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LOUISIANA USED MOTOR VEHICLE COMMISSION

STATE OF LOUISIANA

REGULAR MEETING

JANUARY 28TH, 2019

BEGINNING AT 9:29 A.M.

3132 VALLEY CREEK

BATON ROUGE, LOUISIANA

REPORTED BY:

BRITTANY E. VIDRINE, CCR, RPR

1 APPEARANCES

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. JEFFEREY BRITT

8 MR. TONY CORMIER (arrived late)

9 MR. RICKY DONNELL

10 MR. GEORGE FLOYD

11 MR. STEPHEN OLAVE

12 MR. MATTHEW PEDERSEN

13 MR. HENRY "DARTY" SMITH

14 MR. DINO TAYLOR

15 MR. RICHARD WATTS

16

17

18 REPRESENTING THE LOUISIANA USED MOTOR VEHICLE

19 COMMISSION:

20

21 ROBERT W. HALLACK, ESQ.
22 HALLACK LAW OFFICE
23 13007 JUSTICE AVENUE
24 BATON ROUGE, LA 7081625 SHERI MORRIS, ESQ.
DAIGLE, FISSE & KESSENICH, PLC
8480 BLUEBONNET BOULEVARD, SUITE F
BATON ROUGE, LA 70810

1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MS. TONYA BURKS

5 MR. DEREK PARNELL

6 MR. MONTIE WISENOR

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1 CHAIRMAN POTEET: All right. Let's
2 start off with the Pledge of Allegiance.

3 (Pledge recited.)

4 CHAIRMAN POTEET: All right. So
5 we've got all kinds of new people in here
6 today. Can you do the roll call for us?

7 MS. BURKS: John Poteet?

8 CHAIRMAN POTEET: Here.

9 MS. BURKS: George Floyd?

10 MR. FLOYD: Here?

11 MS. BURKS: Jefferey Britt?

12 MR. BRITT: Here.

13 MS. BURKS: Tony Cormier?

14 MR. CORMIER: (No response.)

15 MS. BURKS: Matthew Pedersen?

16 MR. PEDERSEN: Here.

17 MS. BURKS: Richard Watts?

18 MR. WATTS: (No response.)

19 MS. BURKS: Stephen Olave?

20 MR. OLAVE: Here.

21 MS. BURKS: Ricky Donnell?

22 MR. DONNELL: Here.

23 MS. BURKS: Darty Smith?

24 MR. SMITH: Here.

25 MS. BURKS: Dino Taylor?

1 MR. TAYLOR: Here.

2 MS. BURKS: Chairman, we have a
3 quorum.

4 CHAIRMAN POTEET: Thank you. Also
5 if you haven't met her, we have Brittany
6 over here. Brittany is going to be
7 standing in for Betty for a few months --
8 well, for today anyway. Anyone here for
9 public comments?

10 MR. PARNELL: No.

11 CHAIRMAN POTEET: So hopefully
12 everyone's had a chance to read the
13 minutes from our last meeting which was
14 way back in November. If there are no
15 comments on that.

16 MR. TAYLOR: I'll make a motion.

17 MR. OLAVE: Second, Mr. Chairman.

18 CHAIRMAN POTEET: All in favor say
19 "Aye."

20 ("Aye" in unison.)

21 CHAIRMAN POTEET: Any opposed?

22 (No response.)

23 CHAIRMAN POTEET: All right. The
24 first item for discussion is an action on
25 financial matters. And Mona is not here

1 today, so Derek's going to take a stab at
2 this.

3 MR. PARNELL: I ask that you bear
4 with me as I attempt to review the
5 financials. You will find in your packet
6 financials for November and December of
7 2018. I had asked that you review the
8 financials at your convenience, so we
9 will discuss both as we review December.
10 On page three of the -- December, you
11 will find a statement of revenues,
12 expenses and changes in net position.
13 You'll find that 2018 year-to-date
14 revenues was \$632,349 as compared to
15 \$622,151 in 2017. So there was
16 definitely an increase by about \$10,000
17 there.

18 On page five, the net position for
19 December of 2018 is \$84,173.03. On
20 page eight, is the year-to-date budget to
21 actual expenditures. Page nine is the
22 certificate of deposit summary. On
23 January 14th, two of the CDs from
24 Business First matured, and Landmark Bank
25 matured on January 15th. We did roll

1 those over in to -- we stayed with the
2 same banks where we got a better interest
3 than what we had before.

4 The next thing on page 10 is the
5 accounts receivables, hearings, and
6 fines. Fines is less than November of
7 2018. It was \$10,350, and \$8,750 was
8 collected from those fines and issues
9 assessed. Fines assessed in December was
10 \$7,000, and zero was collected from the
11 December ones. This concludes the
12 financials.

