walked in and
3 made it very clear that it is part of -- as
4 an independent dealer, you must have this
5 signed and it's part of the law and it needs
6 to be signed by the dealer. So that's what
7 the two occurrences have been.

8 MR. DUPLESSIS:

9 Was this actually a commissioner
10 or was this --

11 MR. STRODERD:

12 This was a New Motor Vehicle
13 Commissioner.

14 MR. PARNELL:

15 Was it a Commissioner or
16 investigator or --

17 MR. STRODERD:

18 A field officer, I'm sorry, a
19 field officer.

20 MR. DUPLESSIS:

21 That's an enormous difference.

22 MR. STRODERD:

23 It was a field officer that
24 showed up to the dealership multiple times.

25 MR. DUPLESSIS:

1 Okay. You know, I think there is
2 a consensus and I think probably what the
3 Commission is feeling right now is that we
4 need to address it with them, but I think
5 possibly it might be a legislative issue
6 going forward for the session. I think that
7 it would usurp all the authority that we
8 have and it's going to put the used car
9 dealers in peril to comply with all of the
10 issues the new car dealers have. They don't
11 have captive lenders. They don't have buy
12 down rates. They don't have repays. They
13 don't have the manifest list and the
14 conditions, the tentacles that we have to
15 deal with as new car dealers and to try to
16 draw common lines, it might be unusually
17 complicated.

18 So, you know, I think maybe, Mr.
19 Chairman, I'd probably like to see this on
20 the agenda for the next meeting and move
21 towards -- right now, it's going to be
22 pretty complicated. We would like to have
23 all of our legislation formed and maybe in
24 by December. So I think it's going to be
25 several meetings that have to take place.

1 MR. POTEET:

2 Yes. I think that we kind of --
3 you know, I wouldn't say we've skirted the
4 issue, but that there are so many
5 conflicting things that we'd have to look
6 at. You know, I think Ron is right. It's
7 probably a legislative approach is what
8 we're going to have to do, as I understand
9 it. You know, we've got a couple of
10 different things going on here. We've got
11 the finance license, which has certain
12 requirements, but we've ventured off into
13 this marketing and advertising thing and
14 there's sort of like two circles that are
15 just converging just a little bit and that's
16 where we run into the problem. I think
17 before when we just had the finance license,
18 it wasn't such an issue.

19 MR. DUPLESSIS:

20 Right.

21 MR. POTEET:

22 That's what it was and you knew
23 if you were financing people, that was it.
24 And then where we came into the real
25 problems -- when we started seeing real

1 problems was talking about this marketing
2 and advertising, what are you advertising or
3 what can you actually do and whether or not
4 you need a finance license to do that, and
5 who's going to regulate you when you start
6 doing all of these things. I don't think
7 there's any doubt -- my position has been,
8 and I think all of the Commissioners here
9 would agree with this, is that one of the
10 reasons that we have a Used Motor Vehicle
11 Commission in addition to a New Motor
12 Vehicle Commission is because the issues are
13 different. They're different for used motor
14 vehicle dealers than they are for new motor
15 vehicle dealers. So I think that what we
16 need to do is move forward with something.
17 I don't have anything in my mind. So don't
18 try to read it, but I think we need to move
19 forward with something, you know, that would
20 address this marketing and advertising thing
21 within this Commission, and I think that
22 might -- I don't know if it would alleviate
23 all of the issues, but I think that would be
24 the start.

25 Does anybody have any comments on

1 that?

2 Do the attorneys have any
3 comments on that?

4 MR. HALLACK:

5 I could write a book on it.

6 MR. TAYLOR:

7 I have two comments. The first
8 comment would be, I think quite a few of us
9 have talked to Eric. Eric, you've talked to
10 about half of the state on this issue last
11 week. And I think when you mention the word
12 finance, the Motor Vehicle Sales Act, and
13 then -- so when they get to regulating used
14 car dealers advertising, that's in direct
15 conflict to anything that they say that has
16 anything to do with financing, but I think
17 that you got reprimanded or one of your
18 friends got reprimanded or threatened or
19 questioned about using a term that had
20 nothing to do with anything to do with
21 financing, none whatsoever, and so there's
22 the bleed over right there. I think once
23 somebody advertises, that is a wholesale
24 dealer.

25 Okay. Whether that's correct or

1 incorrect, I don't believe that's the place
2 of the New Car Commission to come in and
3 regulate you. That has nothing to do with
4 financing, nothing to do with the Motor
5 Vehicle Sales Act. So there's number one.

6 And, number two, I think that we
7 need to land on a platform right now and
8 tell our dealers what to do between now and
9 next year, because -- and, Derek, I believe
10 you have been telling them, you need to do
11 what the law says to do. So I guess we need
12 to tell our dealers or I need to tell our
13 dealers -- maybe I'm talking to myself here,
14 that we need to buy the license.

15 MR. PARNELL:

16 Well, from what I understand, the
17 way the statute is written, you know, if you
18 originate a loan or if you're in-house
19 financing, you do need to have a finance
20 license, but as Commissioner Duplessis just
21 said and Chairman Poteet, where that bleed
22 over happens is when we start talking about
23 marketing and advertising. Within that
24 statute -- within the Motor Vehicle Sales
25 Finance Act, I didn't really see a lot of

1 language that addressed advertising and
2 marketing. So as far as getting the
3 license, yes, I do agree that the authority
4 -- with the way the language is currently
5 written, it does state that if you're doing
6 those two things that you do need to hold a
7 motor vehicle sales finance license, but I'm
8 not really sure how we can look at the
9 advertising and marketing. I mean, is that
10 something that you would say -- what should
11 I tell dealers in regard to that? I'm not
12 -- that's what I'm not sure about.

13 MR. STRODERD:

14 I mean, the concern on our part
15 -- whatever the law reads, we want to follow
16 the law. I mean, I think what the
17 association and LIADA represents is making
18 sure that we deliver the correct information
19 to our dealers and we're highly concerned
20 with compliance. We're highly concerned
21 with following the rules and we want it done
22 the correct way. The concern that I have is
23 that the broad spectrum of advertising and
24 marketing is being governed by the New Motor
25 Vehicle -- going back to what Mr. Dino said

1 is that what ends up happening is, we're not
2 on the same level. The independent dealer
3 is not on the same level as the new car
4 franchise dealer and the rules are applied
5 strictly for the new car franchise
6 dealership. These laws and the way that
7 these guys advertise are directly in
8 competition with each other as new car
9 franchise dealers. So if we as independent
10 dealers enter that area, all of a sudden,
11 things can change, and I just don't feel it
12 is necessary, especially when, again, we
13 have laws and we have statutes for the Used
14 Motor Vehicle Commission of how we do -- or
15 what we're supposed to be doing regarding
16 the advertising and marketing. There's just
17 no need.

18 So I think on behalf of the state
19 -- the association for LIADA, I think our
20 goal is to be able to find out what we need
21 to do, make a decision on what we need to
22 tell our dealers to do, and obviously follow
23 the rules and doing what is right is number
24 one concern for us. And right now, there is
25 a gray area and, you know, we would like to

1 address this with making sure that we come
2 up with some sort of decision.

3 MR. DUPLESSIS:

4 Well, I think you're in the worst
5 position you can be in. You have conflict
6 of two governing agencies that can't come to
7 an agreement with each other and we even
8 passed legislation to compromise this year
9 about certain aspects of advertising and
10 marketing and that was in our legislation we
11 had in the past. You know, the lawyers --
12 Sheri, any thoughts, Robert? I mean, I
13 think we need to send these guys away with
14 at least something that can help them
15 between now and next meeting.

16 MR. HALLACK:

17 Well, we have discussed that at
18 several different meetings. This is not a
19 new issue for us. I mean, we've been
20 dealing with this for well over six months.
21 I think finally at some point, both Sheri
22 and I read the Motor Vehicle Sales Finance
23 Act and it was really an eye opening deal.
24 One of the things that the act says -- and
25 I'm going to say some things that people

1 might not like. Okay. I'm going to preface
2 that right now. But one of the first things
3 that the Motor Vehicle Sales Finance Act
4 states is that if you're licensed by any
5 other government agency, you don't have to
6 be licensed under this act. And now we have
7 the Consumer Protection Agency, and I may
8 not be saying it right exactly what it is,
9 but that federal agency regulates everything
10 that the Motor Vehicle Sales Finance Act
11 does. So, I mean, it is a federal body of
12 laws that preempt the State body of laws.
13 So if you're regulated by the -- if you have
14 to make truth in lending decisions, if you
15 have to make certain financial disclosures
16 and all of that, you are now being regulated
17 by a federal agency, which really just came
18 to being, what, last year.

19 MR. DUPLESSIS:

20 Well, Regulation M, Z and TILA
21 has been around since --

22 MR. HALLACK:

23 Well, they've been around, but
24 I'm saying there's now a federal body that
25 regulates you now. So I'm thinking the way

1 the Motor Vehicle Sales Finance Act was
2 written, it's very old. It's very old. It
3 hasn't been updated. So I believe that
4 under the first part of that act where it
5 says if you're regulated by somebody else,
6 you don't have to apply to this act. So
7 that's a problem.

8 The other problem is, the loan
9 origination. I mean, I think we've kicked
10 this around a lot, but in the end, it is
11 only the lender who makes the loan
12 origination, and I thought we had agreed on
13 that, that it's not the dealer. It's not
14 the dealer handing somebody a paper and
15 saying, prepare this, sign this. It was
16 always the lender that any time when you go
17 to look at loan origination -- loan
18 origination is an obligation and duty for
19 the lender, for the financial institution,
20 for the bank. It is not an obligation on
21 part of the dealer. The dealer has no
22 obligation when he's passing somebody off to
23 a bank or whatever financial institution to
24 really discuss these things.

