## MINUTES OF THE MEETING OF THE

## LOUISIANA MOTOR VEHICLE COMMISSION MOTOR VEHICLE SALES FINANCE DIVISION

3519 12th Street Metairie, Louisiana 70002 Monday, March 10, 2014

The meeting was called to order at 12:41 p.m. by Chairman Raymond J. Brandt.

Present were:

Chairman Raymond J. Brandt
Commissioner Brian C. Bent
Commissioner John B. Fabre
Commissioner Thad J. Ryan, III
Commissioner Joseph W. "Bill" Westbrook
Commissioner Philip E. Tarver
Commissioner Donna S. Corley
Commissioner Alexis D. Hocevar

L. A. House, Executive Director Adrian F. LaPeyronnie, III, Counselor Gregory F. Reggie, Counselor Burgess E. McCranie, Jr., Counselor

Absent were:

Commissioner Troy J. Duhon

Commissioner V. Price LeBlanc, Jr.

Commissioner James C. "Jim" Hicks

Commissioner Maurice C. Guidry

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Also, in attendance were Commission staff: Ingya Cattle, Assistant Executive Director; Art Quick, Commission Investigator 5; Commission Investigators, Wayne Lee, Neil Rogers, and Michael Delrie; Administrative Coordinators, Stacey Broussard, Trina Adams, Sylvia Schwarz, and Shannon Mullen.

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At this time the Executive Director presented the commission with the following legislative bill which if passed would affect the Louisiana Motor Vehicle Sales Finance Act and/or be of interest to the Commission.

HLS 14RS-898 ORIGINAL

Regular Session, 2014

HOUSE BILL NO. 183 BY REPRESENTATIVE HARRIS

MOTOR VEHICLES: Provides relative to the Louisiana Motor Vehicle Sales Finance Act

## AN ACT

To a mend and reenact R.S. 6:969.18(A)(2) and to repeal R.S. 6:969.18(G), relative to the 3 Louisiana Motor Vehicle Sales Finance Act; to increase the documentation and compliance fee authorized to be collected by a motor vehicle seller, who may be an extender of credit, for certain transactions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:969.18(A)(2) is hereby amended and reenacted to read as follows:

§969.18. Documentation and compliance fees; notary fees; transfer of equity and 10 other fees; disclosure

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(2)(a) The seller, who may also be an extender of credit, may, in connection with any retail sale, including but not limited to a retail installment transaction, charge a fee for credit investigation, compliance with federal and state law, preparation of the documents necessary to perfect or satisfy a lien upon the objects sold, and any other functions incidental to the titling of the retail sale. The maximum amount permitted to be charged shall be one two hundred dollars.

(b) When a seller, who may also be an extender of credit, charges a fee pursuant to this Paragraph, a written disclosure shall be provided to the consumer stating the amount of the fee collected pursuant to this Paragraph, along

with the following statements in conspicuous type: "This fee is authorized by R.S.6:969.18(A)(2). It is not a mandatory state fee. The seller, who may also be an extender of credit, may charge the fee for credit investigation, compliance with federal and state law, preparation of the documents necessary to perfect or satisfy a lien upon the objects sold, and any other functions incidental to the titling of the retail sale." The disclosure shall be printed on the bill of sale, buyer's order, or sales contract which is signed by the buyer and retained by the buyer and seller.

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Section 2. R.S. 6:969.18(G) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

## DIGEST

The digest printed below was prepared byHouse Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harris HB No. 183

**Abstract:** Increases the amount that a motor vehicle seller, who also may be an extender of credit, may charge for credit investigation, compliance with federal or state law, preparation of documents, and any other functions incidental to the titling of the retail sale <u>from</u> \$100 to \$200.

<u>Present law provides</u> that a motor vehicle seller, who also may be an extender of credit, may charge a fee for credit investigation, compliance with federal or state law, preparation of documents, and any other functions incidental to the titling of the retail sale. Further provides that the maximum permitted amount is \$100.

Proposed law changes the maximum fee permitted to be charged pursuant to present law from \$100 to \$200.

<u>Present law</u> requires the seller, who may also be an extender of credit, to provide written disclosure to the consumer of the amount of the fee collected as authorized by <u>present law</u> along with the following statements in conspicuous type: "This fee is authorized by R.S.6:969.18(A)(2). It is not a mandatory state fee. The seller, who may also be an extender of credit, may charge the fee for credit investigation, compliance with federal and state law, preparation of the documents necessary to perfect or satisfy a lien upon the objects sold, and any other functions incidental to the titling of the retail sale."

<u>Present law further requires</u> the disclosure to be printed on the bill of sale, buyer's order, or sales contract which is signed by the buyer and retained by the buyer and seller. Proposed law retains present law and makes technical changes.

Proposed law retains present law and makes technical changes.