13 MR. DONNELL: I'll make a motion we
14 accept.

15 MR. OLAVE: I'll second the motion,
16 Mr. Chairman.

17 CHAIRMAN POTEET: I'm sorry. Who
18 made the motion to approve? Hopefully,
19 everybody had a chance to read these
20 before you came in. So everything does
21 look pretty good there, Derek, and you
22 can pass along our appreciation. We've
23 got a motion and a second.

24 All in favor say "Aye."

25 (All "aye" responses.)

1 CHAIRMAN POTEET: Any opposed?

2 (No response.)

3 CHAIRMAN POTEET: All right. The
4 next thing we've got on our agenda is
5 legal matters and pending litigation.
6 Derek, you want to talk about that -- or
7 Sheri, do you want to talk about that?

8 MS. MORRIS: Since our last meeting,
9 we got a lawsuit, just last week. It is
10 a petition for temporary restraining
11 order and stay, preliminary permanent
12 injunction, declaratory judgment, and
13 writ of mandamus. You-all may be
14 familiar with Wholesale Auto Group, Inc.,
15 which has had a dispute and disciplinary
16 case before the Motor Vehicle Commission.
17 Robert, if I missed something, you can
18 chime in.

19 There was a disciplinary hearing and
20 now the Motor Vehicle Commission is
21 attempting to enforce the judgment which
22 has a substantial fine in it, and now
23 Wholesale has decided to kind of get a
24 declaratory judgment determining whether
25 they're subject to the rules of the Motor

1 Vehicle Commission.

2 The Motor Vehicle Commission is down
3 south as you-all know in Jefferson
4 Parish. We're in East Baton Rouge
5 Parish, so the other proceeding is in
6 Jefferson Parish to enforce the judgment.
7 This is filed in 19th JDC which is East
8 Baton Rouge Parish, and I think that the
9 reason that we are defendants was to get
10 jurisdiction in East Baton Rouge Parish.
11 They don't really seek specific relief
12 from this Commission. This Commission is
13 cited as being the governing body over
14 Wholesale Auto Group, but there is a
15 request for attorneys' fees and costs,
16 which is not against any particular
17 defendant.

18 So I sent it to the Office of Risk
19 Management, which is your insurer for
20 review and request for defense, and they
21 said we don't have any coverage for this
22 type of suit. So they sent it back and
23 said that it had to be defended by the
24 Commission's counsel, which would be
25 Robert or myself. Robert and Derek and I

1 all met. Somehow, I was appointed to
2 defend it.

3 And we have not got an order for the
4 temporary restraining order yet, which
5 the court -- we haven't been served with
6 a suit officially yet, which may happen
7 today. We had a holiday last Monday. It
8 was filed kind of in that holiday period.
9 So as soon as it gets served, I guess
10 that there will be a hearing on the
11 temporary restraining order. I will
12 notify the court today that this
13 Commission has represented that they
14 wanted to be heard. I don't know
15 anything else at this point.

16 CHAIRMAN POTEET: Well, what is the
17 risk to us?

18 MS. MORRIS: I don't really --

19 CHAIRMAN POTEET: Let's talk about
20 the bell curve. What's the most likely
21 risk to us?

22 MS. MORRIS: Okay. One thing on
23 your agenda, you can -- we noticed it for
24 Executive Session in case you wanted to
25 talk about strategy, that you would not

1 have to do that on a public record. So
2 if you want to talk about strategy to
3 defend the suit, you might want to do
4 that outside the public record.

5 CHAIRMAN POTEET: Okay. I think
6 that might be a good idea.

7 MR. TAYLOR: I'll make a motion to
8 go into the Executive Session.

9 MR. BRITT: Second.

10 CHAIRMAN POTEET: All in favor say
11 "Aye."

12 ("Aye" in unison.)

13 CHAIRMAN POTEET: Does this require
14 a roll call?

15 MS. MORRIS: It does.

16 CHAIRMAN POTEET: Okay. We'll do a
17 roll call on that. So the motion is that
18 we would go into Executive Session.

19 MS. BURKS: John Poteet?

20 CHAIRMAN POTEET: Yes.

21 MS. BURKS: George Floyd?

22 MR. FLOYD: Yes.

23 MS. BURKS: Jefferey Britt?

24 MR. BRITT: Yes.

25 MS. BURKS: Tony Cormier?

1 MR. CORMIER: (No response.)

2 MS. BURKS: Matthew Pedersen?

3 MR. PEDERSEN: Yes.

4 MS. BURKS: Richard Watts?

5 MR. WATTS: (No response.)

6 MS. BURKS: Stephen Olave?

7 MR. OLAVE: Yes.

8 MS. BURKS: Richard Donnell?

9 MR. DONNELL: Yes.

10 MS. BURKS: Darty Smith?

11 MR. SMITH: Yes.

12 MS. BURKS: And Dino Taylor?

13 MR. TAYLOR: Yes.

14 CHAIRMAN POTEET: All right. So we

15 can do that. We can ask Derek to stay.