25 Now, I know it may be a little

1 different for a new car dealer, but it is
2 really the -- a relationship between the
3 lender and the consumer, not really the
4 dealer and the lender or the dealer and the
5 consumer. He's giving them paper. They're
6 signing off on it and he's banking it off a
7 financial institution. So I thought that
8 what we looked at -- when we were trying to
9 find the definition for loan origination,
10 the only thing that made sense under all of
11 the statutes and laws that we looked at was
12 that it was an obligation on the -- on
13 behalf of the lender, the financial
14 institution, not the dealer. I just -- it's
15 hard for me to imagine most used car dealers
16 having somebody that's financially savvy
17 enough to understand truth in lending and
18 Regulation M and Regulation Z. Perhaps,
19 they should, but it's really an obligation
20 on the part of the financial institution to
21 make sure that the customer knows what
22 they're signing, not so much the dealer.

23 Now, I know that it may be a
24 little different for new car people, that
25 they have people that are trained to do

1 that, but -- so that's two things. I mean,
2 one is whether or not the act even applies;
3 two, every definition that we looked at for
4 loan origination was an obligation on behalf
5 of the financial institution, not the
6 dealer. So those are two things.

7 Now where do you go from here? I
8 think you either have to make a decision on
9 whether you're going to want to get along
10 with the New Car Commission and play their
11 game with them or stand up and fight it,
12 because one of the biggest problems that
13 you've got -- I think we ran the numbers a
14 while back and I think there were like 1,800
15 used motor vehicle dealers that did not have
16 a finance license that were going to need to
17 get finance licenses. I think that's one of
18 the numbers that we looked at several months
19 back.

20 Now, like I said, we've discussed
21 this several times, but for 1,800 people to
22 have to pay \$400 additional money, and then
23 -- to an agency that's going to license them
24 and according to that agency, they're going
25 to regulate them particularly with regard to

1 advertising. And you've got all those
2 people that are going to have to get that
3 license, yet they have no voice, no say in
4 that agency, none whatsoever. So I don't
5 know how you're going to pull that off, but,
6 I mean, it's just going to have to be a
7 decision that we're going to have to work
8 with the people or we're going to have to
9 make a stand, because apparently they're not
10 going to go away.

11 I think we had tried to meet with
12 them and we had a period where the status
13 quo was going to be maintained, but it
14 wasn't and they're still after the dealers
15 to get this license. So you're going to
16 have to make a decision, either get tough
17 and try to find a way to make this a better
18 place for the dealers or you're just going
19 to have to work with the New Car Commission,
20 one or the other.

21 MR. TAYLOR:

22 Do you believe that loan
23 origination statement you made that if the
24 dealer profits from the interest rate --

25 MR. HALLACK:

1 Well, now that's a new question.
2 I don't know if I've heard that one or not.
3 So a dealer can profit from --

4 MR. DUPLESSIS:

5 Certainly.

6 MR. CORMIER:

7 They can on the interest rate.

8 MR. DUPLESSIS:

9 In fact, under the State law, one
10 of the fine points, it's against the law not
11 to offer the customer gap insurance and --
12 you know, which is a profit for a lot of
13 dealers, and I think there's a whole lot of
14 issues there. I think they've asked you to
15 change the name of your car company, is what
16 I've understood, which is going to be a
17 catastrophic material change for you in a
18 short period of time and they are going to
19 cite you again.

20 MR. STRODERD:

21 Well, there are multiple dealers
22 in the state of Louisiana that use the name
23 wholesale in their name and -- for example,
24 in the New Motor Vehicle rules of
25 advertising and marketing, one of the rules

1 states that the word "wholesale" cannot be
2 used in an ad. It's a forbidden word. So
3 for companies that advertise, the company
4 that has been spent a lot of money marketing
5 themselves or advertising themselves over
6 the last however many years, if we can't say
7 the word, which has been in the name of our
8 business for last past -- I mean, some of
9 these companies have spent over millions and
10 millions of dollars advertising their name
11 and all of a sudden, because of signing a
12 finance license, now I'm governed by the New
13 Motor Vehicle agency. They can tell me that
14 I have to change my name or tell all of
15 these independent dealers they must change
16 their name, because it says the word
17 wholesale in their ad, it follows the rule.

18 So I think at some level, we
19 either need to make a decision on what we're
20 going to do or how it should be handled or
21 what information we should be giving to all
22 1,800 of these independent dealers. And to
23 go back to -- one of the things that we
24 continue to hear is the origination of the
25 loan is not necessarily from a relationship

1 between the -- I don't know what -- exactly
2 what the law reads, but what they're telling
3 us is that based on the fact that we take --
4 we have a credit application and this goes
5 for any independent dealer, and I'll tell
6 you guys, of the successful independent
7 dealers, in my opinion, all of them do this,
8 100 percent of them, when they take a credit
9 application, they fill out the customer's
10 information on a credit application, and
11 then from there, will send it off to the
12 banks and/or by digital or by paper. So
13 what we understood according to these guys,
14 the fact that we do that requires us to have
15 a finance license.

16 MR. HALLACK:

17 And like I said, that's something
18 that we researched at length. There's
19 nothing in the law that explains what loan
20 origination is. So we have to go and look
21 at other sources and all of the other
22 sources that I've looked at trying to find
23 an explanation for what loan origination --
24 I think Ms. Morris even called the Office of
25 Financial Institutions, that's an obligation

1 on the part of the lender, on the part of
2 the financial institution, and not on the
3 part of the dealer. I mean, that was my
4 research. That's what I found. Ms. Morris
5 may have found out something different. I
6 know that she called some people in the
7 Office of Financial Institutions and talked
8 to them about where does the loan
9 origination begin, but, I mean, this is an
10 issue.

11 Just because I say it's an
12 obligation on the part of the financial
13 institution, they're saying it's an
14 obligation on the part of the used motor
15 dealer. So you've got a legal dispute that
16 can only be resolved either in court or in
17 the legislation.

18 MR. OLAVE:

19 Robert, if I could add something.
20 I believe if you're an independent dealer,
21 if you have a dealer agreement or an
22 agreement with a lender for indirect
23 purposes, whether you make profit off the
24 interest rate or not, you're still required,
25 if you're going to sign a contract, to go

1 over to the Regulation Z box. So you're
2 acting as a limited agent of the lender. So
3 I think that may convolute the origination
4 term, if you will, because you're acting as
5 an agent of the bank that you're sending
6 that contract to and they require you to
7 sign -- you know, if you're signing the
8 contract at the dealership, independent or
9 otherwise, you're required to go over the
10 finance terms, the Regulation Z box,
11 everything.

12 MR. HALLACK:

13 But I don't know if all used car
14 dealers do that.

15 MR. OLAVE:

16 No. I agree with you, but I'm
17 just stating, if you have a dealer agreement
18 with a bank, you're acting as an agent of
19 that bank.

20 MS. MORRIS:

21 That bank is regulated by OFI.
22 So why do you need another regulating
23 agency? Because --

24 MR. OLAVE:

25 But it doesn't convolute the

1 origination term, though. Does the loan
2 originate when you sign the document on
3 behalf of a bank or if you're an agent of
4 that -- you know, a limited agent of the
5 lender?

6 MR. DUPLESSIS:

7 It starts under the definition --
8 you can read the annotated notes. And Derek
9 and I read the annotated notes of the New
10 Car Commission. They have definitions by
11 rule, which is somewhere between a statute
12 and a policy. So they address origination
13 and under that rule, y'all would qualify.
14 When you take a credit app, you're a
15 third-party lender. So you're on the hook
16 for that one. The question is, do they
17 govern everything else and in the meantime,
18 what do we tell this young man about his
19 problem and having to change the name of his
20 company? I think -- if you ask me to change
21 the name of my company, my God, do you know
22 how much work that is? And, I mean, that's
23 a lot of work and it's a big commitment.
24 It's a lot of time and hours and we don't
25 even know if that statute applies.

1 MR. TAYLOR:

2 I don't know the correlation
3 between the Motor Vehicle Sales Act and if
4 he wants to call his company wholesale.

5 MR. DUPLESSIS:

6 That's correct.

7 MR. TAYLOR:

8 It might aggravate them, but
9 there's no direct correlation with those two
10 -- with those two subjects there. I mean,
11 they have nothing to do with each other.
12 It's fire and ice.

13 MR. BREWER:

14 Well, my company has wholesale in
15 it and we've advised our people do not take
16 a credit app since we do not own a finance
17 license. If you take a credit app without
18 that finance license, in my opinion, you
19 could get yourself in trouble, because
20 private information from those people --
21 let's say the worst thing could happen is
22 they didn't get their loan, and then come
23 back and say, well, you know too much about
24 my personal life. It could get you in
25 trouble, I believe. So it really is a mess.

1 Some are doing it and some are not.

2 MR. POTEET:

3 Well, that's where, you know, the
4 federal -- the new federal agency CFPB,
5 because at the auctions, we're under the
6 same thing. You know, we're -- you have a
7 repossession. You have information about a
8 customer. You know, how do you safeguard
9 that information? So once you start taking
10 private information, now you're going to be
11 -- you've got a lot of other things that can
12 come up, a lot of different agencies that
13 can come in and say, well, you didn't do
14 this right or you didn't handle this right
15 or -- you know, what do you do with the
16 applications that don't ever go anywhere?
17 Do you shred them? Do you file them away?
18 Do you -- what do you do?