(Amends R.S. 6:969.18(A)(2); Repeals R.S. 6:969.18(G))

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At this time the Executive Director reported to the Commission Members was scheduled and held on January 13, 2014 at the LMVC offices with representatives of the Louisiana Used Motor Vehicle Commission. In the attendance representing the LUMVC were John Poteet, Chairman; Steven "Dino" Taylor; Commissioner; Dereck Parnell, Executive Director; and Sheri Morris, Attorney; and representing the LMVC were: Chairman Brandt; Counselors Burgess McCranie and Gregory Reggie; Amy Lawson, Commission Investigator; Stacey Broussard, Administrative Coordinator; Ingya Cattle, Assistant Executive Director; and the Executive Director. At the meeting, Commissioner Taylor suggested that LMVC should out source the sales finance audit and enforcement to the LUMVC for a fee. Chairman Brandt responded that he would proposed LUMVC's suggestion to the LMVC Commission Board at its next meeting in March and would get back with them. After a brief discussion, Commissioner Hocevar made a motion to deny LUMVC's suggestion for doing the sales finance audit and enforcement. Commissioner Tarver seconded this motion.

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Chairman Brandt called for a reading of the minutes of the November 18, 2013 meeting. Commissioner Tarver made a motion to accept the minutes as read. Commissioner Corley seconded this motion and it was unanimously approved.

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The Executive Director was directed to include in these minutes the following excerpt from the Louisiana Motor Vehicle Commission meeting immediately preceding this meeting.

"Chairman Brandt asked for a review of the November, December, January, and February financial statements of the Louisiana Motor Vehicle Commission, Motor Vehicle Sales Finance Division, copies of which were before each Commission Member. Commissioner Tarver made a motion to

accept the November, December, January, and February financial statements as presented and incorporate into these minutes. This motion was seconded by Commissioner Westbrook and it was unanimously approved."

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Chairman Brandt called for a review of the motor vehicle sales finance license issued:

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Tower Loan, LLC DBA Tower Loan of Oak Grove	Oak Grove, Louisiana	#SF-2013-00985

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Ryan motion to ratify the motor vehicle sales finance license issued, #SF-2013-00985. Commissioner Westbrook seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Dealer Funding, LLC	Alpharetta, Georgia	#SF-2013-00986

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Bent motion to ratify the motor vehicle sales finance license issued, #SF-2013-00986. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Trans Advantage, Inc.	Fenton, Missouri	#SF-2013-00987

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2013-00987. Commissioner Fabre seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Exeter Finance Corp.	Houston, Texas	#SF-2013-00988

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2013-00988. Commissioner Tarver seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit; 1st Heritage Credit	Shreveport, Louisiana	#SF-2013-00989

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Ryan motion to ratify the motor vehicle sales finance license issued, #SF-2013-00989. Commissioner Westbrook seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Alexandria, Louisiana	#SF-2013-00990

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Westbrook motion to ratify the motor vehicle sales finance license issued, #SF-2013-00990. Commissioner Ryan seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Baker, Louisiana	#SF-2013-00991

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Fabre motion to ratify the motor vehicle sales finance license issued, #SF-2013-00991. Commissioner Timmons seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Bossier City, Louisiana	#SF-2013-00992

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Westbrook motion to ratify the motor vehicle sales finance license issued, #SF-2013-00992. Commissioner Hargroder seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Crowley, Louisiana	#SF-2013-00993

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Corley motion to ratify the motor vehicle sales finance license issued, #SF-2013-00993. Commissioner Tarver seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Denham Springs, Louisiana	#SF-2013-00994

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Fabre motion to ratify the motor vehicle sales finance license issued, #SF-2013-00994. Commissioner Timmons seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	DeRidder, Louisiana	#SF-2013-00995

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Tarver motion to ratify the motor vehicle sales finance license issued, #SF-2013-00995. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Gonzales, Louisiana	#SF-2013-00996

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Fabre motion to ratify the motor vehicle sales finance license issued, #SF-2013-00996. Commissioner Timmons seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Hammond, Louisiana	#SF-2013-00997

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2013-00997. Commissioner Bent seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Houma, Louisiana	#SF-2013-00998

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2013-00998. Commissioner Timmons seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Lafayette, Louisiana	#SF-2013-00999

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargorder motion to ratify the motor vehicle sales finance license issued, #SF-2013-00999. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage	Lake Charels, Louisiana	#SF-2013-01000
Credit		

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Tarver motion to ratify the motor vehicle sales finance license issued, #SF-2013-01000. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	LaPlace, Louisiana	#SF-2013-01001

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Bent motion to ratify the motor vehicle sales finance license issued, #SF-2013-01001. Commissioner Fabre seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Monroe, Louisiana	#SF-2013-01002