16 MS. MORRIS: Derek, your staff

17 members can stay. Robert can stay.

18 CHAIRMAN POTEET: Okay.

19 MS. BURKS: John Poteet?

20 CHAIRMAN POTEET: Here.

21 MS. BURKS: George Floyd?

22 MR. FLOYD: Here.

23 MS. BURKS: Jefferey Britt?

24 CHAIRMAN POTEET: He'll be back.

25 MS. BURKS: Tony Cormier?

1 MR. CORMIER: Here.

2 MS. BURKS: Matthew Pedersen?

3 MR. PEDERSEN: Here.

4 MS. BURKS: Richard Watts?

5 MR. WATTS: (No response.)

6 MS. BURKS: Stephen Olave?

7 MR. OLAVE: Here.

8 MS. BURKS: Ricky Donnell?

9 MR. DONNELL: Here.

10 MS. BURKS: Darty Smith?

11 MR. SMITH: Here.

12 MS. BURKS: Dino Taylor?

13 MR. TAYLOR: Here.

14 MS. MORRIS: Let the record reflect

15 Mr. Britt joined us.

16 MR. BRITT: Yes.

17 CHAIRMAN POTEET: Okay. Next on the

18 agenda, where are we? Rules and

19 regulations. You told us we're going to

20 talk about this. Thanks for the preview.

21 MS. MORRIS: Where's Robert? This

22 is Robert's job.

23 CHAIRMAN POTEET: Sorry about that,

24 Robert. Are you ready?

25 MR. HALLACK: Yes, sir.

1 CHAIRMAN POTEET: Are you ready for
2 the rules and regulations discussion?

3 MR. HALLACK: Just about. We're
4 trying to make a deal.

5 MR. TAYLOR: The Art of the Deal,
6 you've read the book?

7 CHAIRMAN POTEET: I've read the art
8 of the steel.

9 MS. MORRIS: Would it help you if
10 you had -- do you need some more time to
11 talk to --

12 MR. HALLACK: We'll have some more
13 time.

14 MS. MORRIS: Okay.

15 CHAIRMAN POTEET: So in other words,
16 you're good?

17 MR. HALLACK: I am good. I am
18 golden. All right. So it's been a
19 while. I think, Kim, last time we
20 changed the rules and regs was 2013, so
21 it's been five or six years since we've
22 done this. So we need to clean it up.
23 There are a couple of things that are new
24 that we need to take up like the
25 educational seminar, and we've already

1 discussed rules and regs of the
2 educational seminar. We've just adopted
3 this in the overhaul of the rules and
4 regs. If you -- you have it in front of
5 you, so if you look at page one, again,
6 strike-through means that we're deleting
7 that and underline means that this is a
8 change, something new.

9 So, anyway, starting off with the
10 special meetings, I don't think any one
11 of you have ever had a special meeting.
12 Maybe Steve, Mr. Poteet may have seen a
13 special meeting or two, but we used to
14 have special meetings back in the day,
15 particularly when we licensed and
16 regulated recreational products dealers,
17 because those guys were always having
18 some kind of a problem that needed
19 immediate attention. So we had a lot of
20 special meetings. We hadn't had a
21 special meeting at least since Derek's
22 been here since 2008.

23 But, anyway, we've changed the rule
24 on how to give those for a special
25 meeting. You can now give -- as you've

1 noticed, at one time the rules said it
2 could be done by telegraph. I don't
3 think Mr. Taylor has a telegraph in his
4 office.

5 MR. SMITH: If anybody does, Dino
6 will.

7 MR. TAYLOR: Have you seen where I
8 live?

9 MR. HALLACK: Anyway, so we removed
10 that you could send notice by telegraph
11 or letter. It now reads that notice can
12 be given by telephone, fax, and
13 electronic mail or U.S. mail.

14 Public comment section, we pretty
15 much greatly deleted that. At one time
16 the Commission had a huge public comments
17 problem. We had people come in from all
18 over that wanted to say things. We had a
19 lady by the name Edy LeBlanc (phonetic)
20 who was trying to set up her own used
21 motor vehicle association, and she would
22 come in every meeting and complain about
23 things that we weren't doing. And so we
24 decided we would limit the ability for
25 public comment and we put that in the

1 law. And there really -- we don't have
2 that requirement anymore. We don't have
3 difficult people.

4 As you can see, you had to give
5 notice by 48 hours and it had to be a
6 written request. So now all it is, we've
7 changed it and took out a lot of stuff.
8 You have to identify yourself or the
9 organization you represent, and there
10 will be a maximum of 30 minutes for
11 public comment per item for all the
12 public comments. Additional time may be
13 allowed by the chairman as he deems
14 reasonable. So the next change.