19 MR. STRODERD:

20 Multiple dealers now have gone
21 digital, they take application and you shred
22 the application and go digital to where it's
23 in the Cloud or it's somewhere in a
24 protected service where it can't be pulled
25 back up to be able to maintain the level of

1 compliance. This isn't something -- I mean,
2 the reality is that every association, every
3 convention, everything that these guys are
4 standing on is about compliance and about
5 making sure that the dealer is doing what
6 he's supposed to be doing and from -- again,
7 from the Louisiana Independent Auto Dealers
8 Association, we believe in compliance. We
9 believe in following the rules. We believe
10 in getting rid of what we need to and it
11 needs to be done and, you know --

12 MR. POTEET:

13 Well, I think that we definitely
14 have some issues. They're just hanging over
15 us. They've been hanging over us for a
16 while. I don't think it's -- I don't think
17 it's in the best interest of -- to your
18 point, Robert, I don't think it's in the
19 best interest of this Commission or used car
20 dealers to get into a fight with the New
21 Motor Vehicle Commission. It doesn't mean
22 we can't disagree, and then come up with a
23 solution, but I think that what we've got to
24 do is -- you know, back to Ron's point, I
25 think we've got to come up with some kind of

1 a legislative package that can address this,
2 because right now all we can do is issue our
3 opinion and opinions can end up in a court
4 battle and that doesn't help anybody. So,
5 you know, I think at this point -- Derek,
6 what we have told the used motor vehicle
7 dealers, what is our official stance?

8 MR. PARNELL:

9 What we've been telling them, the
10 investigators and myself, when I speak with
11 them, telling them if they're originating
12 loans, they need to hold a motor vehicle
13 sales finance license. That's what we've
14 been saying. That's what I gathered from
15 everything that we've discussed as a whole,
16 is that you have to hold that license.

17 Now, when it gets into the
18 marketing standpoint, that's kind of
19 something more recent that we really haven't
20 given a point or stance on with the dealers.
21 As far as I understood, that if it falls
22 under the Motor Vehicle Finance Act, you do
23 fall up under the advertising. That's what
24 has been said, but going back --

25 MR. TAYLOR:

1 That's what has been said or is
2 that --

3 MR. PARNELL:

4 -- going back through it,
5 Commissioners, I haven't -- I didn't see the
6 language in the statute about advertising.

7 MR. POTEET:

8 So your opinion is, the New Motor
9 Vehicle Commission is interpreting it?

10 MR. PARNELL:

11 That's my thought process.
12 Again, that's my opinion, but I think --
13 because there's some language in other
14 statutes that state that if you hold a
15 license with them, you hold a license --
16 you're regulated by them on the other terms.
17 So that was just my opinion on it. It could
18 be --

19 MR. POTEET:

20 That seems vague to me if you
21 hold a license with them. I mean, the
22 finance license is a different license.
23 You're not licensed as a new motor dealer.

24 MR. PARNELL:

25 From what I understand, new motor

1 vehicle dealers themselves don't have to
2 carry a finance license.

3 MR. DUPLESSIS:

4 That's correct.

5 MR. PARNELL:

6 If you hold a new motor dealer
7 license, we don't have to --

8 MR. TAYLOR:

9 And I asked them about that in
10 that meeting and they said the only reason
11 -- the reason why they wanted us to do that
12 versus the new car dealer is the only way
13 they could regulate us. That's a fact.

14 MR. HALLACK:

15 Okay. Your option for a quick
16 remedy right now is one of two things Sheri
17 just mentioned, is that you either request
18 an opinion from the Attorney General's
19 Office or somebody -- an aggrieved dealer or
20 something like that files a request for
21 declaratory judgment and have a court decide
22 the issue. So you're either going to have
23 the Attorney General's Office decide the
24 issue if you want a quicker fix or you're
25 going to have a judge decide the issue.

1 MS. MORRIS:

2 You have to file it with the New
3 Vehicle Commission first, and then appeal it
4 to the judge.

5 MR. HALLACK:

6 Really.

7 MR. POTEET:

8 What --

9 MS. MORRIS:

10 To get an interpretation of the
11 rule. It's the Motor Vehicle Commission
12 that has interpreted the statute as
13 requiring the license and the applicability
14 of the advertising rules. So you would have
15 to get them to put in writing their formal
16 opinion, because these are just
17 conversations that we have. We don't -- we
18 do have some paperwork from them from 2007,
19 and then they have to define what
20 origination is, but that's not really
21 defined -- origination has not been defined
22 by any rule of the Commission of Financial
23 Institutions or by the State law. And so I
24 think you would have to put it before that
25 Commission, let them issue a written

1 decision, and then if you're dissatisfied
2 with that decision, appeal it to the court.

3 MR. HALLACK:

4 Once we started the process the
5 other way and we wrote a memorandum telling
6 our dealers that we didn't think that we
7 needed to get it --

8 MS. MORRIS:

9 I think the position that Derek
10 has been in is that they -- it is clear that
11 the Motor Vehicle Commission interprets the
12 finance license as applicable if do you
13 anything toward originating the loan,
14 filling out the paperwork. And so if you
15 don't obtain that license, you run the risk
16 of getting a citation and having to go a
17 hearing before the New Motor Vehicle
18 Commission. We can't -- we are not
19 enforcing the dealers to have their license.
20 It's the New Commission. So we can't really
21 say, you don't have to get it. We know that
22 the agency believes that you do and they
23 have the power to fine you and sanction you
24 if you don't.

25 MR. DUPLESSIS:

1 Let me add one thing real quick.
2 Under the annotated notes, under the rules,
3 you do have the right to appeal a ruling
4 under their rules themselves. So before you
5 get into a real argument and pissing match
6 with them, you can write an application to
7 the Board to review -- and review their
8 rules, especially on this issue of
9 clarification. Then, that would probably
10 give you enough to go to the AG's Office or
11 to get to a declaratory judgment without
12 being fined or getting in trouble.

13 MS. MORRIS:

14 One of the issues that we face in
15 being able to address the question is that
16 there are different types of arrangements.
17 You know, if you're just taking the
18 information on the credit application and
19 forwarding it and you don't have any
20 authority to make any judgment calls and
21 you're not receiving any compensation, there
22 are different factors, which might affect
23 the interpretation, and then some dealers
24 might be dealing with the local credit union
25 or local bank that is regulated by OFI.

1 Some dealers may be sending that paperwork
2 to other financiers that are not regulated
3 by OFI.

4 So there's a lot of different
5 scenarios and until somebody presents them
6 with a concrete scenario, if I'm doing this,
7 am I required to have a license, we don't
8 have a real clear ruling, but there are some
9 factors that could influence what the rule
10 is and it could be different for some types
11 of arrangements versus other types of
12 arrangements.

13 MR. HALLACK:

14 Well, I don't think they're
15 getting into that much detail.

16 MS. MORRIS:

17 No. They're saying everybody
18 needs to have it.

19 MR. HALLACK:

20 Well --

21 MS. MORRIS:

22 If somebody is going to file a
23 request or if the Attorney General is going
24 to have to -- all of that kind of needs to
25 be delineated. Otherwise, we won't have

1 something that's --

2 MR. POTEET:

3 Well, there's something that we
4 need to look at, too. Really, all of this
5 -- you know, for Eric to come here and make
6 his statement, obviously things have started
7 happening. So at this stage of the game, I
8 would say that from where we were six, eight
9 months, or maybe even a year or two ago,
10 things have changed. So now what I think we
11 need to do is challenge their interpretation
12 only to the point to say, look, you've
13 interpreted it this way, but we don't
14 understand it that way. So we need -- we
15 need more detail before we start subjecting
16 our dealers to a certain type of guideline
17 or a certain type of law that we feel
18 comfortable as a Commission with. I don't
19 think anybody in this room -- I'm going to
20 speak to all of that. I don't think anybody
21 feels comfortable with where we are. So I
22 think we've come far enough along and their
23 attempt to enforce their laws to say, wait a
24 minute, this is really not the way we
25 understood this enforcement. I don't think

1 that's an outlandish opinion, that we didn't
2 understand that you were going to enforce it
3 and interpret this way. So now we feel like
4 we need -- we need more discussion of the
5 interpretation of definitely the
6 origination, the marketing and the
7 advertising, and how that's done.

8 I don't -- you know,
9 philosophically, I don't have a problem with
10 the New Car Commission enforcing this law,
11 but I do have a problem with us having so
12 many vague ideas that build the foundation
13 for interpreting or for enforcing the law.
14 I think that's my problem. If they want --
15 if they can and want to do financing
16 licenses, I'm okay with that, but you can't
17 do and say, you know, we're going to
18 interpret all of these different things the
19 way we want to without your input or without
20 anyone's input.

21 MR. HALLACK:

22 Well, Mr. Poteet, the bigger
23 problem really is not just advertising. You
24 can't go and cherry pick portions out of
25 your laws that you want to make people abide

1 by.

2 MR. POTEET:

3 I agree.

4 MR. HALLACK:

5 So in the end, they can make
6 finance license holders abide by every
7 provision in their law, really. I mean, if
8 you're going -- you've got to pick one.

9 MR. POTEET:

10 That's why I'm saying,
11 philosophically, I have no problem with
12 their law -- or them enforcing their law,
13 but how far do you carry that down to other
14 enforcement capabilities is an issue for us
15 and should be an issue for everyone. I
16 think what we should do is we should ask
17 them -- or we should send them something --
18 maybe the attorneys need to do this, along
19 with Derek, and we can pitch in where we
20 need to and say, look, this is where we
21 stand and this is what has happened over the
22 past few months. Now, you're enforcing it
23 and now there's -- what we thought was going
24 to create less confusion has created more
25 confusion. And I think that's a difficult

1 position for used car dealers who are the
2 people that we're regulating. We've kind of
3 put them in a tough position.