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Ryan motion to ratify the motor vehicle sales finance license issued, #SF-2013-01002. Commissioner Westbrook seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	New Iberia, Louisiana	#SF-2013-01003

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargorder motion to ratify the motor vehicle sales finance license issued, #SF-2013-01003. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage	Shreveport, Louisiana	#SF-2013-01004
Credit		

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Ryan motion to ratify the motor vehicle sales finance license issued, #SF-2013-01004. Commissioner Westbrook seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Slidell, Louisiana	#SF-2013-01005

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2013-01005. Commissioner Bent seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Sulphur, Louisiana	#SF-2013-01006

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Tarver motion to ratify the motor vehicle sales finance license issued, #SF-2013-01006. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
First Heritage Credit of Louisiana, LLC DBA First Heritage Credit, 1st Heritage Credit	Thibodaux, Louisiana	#SF-2013-01007

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2013-01007. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
J. J. Best & Company	New Bedford, Louisiana	#SF-2013-01008

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2013-01008. Commissioner Timmons seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Cavalry Investments, LLC	Valhalla, New York	#SF-2014-00750

The Executive Director reported the application and supporting documentation were in order for this motor vehicle

sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2014-00750. Commissioner Ryan seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Cavalry SPV II, LLC	Valhalla, New York	#SF-2014-00759

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2014-00759. Commissioner Tarver seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
J & J Auto Brokers, LLC	Slidell, Louisiana	#SF-2014-00789

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Bent motion to ratify the motor vehicle sales finance license issued, #SF-2014-00789. Commissioner Hocevar seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Elite Wholesale Auto, Inc.	Lake Charles, Louisiana	#SF-2014-00818

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Tarver motion to ratify the motor vehicle sales finance license issued, #SF-2014-00818. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
A1 Used Cars, LLC	New Orleans, Louisiana	#SF-2014-00841

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2014-00841. Commissioner Bent seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
K K & G, L.L.C. DBA U-Win Auto Sales	Abbeville, Louisiana	#SF-2014-00845

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2014-00845. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Elite Auto, L.L.C.	Shreveport, Louisiana	#SF-2014-00848

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Ryan motion to ratify the motor vehicle sales finance license issued, #SF-2014-00848. Commissioner Westbrook seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<u>LIC. #</u>
Harrison Finance Company	Hammond, Louisiana	#SF-2014-00864

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Bent motion to ratify the motor vehicle sales finance license issued, #SF-2014-00864. Commissioner Hocevar seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<i>LIC.</i> #
Automotive Leasing Specialists, L.L.C. DBA ALS Dealer Funding	Lafayette, Louisiana	#SF-2014-00869

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hargroder motion to ratify the motor vehicle sales finance license issued, #SF-2014-00869. Commissioner Corley seconded this motion and it was unanimously approved.

SALES FINANCE COMPANY	<u>CITY</u>	<i>LIC.</i> #
Mid-Town Auto Sales LLC	Monroe, Louisiana	#SF-2014-00870

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Ryan motion to ratify the motor vehicle sales finance license issued, #SF-2014-00870. Commissioner Westbrook seconded this motion and it was unanimously approved.

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Chairman Brandt called for a review of the GAP Administrator licenses issued:

GAP ADMINISTRATOR	<u>CITY</u>	<u>LIC. #</u>
EFG Agency, Inc.	Irving, Texas	#GA-2013-00129

The Executive Director reported the application and supporting documentation were in order for this GAP administrator applicant. Commissioner Tarver made a motion to ratify the motor vehicle sales finance license issued, #GA-2013-00129. Commissioner Timmons seconded this motion and it was unanimously approved.

GAP ADMINISTRATOR	<u>CITY</u>	<i>LIC.</i> #
AMT Warranty Corp.	Bedford, Texas	#GA-2014-00110

The Executive Director reported the application and supporting documentation were in order for this GAP administrator applicant. Commissioner Hocevar made a motion to ratify the motor vehicle sales finance license issued, #GA-2014-00110. Commissioner Fabre seconded this motion and it was unanimously approved.

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The Chairman called for a review of the license issued. Commissioner Hocevar made a motion to ratify the licenses issued: sales finance, #SF-2013-00985 through #SF-2013-01008 and #SF-2014-00100 through #SF-2014-00876; GAP Administrators, #GA-2013-00129 and #GA-2014-00100 through #GA-2014-00123; and GAP Administrator Agents, #GAA-2014-00001 through #GAA-2014-00060. Commissioner Hargroder seconded this motion and it was unanimously approved.

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The Executive Director reported on routine matters being handled by the staff and not requiring action by the Commission at this time.

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There being no further business, Commissioner Tarver made a motion to adjourn the meeting at 1:00 p.m. Commissioner Timmons seconded this motion and it was unanimously approved.

Executive Director

Chairman