4 MR. DUPLESSIS:

5 I agree.

6 MR. HALLACK:

7 So one of -- the two issues that
8 we need to have them address is loan
9 origination, and then why is it you believe
10 advertising -- your advertising rules and
11 regs should apply to our -- to people that
12 hold --

13 MR. POTEET:

14 Well, I think that's the
15 beginning.

16 MR. TAYLOR:

17 What did you say about if another
18 governing body is already governing us, if
19 that could be a problem to everything?

20 MR. HALLACK:

21 Sure.

22 MR. TAYLOR:

23 Well --

24 MR. POTEET:

25 Maybe, but we don't have any --

1 we don't really regulate financing.

2 MR. TAYLOR:

3 But we are regulated by the CFPB

4 --

5 MR. POTEET:

6 Well --

7 MR. TAYLOR:

8 -- and much more than they will
9 ever regulate.

10 MR. DUPLESSIS:

11 Well, that's a federal agency and
12 we're talking about a state scheme of law.
13 The reason that the new car dealers got the
14 finance license provision put into law,
15 because I remember I was there watching it,
16 was the fact that it got out of the hands of
17 the OFI, and that manufacturers were
18 changing the incentives on a daily basis,
19 and they still are, and then you have
20 captive lenders and write downs. Only the
21 industry could keep up with the rapid
22 changing pace of what would be proper and
23 how it would be represented for the new car
24 dealer. So that's the reason why it was
25 presented that way. It really should have

1 nothing to do with the used car dealers,
2 because we have none of those conditions.

3 MR. POTEET:

4 That is exactly right. The
5 essence of this thing is that has nothing to
6 with the used motor vehicle dealer.

7 MR. DUPLESSIS:

8 No. I think they just kind of
9 threw this in as a bargaining chip to get
10 the legislation passed, and I think that's
11 where we are now, but it was to get away
12 from the OFI, this original TILA law.

13 MR. TAYLOR:

14 If it matters to you, I will buy
15 a finance license for my lot. I can't
16 answer to you what I will do about the other
17 regulations, I can't answer that, you being
18 and LIADA right now, but I can tell you that
19 I will buy that license. Thank you.

20 MR. POTEET:

21 I think the situation here is
22 that we can't give you a hard answer right
23 at this point in time and, you know, that's
24 -- that's -- I'm sure that's what you want,
25 but I think what we can say is that we're

1 going to have to pursue this further and
2 we're going to do it quickly, as quickly as
3 we possibly can and, you know, I think that
4 the AG opinion would be the best way to go.
5 But then again, any time you ask for a
6 judicial opinion and once it's handed to
7 you, well, that's it. So you're kind of
8 throwing it out there to someone else to
9 interpret. Now, we're going to have
10 somebody to interpret what's been
11 interpreted by all the people that are
12 interpreting. So I think that's the best
13 way to go eventually, but I think before we
14 get to that point, we've got to at least
15 express our position and our concerns, and I
16 think that -- I think that's the way we need
17 to go.

18 And I think, Sheri, you need to
19 -- you and Robert need to come up with
20 something.

21 MS. MORRIS:

22 And one thing I had discussed
23 with Derek this week and it might take us a
24 little while to get it, is maybe get the
25 tapes of the Legislature of the discussions

1 when the bill was put forward as to what the
2 reasons for the regulations were and that
3 might help us to show why it was enacted and
4 who it was meant to apply to.

5 MR. POTEET:

6 Right. I think that once you get
7 -- when we can frame this and say this is
8 what you're trying to do, but this is what
9 you're doing, then we can start squeezing
10 that in a little bit. I also think that Ron
11 might be right in the fact that we may have
12 to do some legislation to address this, so
13 we can -- I don't want to use the word
14 override, but I'll use that anyway right
15 now. We can override what we have right
16 now. So we can look at what makes sense for
17 these guys. We're not trying to make it
18 easier for the used motor vehicle dealer.
19 We're just trying to make it fair and easy
20 to understand and easy to follow the law. I
21 don't think they're trying to skirt
22 anything. They just want to say, well,
23 we're not sure about this, we're not sure
24 about this. You know, you could now -- you
25 know, you've got one investigator on one

1 part that's telling them one thing, and the
2 one in another part of the State telling you
3 something else. That's not good for anyone
4 either.

5 MR. TAYLOR:

6 It also might be a good idea to
7 have the New Car Commission and the LIADA
8 work hand in hand together. It might be a
9 good idea for the LIADA and the new car
10 representing body to get together and talk,
11 too, about this. I think that would be a
12 very good idea.

13 MR. DUPLESSIS:

14 LADA?

15 MR. TAYLOR:

16 LADA, right.

17 MR. DUPLESSIS:

18 That's a possibility.

19 MR. TAYLOR:

20 Versus the Commission itself,
21 which you'll be talking to the Commission
22 when you're talking to them.

23 MR. STRODERD:

24 Right.

25 MR. DUPLESSIS:

1 Does this requires an action of
2 the Commission or is it even actionable not
3 being an agenda item?

4 MR. HALLACK:

5 No. I think you have given him
6 some good information.

7 MR. POTEET:

8 We've given them enough leeway to
9 work with the attorneys to come up with
10 something and take the first step. I don't
11 think that alleviates your issue, but it
12 does put you moving forward trying to
13 address it.

14 MR. STRODERD:

15 Moving forward.

16 MR. POTEET:

17 It's not going to get addressed
18 by -- I mean, we could sit here all day and
19 say what we think, but that's not really
20 what we're looking for. We're looking for
21 making some progress towards getting it
22 resolved.

23 MR. STRODERD:

24 All right. Thank you.

25 MR. POTEET:

1 Thank you. Eric.

2 All right. Before we move into
3 items for discussion, we've got a guest here
4 today, Major Paul Edmonson and I think --
5 Derek, would you like to introduce, Mr.
6 Edmonson, please?

7 MR. PARNELL:

8 Yes. One thing that we've been
9 trying to do with this agency is continue to
10 change the professional and public
11 perception of this agency and it's my hope
12 in the future that we're able to do more
13 partnerships with various agencies and law
14 enforcement agencies. We have an
15 investigator who is out speaking with State
16 Police and Major Edmonson mentioned that he
17 would like to come by and meet with us just
18 to meet me and meet the governing body for
19 this agency, so we can work together in the
20 future.

21 So, Major Paul Edmonson, if you
22 will.

23 MAJOR EDMONSON:

24 Well, thank you, and thank you,
25 Mr. Chairman. Director Parnell, thank you

1 very much for the opportunity to sit here
2 and just to meet you guys. At first, I had
3 wanted to meet with Director Parnell, but
4 the timing was such that it was a pretty
5 cool opportunity for me to come and
6 introduce myself and say, hello and good
7 morning to all of you as well, so names and
8 faces and things like that. As he said, I'm
9 Paul Edmonson. I'm with the State Police.
10 I've been there for 20 years. I'm a Major
11 over our Special Investigations Division.
12 One of the sections underneath that is the
13 insurance fraud/auto theft section. So what
14 I wanted to do is just to come say, good
15 morning, in the hopes that we can begin to
16 build a relationship -- a better
17 relationship and get names and faces between
18 the staff that work on the issues throughout
19 our state as well as you guys and to answer
20 any questions that I could possibly answer.

21 So, over here, we have Captain
22 Kelly Dupuy, who is the captain over that
23 particular section. We have an analyst who
24 works on the analytics of insurance fraud
25 and auto theft and puts together a report

1 and crime trends and does some of the case
2 specifics and knowledge of what is
3 occurring, and that is Michelle Aucoin. And
4 we have also our lieutenant, who is the
5 officer in charge of the various field
6 offices we have around the state, Lieutenant
7 Jeff White. So I don't want to take a whole
8 lot of you guys' time. Y'all have a lengthy
9 agenda and a lot to get to, but thank you
10 for the opportunity to say, good morning,
11 and I guess I need to give out my e-mail
12 address. That's probably the best way.

13 MR. POTEET:

14 Why don't we give Major Edmonson
15 our list of the Commissioners and all of our
16 data, and then if you could provide us with
17 the same list maybe for your people, and
18 then everybody has a --

19 MS. BARON:

20 I have your e-mail, also.

21 MR. POTEET:

22 If you have all of ours and we
23 have all of yours, I think that would be --

24 MS. BARON:

25 I'll send you that list.

1 MAJOR EDMONSON:

2 And I will e-mail Mr. Parnell our
3 list, contact information. And if there's
4 anything we can do, anything we can work
5 together on and help you out in any way,
6 please get in touch with us.

7 MR. POTEET:

8 Thank you.

9 MAJOR EDMONSON:

10 Thank you for your time.

11 MR. POTEET:

12 I think that it's no secret or
13 surprise that for several years, this
14 Commission has had some issues with some
15 other agencies and yours was one of them.
16 We spent a considerable amount of time over
17 the last, I would say, five, six years
18 trying to repair our reputation and I feel
19 confident saying that we're now a respected
20 Commission, that we've done a lot of good
21 things. We're trying to help our
22 constituents as much as possible, but I
23 think that for us to work together with a
24 group like yours is very important and I'm
25 very glad you came today and we got to meet

1 all of your people. I'm sure we'll be
2 talking in the future.

3 MAJOR EDMONSON:

4 Mr. Chairman, thank you very
5 much. I completely agree and if there's
6 anything we can do or help with, do not
7 hesitate to let us know. Thank you for your
8 time and y'all have a great day.

9 MR. POTEET:

10 All right. Moving along. All
11 right. Items for discussion. We need an
12 approval of minutes from the previous
13 meeting. The previous meeting was in July.
14 We didn't have an August meeting.

15 MR. SMITH:

16 I make a motion.

17 MR. ROY:

18 Second.

19 MR. POTEET:

20 Motion. Second.

21 All in favor, say, "Aye."

22 (All "Aye" responses.)

23 MR. POTEET:

24 Any opposed?

25 (No response.)

1 MR. POTEET:

2 The motion passes. Okay.

3 Financial matters, we've got a
4 lot of things here. Mona, do you want to
5 get us rolling on that?

6 MS. ANDERSON:

7 Okay. We have our auditor, John
8 McKowen is here to present our annual audit.
9 He would like for us to do the resolution,
10 to adopt the compliance questionnaire.
11 Generally, that's done -- that would have
12 been done at the last meeting, but we didn't
13 have a meeting. So if we'll proceed with
14 that, I think you have the resolution, and
15 once that resolution is signed, then you can
16 sign the compliance questionnaire.

17 MR. POTEET:

18 Okay. So we have this
19 resolution. On the 15th day of September
20 2014, the meeting of the Board of
21 Commissioners of the Louisiana Used Motor
22 Vehicle Commission, with a quorum of
23 Commissioners present, the following
24 business was conducted: It was duly moved
25 and seconded that the following resolution

1 be adopted. So here is the resolution. Do
2 you want to read that and make that the
3 resolution?

4 MR. McKOWEN:

5 All the questionnaire says is
6 that y'all discussed it and everybody is
7 aware that they have responsibilities and
8 nothing has gone on behind the scenes.

9 MR. POTEET:

10 Dino, you make that motion?

11 MR. TAYLOR:

12 Yes. I'll make that motion.

13 MR. POTEET:

14 All right. We need a second.

15 MR. CORMIER:

16 Second.

17 MR. POTEET:

18 All in favor, say "Aye."

19 (All "Aye" responses.)

20 MR. POTEET:

21 So this resolution is accepted
22 and I will sign it in ink.

23 MR. McKOWEN:

24 I think everybody has my audit
25 report. If you flip to Page 1, that's the

1 page on the letterhead. And I will be
2 brief. I know you guys have a long day
3 today. So I'll just take a couple of
4 minutes, because there absolutely no
5 surprises again this year.

6 But I do audit your financial
7 statements as of June 30th every year.
8 Paragraph 2 points out the statements are
9 the responsibility of management. My
10 responsibility is to offer an opinion on
11 whether those statements are presented
12 fairly.

13 On the top of Page 2, I say, yes,
14 in my opinion, they are stated fairly
15 according to generally accepted accounting
16 principles.

17 The next section beginning on
18 Page 4 -- or Page 5 is Derek's management,
19 discussion and analysis. That basically
20 just gives an overview of the Commission and
21 the operation of the Commission. So I will
22 not go through all of that.

23 On Page 10 is the statement of
24 net position. That's nothing more than a
25 balance sheet. Cash and equivalent, you

1 have a million four. That's just your
2 checking account and your savings account.
3 Investments of \$500,000, that's nothing more
4 than CDs.

5 Accounts receivable, that's the
6 fines and the hearing costs that you guys
7 have assessed. Mona also has set up an
8 allowance for uncollectible accounts. That
9 doesn't mean that you're not going to pursue
10 the collection of the fines that you have
11 issued. It's just the idea that you don't
12 want your receivable to build up to an
13 unreasonable amount over a period of time
14 when you know you're not going to collect
15 everything. So you don't want to end up
16 five years from now with half a million
17 dollars in receivables, and then say, oh,
18 wait a minute, sorry, everybody, we are only
19 going to collect \$100,000 of that \$500,000,
20 and it's just an estimate. And as I said,
21 you continue to try to collect what you have
22 written off. So you had two million one in
23 current assets.

24 Non-current assets, that's just
25 your building, the vehicles that you own.

1 So you had total assets of two million
2 three. Current liabilities, the biggest one
3 is unearned revenue and that's the second
4 year of your two-year license cycle.
5 Long-term liability is \$706,000. Most of
6 that is over post-employment benefits, which
7 is inherently the amount of insurance,
8 health insurance you're going to have to pay
9 for your retirees somewhere down the road.
10 So your total net position, which is assets
11 minus liabilities, is a million two.

12 The next page, Page 12, you had
13 total revenue for the year of a million
14 three, and, of course, the largest item
15 there was licenses and fees of \$800,000.
16 You had operating expenses of a little over
17 a million. \$800,000 of that was for
18 salaries and benefits. Operating income is
19 a little over \$220,000. You had some
20 interest income. The total change in net
21 position was almost \$230,000.

22 Pages 13 and 14 are the statement
23 of cash flows. That's just a reconciliation
24 between net income and the change in the
25 amount of money that you had in the bank.

1 So I will skip over that. I will skip over
2 the notes. I looked at them again this
3 morning and there's really nothing of much
4 -- I mean, no surprises to any of you.
5 Required supplemental information on Page
6 26, that's your budget versus actual. You
7 had a positive variance of \$137,000 in
8 revenues, another favorable variance in
9 expenses of \$67,000. Everything looked
10 fine.

11 On Page 29, I'm also required by
12 the Legislative Auditor to disclose your per
13 diem, per diems for the year, and that's, as
14 I said, on Page 29. And in the very last
15 section is my report on internal controls
16 and compliance of the Commission with the
17 laws and regulations that apply to you. I
18 had absolutely no findings. And then that,
19 Mr. Chairman, is my report.

20 MR. POTEET:

21 Thank you very much. I would say
22 that indicates a good job by our staff here,
23 particularly Mona Anderson.

24 MR. McKOWEN:

25 Absolutely. I have to tell you,

1 Mona is on top of the issues that concern
2 the audit, not only the accounting --
3 keeping up with the accounting, but she
4 knows what she's talking about when it comes
5 to the report, too. So that's very unusual
6 and I'm impressed.

7 MR. POTEET:

8 Well, I sit on several boards and
9 I can tell you, this is the best kind of
10 audit report to get, because the other kinds
11 are not fun.

12 MR. McKOWEN:

13 I keep trying to find something.

14 MR. POTEET:

15 That's your job.

16 MR. McKOWEN:

17 So this is the third year of our
18 three year contract. I understand from Mona
19 that y'all are going to go back up for bids
20 next year. I would love to be included in
21 your request for proposal.

22 MR. POTEET:

23 All right.

24 MS. ANDERSON:

25 I would like to thank Mr. McKowen

1 for his work, because he has just been very
2 understanding and thorough in going through
3 our books and is very helpful and his
4 knowledge of all the changes that have gone
5 through accounting this year.

6 MR. McKOWEN:

7 Thank you.

8 MR. POTEET:

9 Thank you.

10 Do we need -- no, we don't. It's
11 not an action item here, is it?

12 MR. HALLACK:

13 No.

14 MR. POTEET:

15 Thank you.

16 MR. McKOWEN:

17 Thank you.

18 MR. POTEET:

19 All right. Mona, after all of
20 that good news, you should be in a great
21 mood to present the financial statement.

22 MS. ANDERSON:

23 Okay. If you'll turn in your
24 packets, we have -- actually have two
25 financial statements to go over today. So

1 we're going to go through the first one
2 quickly. The financial statement for the
3 month ending July 31st, on Page 1, our cash
4 balance was \$1,387,358 at the end of July.
5 Accounts receivable hearings and fines was
6 \$201,650. At the bottom of the page, your
7 current liabilities, which were mostly
8 benefits, was \$42,335.

9 On Page 2, our deferred in-flows
10 were \$271,650. And turning on to the
11 revenue and expenses, on Page 3, the first
12 month of our fiscal year, both the
13 month-to-date and year-to-date revenues were
14 \$36,409.

15 Under expenses, our salaries and
16 related benefits were \$48,581 compared to
17 \$46,582 last year. The remainder of the
18 expenses for the month increased by about
19 \$5,000. So you'll see on page -- I'm sorry,
20 on Page 5 the total expenses were \$61,458.
21 The increase in expenses included -- we had
22 several expenditures that went through this
23 month. We purchased a new server and
24 software, which we discussed with you last
25 month, and we renewed our CAVU maintenance

1 agreement. And we also did some work on one
2 of our air-conditioning units, replacing
3 motor and control board. So that would be
4 the difference in the expenditures from last
5 year. The negative change in net position
6 was a negative \$25,000 for the month and
7 year to date, of course.

8 On the following page, you see
9 our revenues and expenses on a monthly basis
10 compared to last year. On Page 7, is a
11 graph of those figures. And on Page 8 are
12 our fee revenues, which are mostly auction
13 -- auction transaction fees at this time of
14 year. On Page 9, is our certificate of
15 deposit report and there's no changes for
16 July.

17 In the -- on Page 10, the
18 accounts receivable, we added fines for --
19 that were assessed for Brown's Auction and
20 for Dixieland Auto Sales and we also
21 collected those amounts showing our balance
22 of \$201,650. And that ends the July report.

23 MR. CORMIER:

24 I don't guess we collected
25 anything from Shawn Calvit?

1 MS. ANDERSON:

2 We have not, yet. This month we
3 did -- it appears that we -- if you -- when
4 we get to August, we referred those two
5 accounts, Shawn Calvit and Larry Brown, to
6 the Attorney General's Office and the
7 Attorney General's Office has collected some
8 money from Larry Brown. So, you know, if
9 they have assets, we're -- they're going
10 after them.

11 MR. POTEET:

12 I need a motion to approve the
13 financial statements.

14 MR. CORMIER:

15 (Makes motion.)

16 MR. TAYLOR:

17 Second.

18 MR. POTEET:

19 All in favor, say, "Aye."

20 (All "Aye" responses.)

21 MR. POTEET:

22 We'll go on to August.

23 MS. ANDERSON:

24 Okay. So if you'll turn in your
25 packets to the August statements, the

1 balance in the operating account was
2 \$1,318,963, and our fines were \$203,900. We
3 increased our prepaid expenses by paying for
4 our annual premium on our insurance -- what
5 I termed to be business insurance, our
6 general liability, workers' compensation,
7 and automobile insurance to the Office of
8 Risk Management. We actually had an \$1,800
9 decrease in premium this year. So that was
10 a good thing for us. Current liabilities
11 were \$40,948.

12 And on Page 2, the deferred
13 in-flows was \$274,050. On Page 3, the
14 revenue and expenses statement, our revenues
15 year to date were \$63,751, which was a
16 \$20,000 decrease, but this is only our
17 second month of the fiscal year. The
18 majority of the decrease was in the fees.
19 Like I said, it's early in the year for
20 that.

21 Under expenses, the salaries and
22 benefits were up \$3,400, which is about a
23 three percent increase from last year. The
24 remainder of the expenses were approximately
25 \$12,000 more than last year under the

1 professional, in addition to the expenses
2 that I just explained under the professional
3 services, we paid for the installation of
4 the server and the migration of our data to
5 the new server. So we ended that month with
6 net -- a negative net position of \$86,345.

7 Again, the following page, Page
8 6, shows our month -- month-to-month
9 comparison. And Page 7 shows our graph,
10 which again our revenues are down, because
11 we have not started our renewal season.
12 Page 8 is our fee revenues. It pretty much
13 looks like the month before. On Page 9, our
14 certificate of deposit summary shows we
15 changed banks. We had a \$100,000
16 certificate of deposit that came up for
17 maturity on August 22nd at Community Trust,
18 and thanks to Ms. Morris' research on CDs,
19 we found Business First Bank was offering a
20 point 99 percent, which was significantly
21 better. They did require that we have two
22 CDs. The maximum -- they couldn't do a
23 \$100,000 CD. So they did two \$50,000 and
24 Community Trust inadvertently sent our
25 interest to Business First in with that

1 transfer. So that's why you see the excess
2 \$19 or whatever on there. But that was a
3 little better interest rate than what we
4 were receiving. We're happy to see that.
5 Less than one percent, I never thought I
6 would see that.

7 On the following page, the
8 accounts receivable hearing and fines, we
9 assessed \$3,500 more in fines. You can see
10 those in the far left-hand column. It shows
11 the August addition and we collected \$1,250
12 of that. And as I said, we transferred the
13 accounts for Larry Brown and Shawn Calvit to
14 the AG's Office and I did get an e-mail from
15 them Friday saying that they had collected a
16 little bit from Larry Brown. So I'm hoping
17 that' a payment plan that they've worked
18 out.

19 MS. BARON:

20 Is that going to be monthly?

21 MS. ANDERSON:

22 They only collected \$250, but I'm
23 hoping that they will have their eye on him.
24 So maybe we'll start seeing some transfer of
25 funds there.

1 And unless there are any
2 questions, that concludes my report, Mr.
3 Chairman.

4 MR. POTEET:

5 All right. Do I have a motion to
6 approve the August?

7 MR. SMITH:

8 Motion.

9 MR. OLAVE:

10 Second.

11 MR. POTEET:

12 All those in favor, say, "Aye."

13 (All "Aye" responses.)

14 MR. POTEET:

15 All right. Thank you, Mona.

16 Mona, that audit report is excellent. I
17 just want to congratulate you again on good
18 work.

19 All right. Next thing is -- I
20 think we've got an approval for an invoice.

21 MR. PARNELL:

22 Yes.

23 MR. POTEET:

24 Mr. Hallack's invoice.

25 MR. PARNELL:

1 Commissioners, please find in
2 your packet Attorney Robert Hallack's bill
3 for July of 2014. I have reviewed the --
4 well, I have reviewed the services performed
5 and accounting reviewed the calculations.
6 His bill for services for July 2014 is
7 \$3,456.25. Commissioners, I ask that you
8 approve payment for July 2014 for
9 Commissioner -- I'm sorry, Counsel Hallack's
10 bill for services. Excuse me.

11 MR. CORMIER:

12 I make a motion.

13 MR. TAYLOR:

14 I second.

15 MR. POTEET:

16 Motion and a second.

17 All in favor, say, "Aye."

18 (All "Aye" responses.)

19 MR. POTEET:

20 Any opposed?

21 (No response.)

22 MR. POTEET:

23 Okay. That passes.

24 All right. The next thing on our
25 agenda is the -- we've got a policy and

1 procedure -- revenue policy imposed
2 non-exchange revenue. And when you read
3 that, if you thought, what the heck is that,
4 Derek is going to explain it to us.

5 MR. PARNELL:

6 Commissioners, you will find in
7 your packet terms for the proposed revenue
8 policy for imposed non-exchange revenue.
9 This proposed policy is in accordance with
10 GASB, General Accounting and Standards
11 Board, Summary Statement #33, Accounting and
12 Financial Reporting For Non-Exchange
13 Transactions. Imposed non-exchange revenues
14 include civil penalties pursuant to LA
15 Revised Statute 32.7:88 and cost pursuant to
16 Revised Statute 32:785.

17 Specifically, questions and
18 concerns came up with regard to when to
19 record and impose non-exchange revenue on
20 our books. And I will ask Accountant
21 Supervisor Mona Anderson to explain why the
22 discussions took place regarding the
23 non-exchange revenue and Commission Counsel
24 Morris to talk about the draft that was
25 presented before you in your packet. Also,

1 counsel Hallack was in these discussions,
2 so.

3 MR. POTEET:

4 So this is essentially how we
5 recognize revenue for fines?

6 MR. PARNELL:

7 Yes.

8 MR. POTEET:

9 A little more than that?

10 MS. ANDERSON:

11 So, basically, what we're looking
12 at -- after discussing with Sheri and Robert
13 at length, we were advised that, you know,
14 we were not giving enough due process to the
15 individuals that were responsible for these
16 fines. From the viewpoint of accounting,
17 whenever I was looking at the letters that
18 were being sent to dealers and it said, you
19 owe this and if you -- if you agree, pay
20 this and send this in. To me, that's a
21 receivable. I recorded that in the month in
22 which they were advised that happened.

23 But Ms. Morris and Mr. Hallack
24 advised us that, you know, there is more to
25 the story and that we have to go through a

1 due process with that in allowing them time
2 to come before the Commission if they want
3 to and various other steps. So we came up
4 with this policy, mostly Ms. Morris helped
5 us with writing the legal parts of this, and
6 tried to get into how do we -- how do we do
7 this, how do we physically do this process
8 when we put it on our books, so that --
9 because it's getting more and more complex.
10 You know that we've sent some accounts to
11 the Attorney General's Office. So we have
12 to give them notice that we're going to do
13 that. We have to give them days to respond
14 to that, so on and so forth. So I'm going
15 to turn this over to Sheri and let her tell
16 you a little bit more about the legal part
17 of this.

18 MS. MORRIS:

19 Basically, I think when you have
20 a violation, there's some opportunity to
21 settle the violation before Mr. Hallack
22 really files the charges, but sometimes
23 those were showing up on our accounts
24 receivable. Somebody owed \$500. Well, they
25 maybe were sent a proposed consent to settle

1 the case, but maybe they decided not to and
2 at that point, it's got to go back to Mr.
3 Hallack, so he can prepare the charges and
4 set the hearing date and still you might
5 have some people that settle then.

6 The State does not want anyone to
7 hold money undeposited. So in order to
8 settle something, it really has to be
9 approved by the Commission. The Commission
10 has to accept the amount of the fine, but
11 you don't want the person -- I think the
12 problem is that even though there was some
13 agreement in the office on the amount of it,
14 the person just never paid it. So I think
15 the procedure now is going to be that you'll
16 have an opportunity to settle and if you
17 sign the settlement agreement and tender the
18 funds, then it can be approved, but we won't
19 be accepting a signed agreement without the
20 funds. But until that agreement is finally
21 approved, it -- really, the funds don't
22 belong to the Commission technically. So
23 Mona is going to have a special account to
24 recognize these non-exchange revenues, is
25 what they're called in the accounting world,

1 because they're not really revenues yet, and
2 then once they get final approval, they can
3 just be moved to the operating account. If
4 for some reason the consent is rejected, it
5 will have to be returned to the licensee,
6 and then the proceeding goes forward.

7 That also can happen if somebody
8 pays the fine when an order -- before the
9 appeal delay runs. I don't know that that
10 happens very often, but if there's a Board
11 hearing and there is an assessment of cost
12 and fines and someone pays before the appeal
13 delay runs, we technically don't know that
14 that is our money, because if they do appeal
15 it, we may have to refund it. So you really
16 don't want it in your operating account,
17 because you don't want to think you have
18 that money to spend. So this is just going
19 to segregate any funds that we may have to
20 return to somebody basically and keep them
21 out of the operating account temporarily,
22 but once everything is approved, Mona can
23 just move them, because they'll already be
24 accounted for.

25 Some agencies that I've worked

1 with, they just request certified funds,
2 that they were holding the certified funds
3 check, but the board was not comfortable
4 with that. They want it deposited, so that
5 there can't be any misappropriation of
6 funds. So this provides how they will be
7 deposited and how they will be transferred
8 within the agency. But it will also avoid
9 these people that maybe signed a consent and
10 didn't pay. It's not going to be an option
11 not to pay. You're going -- if you're going
12 to sign the consent, you're going to tender
13 with the funds. It's not going to be
14 accepted and we can move forward with the
15 hearing. So it should help our collections
16 as well.

17 MR. POTEET:

18 Does anybody have any questions
19 about that policy?

20 (No response.)

21 MR. POTEET:

22 So, really, the policy is
23 formalizing what we should be doing anyway.

24 MS. MORRIS:

25 Yes. We should have never had

1 those consent people on the receivables. My
2 concern was that you saw a dealer's name on
3 the receivable and you didn't even know that
4 there was a case, yet. So -- and then once
5 I think it got on the receivable list, it
6 maybe wasn't moved through the hearing
7 process as fast. So this way, it won't get
8 to that point. You won't have a receivable
9 for a consent. You'll only have receivables
10 for orders that you issue.

11 MR. POTEET:

12 Does anyone have any questions?

13 (No response.)

14 MR. POTEET:

15 Do we need to approve this
16 policy?

17 MR. HALLACK:

18 You need an action on it, yes.

19 MR. POTEET:

20 Do I have a motion?

21 MR. SMITH:

22 (Makes motion.)

23 MR. POTEET:

24 I have motion from Darty.

25 MR. ROY:

1 Second.

2 MR. POTEET:

3 Second from Kirby.

4 All in favor, say, "Aye."

5 (All "Aye" responses.)

6 MR. POTEET:

7 Any opposed?

8 (No response.)

9 MR. POTEET:

10 Okay. The motion passes. Thanks
11 for that work.

12 MR. PARNELL:

13 Chairman Poteet, there is one
14 other item I kind of wanted to let Mona
15 address about collection of fines. If you
16 can add that to the agenda.

17 MR. POTEET:

18 Yes. Is that okay with everybody
19 -- I think we need a motion for that.

20 MR. HALLACK:

21 Yes.

22 MR. TAYLOR:

23 I make a motion to add it to the
24 agenda.

25 MR. CORMIER:

1 Second.

2 MR. POTEET:

3 Second from Tony.

4 All in favor, say, "Aye."

5 (All "Aye" responses.)

6 MR. POTEET:

7 All right. Okay. Mona.

8 MS. ANDERSON:

9 Okay. Commissioner Taylor had
10 asked me to discuss a little bit about the
11 collectability of fines and the impact that
12 it has on the financial statements.
13 Particularly when, you know, we're doing
14 this due process, giving them -- fines are
15 assessed and parties are given their due
16 process, we record the fines as an accounts
17 receivable and as revenue. Okay. So the
18 fines -- and I understand that the fines
19 represent something different to everyone.
20 To the Commissioners, it represents
21 violation of the Commission's laws and
22 regulations and, you know -- but to
23 accounting, they also impact the budgeting,
24 the planning, that type thing, in
25 particular, fees that -- fines that are set

1 at the end of the fiscal year.

2 You know, we've had fines and I
3 think we had some a couple of years ago and
4 we did this year in May and June that were
5 in the neighborhood of \$200,000. And so in
6 the planning stages, that affects how you
7 see our net position. I don't know if you
8 noticed on the audit that, you know, if you
9 just looked at our fees, our net position
10 would not nearly have been as high as what
11 it was, but there was \$153,000 of fines that
12 were levied at that last -- I think it was
13 the May or June meeting. And so, you know,
14 we're trying to say that that needs to be
15 kept in mind whenever fees are set for those
16 -- whenever those fines are set that it's a
17 possibly that it can be uncollectible, that
18 we could only collect on the bond, and that
19 the remainder would have to be offset.

20 The new accounting regulations
21 require us to offset that in the income as
22 well as -- we're not just able to make it a
23 bad debt anymore. And so I don't know if --
24 Commissioner Taylor, if you'd like to speak
25 a little bit about this issue that we have,

1 it looks on the financials whenever we go
2 over those --

3 MR. TAYLOR:

4 I'll be very brief. You know, my
5 -- you know, we levee fines for two reasons,
6 to -- one reason is to a good dealer and
7 show him what he's done wrong, hopefully
8 that he gets back compliant, and then
9 another reason is that that this type of
10 dealer is never going to do right, in my
11 opinion, and make sure that they have
12 trouble ever getting back in this business
13 or maybe even affect them in another
14 business. But looking at our -- if you go
15 -- like your Page 6 like she always does or
16 -- you know, that's a report that shows net
17 position. You know, it looks like we're
18 doing a lot better than last year, you know.
19 It looks like we're bringing in a lot more
20 revenue. Well, it's uncollected revenue,
21 right, Mona?

22 MS. ANDERSON:

23 Right.

24 MR. TAYLOR:

25 Long story short, we're just

1 trying to set up some type of journal entry,
2 I guess, to offset that to make sure that we
3 don't have this false and misleading bottom
4 line and that's basically it. And I think
5 we should keep in mind that when we're
6 levying these huge fines, what can we
7 actually collect and what is our goal here,
8 what do we want to do, because it is going
9 to affect us right here. That's it. I was
10 just concerned about the way it looked. It
11 looks like we're putting it in our system to
12 keep our bottom line from looking so big.

13 MS. ANDERSON:

14 To be realistic of what we are
15 collecting. You know, if you take that net
16 position at the end of the fiscal year and
17 take that \$153,000 out of it totally, then
18 it's a different picture that you paint.
19 And while we may collect, you know, we'll
20 collect on the bond and we may collect --
21 you know, what assets we can collect from
22 and get a better avenue now that we're going
23 through the AG's Office, but to just keep
24 those things in mind is all we wanted to
25 say.

1 MR. POTEET:

2 It was a bookkeeping procedure
3 that you --

4 MR. TAYLOR:

5 And we did, we did correct it.

6 MR. DUPLESSIS:

7 Can you set a policy for
8 collectability?

9 MR. POTEET:

10 Well, I mean, that's what this
11 new revised policy does.

12 MR. DUPLESSIS:

13 Right.

14 MR. POTEET:

15 And, you know, it's like -- I
16 think at the last meeting, we had levied
17 some fines and it was that meeting or the
18 meeting before, we discussed that we're
19 going to levee fines, but we know good and
20 well that we're not going to collect them.

21 MS. ANDERSON:

22 I would like to speak to that,
23 too. Whenever -- okay. So if you levy
24 those fines in May or June, we're not --
25 it's not good practice to write them off

1 before the fiscal year. That was what
2 happened a couple of years ago. I think it
3 was Affordable Imports. You know, we knew
4 pretty much that the entity was not viable,
5 and so we wrote -- everything except the
6 bond off before the end of the fiscal year.
7 And no matter whether you write it off or
8 show it as an uncollectible, it's still --
9 you can't do that right away. So normally
10 that would not be done until the following
11 fiscal year. I'm just saying in the history
12 when you're looking at it, it sort of
13 distorts the total revenue is what it does.
14 And what we did this year, that \$24,000 that
15 you saw was the amounts that we're going to
16 the AG, I told them we need to keep ours,
17 unlike some entities write off a percentage
18 of their receivables. Well, we do it by
19 account, because it's basically our fines.
20 So what we're currently doing is using those
21 accounts that are going to the AG's Office
22 as our estimated uncollectible even though
23 we might collect on them.

24 MR. TAYLOR:

25 I was sitting on a board and they

1 discussed our bottom line. At one time,
2 there was no employee benefits considered or
3 anything like that and I remember sitting in
4 that meeting and everybody said, oh, my God,
5 these guys are sitting on a million dollars.
6 And it is perception. Nobody went in there
7 and looked at the employee benefits. Nobody
8 goes in there and breaks it down. Some
9 people, including myself, were pretty simple
10 to look at the bottom line and look and it
11 don't always paint a pretty picture. So I
12 felt it necessary to get those off as soon
13 as possible.

14 MR. POTEET:

15 Thank you, Dino.

16 All right. So Executive
17 Director's report.

18 MR. PARNELL:

19 If you'll turn with me to your
20 packets, you will find some reports. You
21 will find the July 2014 alleged issue counts
22 of July and August. In July, we had 150
23 alleged issues. The second document is the
24 August report, which shows 83 alleged issues
25 we're sending through our office. The third

1 document is the case report for July 2014.
2 There were 98 cases assigned for that month.
3 20 of those cases were completed. 78 cases
4 remain open. The next document is the
5 August 2014 case report. There were 59
6 cases assigned. 8 of those cases were
7 closed. 51 cases remain open. The next
8 document is a department summary report for
9 August -- I'm sorry, for July. The
10 department summary illustrates 48 total
11 cases that were closed in July and in
12 August. The next document, the department
13 summary illustrated 44 cases that were
14 closed. The investigators are doing a real
15 good job of getting out there.

16 We had discussed in the past
17 about putting in place -- when we put in
18 place in this legislative session our
19 advertising guidelines and we informed
20 investigators to go out there and give some
21 warnings initially in the beginning until
22 some time had passed and then we will go
23 forward with doing violations against our
24 advertising law and informed the
25 investigators to ahead and do a warning and

1 write the violation ticket out, so they will
2 actually have something tangible in their
3 hand and see that, okay, this is a violation
4 moving forward. It will be a second
5 violation that we run into that issue. I
6 know in the northern part of the state, we
7 find that this is much more prevalent, I
8 would say, in the northern part and the
9 middle areas of the state as well as far as
10 advertising issues that we run into, but,
11 again, it's just different throughout the
12 entire state. You have different areas of
13 concern. They're all the same concerns
14 pretty much, but different areas
15 concentrated more on other issues.

16 The next document I want to go
17 into the general information. This kind of
18 piggy backs something -- what we were
19 talking about a little while ago. We had a
20 meeting with the Motor Vehicle Commission a
21 few weeks ago, myself, Sheri Morris, and Kim
22 Baron was with us. We met with Lessie House
23 and Burgess and Stacy. We had some
24 discussions about the Motor Vehicle Sales
25 Finance Act and in that discussion, we asked

1 if they currently had anything planned to
2 put in place to -- something to educate
3 dealers about possessing a finance license.
4 They had nothing in place, and so Lessie
5 asked would it be possible for them to come
6 and kind of talk with our dealers at the
7 seminar. So I did allow them to do that
8 last week, just to discuss the finance
9 license and it wasn't very much other than
10 what we already thought it to be.

11 But in the future, I will have
12 our staff discuss holding a finance license
13 in the seminar. I was just opening up the
14 doors just to allow them to come and speak,
15 because they asked. And so I'll make sure
16 in the future -- in light of our last
17 discussion earlier on this morning, I want
18 to make sure that we're not giving them any
19 extra leeway into our agency in that regard.

20 Other items in general
21 discussion, in our continuing efforts to
22 become more effective and efficient with our
23 process, we installed these video monitors.
24 The monitors are going to assist us with
25 providing a clear and less cumbersome

1 project, other than the projector screen
2 that we were using, and it's going to help
3 us greatly in our seminars and our
4 Commission meetings and/or hearings that we
5 may have. The monitors are going to be
6 connected to our laptop and will mirror what
7 is on the laptop screen, which we found at
8 the last hearing did kind of help paint a
9 picture of what was going on in that
10 dealership.

11 That's something -- I've wanted
12 to do it for some time and we found a really
13 good deal on this and we had a guy come out
14 -- our electrician came out and did some
15 good work and our IT person helped us
16 configure everything. So we're up and
17 running right now and we're ready to go. So
18 that pretty much completes the Executive
19 Director's report.

20 Are there any other questions or
21 concerns?

22 MR. DUPLESSIS:

23 I'm curious why we're -- as you
24 say, adding to our seminar, if they have
25 1,800 dealers, that's 400 bucks a lick.

1 They've got a \$750,000 budget. They ought
2 to be putting on their own seminar.

3 MR. PARNELL:

4 Yes. I agree. That's what I was
5 really alluding to, but, you know --

6 MR. DUPLESSIS:

7 Well, I'm curious. I mean, what
8 does our seminar have to do with getting a
9 finance license, because we're -- this is
10 not a timely event.

11 MR. PARNELL:

12 Sure.

13 MR. DUPLESSIS:

14 So if they get a finance license
15 and they're committing M or Z or TILA or
16 other violations, we haven't given our
17 constituents an opportunity to get trained
18 and they've got a pile of money.

19 MR. BREWER:

20 It's a shame that we can't get
21 that money.

22 MR. DUPLESSIS:

23 I think we need to get that.

24 MR. BREWER:

25 It seems a shame for them to have

1 any control over what we do. New Car
2 Department -- I mean, the New Motor Division
3 and the used car people are two different --

4 MR. POTEET:

5 That's right. That's why there
6 are two different commissions.

7 MR. BREWER:

8 You know, a lot of new car
9 dealers dislike the used car dealers. I
10 mean, they're competition for us. For them
11 to regulate anything that we do doesn't seem
12 right.

13 MR. OLAVE:

14 It provides a unique conflict of
15 interest, doesn't it?

16 MR. BREWER:

17 It really does.

18 MR. POTEET:

19 Hopefully, we'll make some
20 headway in that -- in that area. I think
21 it's going to be a -- it might be a long
22 fight, but we've got to do what we need to
23 do for the dealers and for the clarification
24 of the laws. I think there are too many
25 things -- for me, I'm not a used motor

1 vehicle dealer. So I don't have to deal
2 with it, but I get regulated by two
3 different governing bodies, and sometimes
4 there is a little bit of a conflict. And I
5 think ours is much simpler than what dealers
6 have to deal with. So if we can make some
7 movement in that direction, Derek and Sheri
8 and Robert, I think it will help, but
9 eventually I think we're heading towards a
10 legislative solution.

11 MR. DUPLESSIS:

12 The playing field has changed in
13 the last couple of years.

14 MR. POTEET:

15 It has.

16 MR. DUPLESSIS:

17 You know, it's a 15 year old law
18 that was interpreted 15 years ago and we owe
19 a safe harbor to our dealers. If we can't
20 figure out where they can park their boat in
21 a safe harbor, then that's not right.
22 That's an unfair playing field.

23 MR. POTEET:

24 Well, you shouldn't be regulating
25 people with the preface, I think this is

1 what you are supposed to be doing.

2 MR. BREWER:

3 They could come in and say, okay,
4 you said you sold this wholesale, now prove
5 to us that you sold it wholesale. I mean,
6 where does it stop?

7 MR. POTEET:

8 You're right.

9 MR. OLAVE:

10 I agree with you earlier, a clear
11 indication of what our intentions or
12 interpretations of the law I think is
13 necessary to figure out what the rules are
14 before we can, you know, determine how to
15 play with them.

16 MR. POTEET:

17 I think about six months ago, we
18 thought we were kind of there, but
19 apparently we weren't even close.

20 Okay. Thank you, Derek.

21 All right. The next thing that
22 is on the agenda is the ratification of the
23 license revocation. We have a few her. So
24 we'll ratify these all at once.

25 MR. PARNELL:

1 Please find in your packet the
2 chart of the dealerships that have been
3 revoked. I ask that you ratify the
4 revocation to make it official. Each dealer
5 was given an opportunity to become compliant
6 before the ratification.

7 MR. POTEET:

8 See if anyone is here.

9 MS. BARON:

10 No one is here.

11 MR. PARNELL:

12 The first one on this is Direct
13 Auto, LLC. The their address is 1907 Alfred
14 Lane in Bossier City, Louisiana 71112.
15 License UD number is 243841. A suspension
16 letter was sent May 22nd, they had 10 days
17 to respond, because of no license
18 salespersons. The license was revoked on
19 August 18, 2014.

20 The next one is C&C Auto Sales,
21 6505 Hearn Avenue, Shreveport, Louisiana
22 71108. The license UD number is 243618. A
23 suspension letter was sent out on April 17,
24 2014 because of no licensed salesperson.
25 They had 10 days to respond. The revocation

1 -- it was revoked on August 28, 2014.

2 The next one is Bye From Me, LLC,
3 1905 Roselawn Avenue, Monroe, Louisiana
4 71201. License UD number is 242822. A
5 suspension letter was sent July 1, 2014, 10
6 days to respond, because of no salesperson.
7 License was revoked on September 2, 2014.

8 Bayou Country Trade Mart, LLC,
9 3012 Opelousas Road, Ville Platte, Louisiana
10 70586. License UD is 240471. A letter of
11 suspension was sent on March 31, 2014, 10
12 days to response, because no salesperson.
13 The license was actually revoked in the
14 system on September 2, 2014 with the
15 effective date of 12/31/13.

16 Richard's Auto Wholesale, 10502
17 Plank Road, Clinton, Louisiana 70722.
18 License UD number is 243513. The
19 investigator posted notice of revocation on
20 August 27th, giving them five days to
21 respond, because there was no phone, no
22 contact with our office. The revocation --
23 the license was revoked on September 3,
24 2014. The revocation was made effective on
25 09/05/14.

1 PJ's Auto Sales, 226 1/2 Loul
2 Street in Broussard, Louisiana 70518.
3 License UD number is 243778. The
4 investigator posted notice of revocation on
5 August 13, 2014, giving him five days to
6 respond, no phone, no sign. License was
7 revoked on August 19, 2014. Revocation was
8 effective on 12/31/13.

9 AAA Affordable Glass,
10 Incorporated was -- it is located at 6276
11 Airline Highway, Baton Rouge 70805. License
12 UD number is 242558. The investigator
13 posted notice of revocation on August 19,
14 2014, giving them five days respond, for no
15 phone, no sign. The license was revoked in
16 the system on August 26, 2014.

17 Majjor Deal Auto Sales, LLC,
18 located at 1400 Martin Luther Drive in
19 Jeanerette, Louisiana 70544. License UD is
20 244062. The investigator posed -- excuse
21 me, posted notice of revocation on July 30,
22 2014, giving them five days to respond, for
23 no phone, no sign. License was revoked on
24 August 26, 2014, in the system. It was
25 effective on the 26th as well.

1 GI Auto, 701 The Boulevard,
2 Rayne, Louisiana 70578. License UD number
3 is 243444. A suspension letter was sent
4 August 18, 2014, 10 days to respond, no
5 licensed salesperson, no phone, and the
6 insurance expired. The license was revoked
7 on -- effective on 4/4/2014.

8 Covington Autoplex LLC, 2445
9 North Highway 190, Covington, Louisiana
10 70433. License UD number is 242391. The
11 investigator posted notice of revocation on
12 August 3, 2014, giving five days to respond,
13 no phone, no sign, no salesperson. License
14 revoked on August 6 -- no, I'm sorry, August
15 6, 2014.

16 Commissioners, I'd ask that you
17 ratify the above revocation for licenses for
18 the dealers listed above.

19 MR. POTEET:

20 Any discussion?

21 (No response.)

22 MR. POTEET:

23 I need a motion.

24 MR. SMITH:

25 (Makes motion.)

1 MR. POTEET:

2 I have a motion from Darty.

3 Second?

4 MR. OLAVE:

5 Second.

6 MR. POTEET:

7 Second from Steve.

8 All in favor, say, "Aye."

9 (All "Aye" responses.)

10 MR. POTEET:

11 Any opposed?

12 (No response.)

13 MR. POTEET:

14 So those would be revoked.

15 Next, we've got some hearings.

16 So we need to adjourn and come back to that.

17 We also -- I think we want to move -- for
18 planning purposes here, Derek, do you want
19 to move Deidra Boyd to the top to A, and
20 then we will do Latino.

21 MS. BARON:

22 Interstate Tire needs to be
23 removed from the agenda.

24 MR. POTEET:

25 Okay. That's fine, too.

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Do I have a motion to adjourn?

MR. TAYLOR:

I make a motion.

MR. SMITH:

Second.

(Meeting adjourned at 11:14 a.m.)

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 September 15, 2014, 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 October 1, 2014, Baton Rouge,
15 Louisiana.

16
17
18
19
20
21
22 _____
23 BETTY D. GLISSMAN, CCR
24 CERTIFIED COURT REPORTER
25

Betty D. Glissman, CCR

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