15 CHAIRMAN POTEET: Let me ask you
16 real quick on that one. Can the chairman
17 or the executive director say "no" to
18 someone who wants to make a public
19 comment, if in our judgment?

20 MR. HALLACK: Sure. I guess. There
21 is a --

22 MS. MORRIS: The statute requires
23 you to have -- I noticed there's an
24 incomplete sentence, Robert. It should
25 say "the person or someone shall" -- "the

1 speaker should identify themselves." You
2 have to allow comments on every item in
3 which you're going to take action on the
4 agenda. So you-all have the period
5 before or near the end, the beginning of
6 the board meeting, but if there's a
7 motion on the floor and it's been
8 seconded and it's up for discussion, you
9 have to accept public comment. You do
10 not have to have public comment on things
11 that are not on the agenda.

12 CHAIRMAN POTEET: In other words, if
13 somebody comes in here and they want to
14 do a soap box speech --

15 MS. MORRIS: And it's not related to
16 anything on the agenda --

17 CHAIRMAN POTEET: -- I can say "no."

18 MR. BRITT: The because the -- could
19 the chairman say, "Sir, we're going to
20 just give you 15 minutes, but, you know,
21 you've got to" -- could you do that?

22 MS. MORRIS: Right, but you have to
23 limit the time by rule --

24 MR. BRITT: At his discretion is
25 what I'm -- okay.

1 MS. MORRIS: -- and you can always
2 give more time. It's similar to if
3 you've been to a legislative hearing, you
4 can't just come in and comment about
5 anything. You have to comment about the
6 items that are on the agenda. So you
7 might need to reword that if you don't
8 want -- some -- I have a counsel that
9 does allow people to come comment on
10 anything they want at the end of the
11 meeting, and it might be an agenda item
12 at the next counsel meeting, but if you
13 don't want that just open-ended comment,
14 you need to limit it to the items on the
15 agenda and that are being considered.

16 So if an item gets deferred, say we
17 have a hearing and we decide to defer to
18 the next meeting, you can't comment at
19 this meeting unless --

20 CHAIRMAN POTEET: Would it make
21 sense or do we need this? I don't want
22 to put in anything that we don't need.
23 To say that it would be -- it either had
24 to relate specifically to an agenda item
25 or at the discretion of the chairman.

1 MS. MORRIS: You always have
2 discretion.

3 CHAIRMAN POTEET: Okay. That's all
4 I --

5 MR. BRITT: I want to backtrack just
6 for clarity on one thing. When we're
7 talking about the telephone deal, because
8 a lot of us don't -- are sitting there
9 looking at our email or are monitoring it
10 on our phones or iPads, if something --
11 if there were -- when you define
12 "telephone," would that mean a text also?
13 Because, I mean, John, if there's an
14 emergency that came up -- and, I mean,
15 you know, quickly -- and John wanted to
16 send a text or Derek sent a text to all
17 of the commissioners, is that going to be
18 legal for notification?

19 MR. HALLACK: Because it is by
20 phone, yes.

21 MR. BRITT: Okay. By phone. I
22 didn't know in today's world if you
23 needed to define that.

24 MS. MORRIS: You might want to add
25 behind, "by electronic mail, by

1 electronic messaging." Like, I get my
2 texts on my iPad, so it's not really my
3 phone.

4 MR. BRITT: But, I mean, that would
5 be -- if there was ever an emergency or
6 Derek needed something fast or John,
7 that's the fastest way to get us all. I
8 mean...

9 MR. HALLACK: I think "electronic
10 messaging" covers it.

11 MS. MORRIS: Just add "electronic
12 messaging."

13 CHAIRMAN POTEET: So we don't really
14 need to change this except for your
15 incomplete sentence.

16 MS. MORRIS: "The speaker shall
17 identify" --

18 CHAIRMAN POTEET: "The speaker shall
19 identify." So that's -- okay, that's
20 all. I just wanted to ask that question.
21 It sounds like the chairman has a lot of
22 discretion to keep the nuts out. I don't
23 know how else to say that.

24 MR. OLAVE: We used to have a lot of
25 nuts.

1 CHAIRMAN POTEET: I know. I've
2 heard that.

3 MR. OLAVE: It was fun.

4 MR. HALLACK: So moving on to the
5 next page, we have definitions. We put a
6 definition in for "Commission" because
7 we've used the word "Commission"
8 throughout the rules and regs, so we
9 wanted to make sure it was identified as
10 to the Louisiana Used Motor Vehicle
11 Commission.

12 The next section deals with people
13 who are required to be licensed. We
14 removed a lot of unnecessary language
15 there. Under dealer licenses, we include
16 a UD number, a "CS" designation for
17 crushers, "AD," and all that, so we
18 wanted to make sure that we have letter
19 designations for our license numbers from
20 everybody. So H, dealers who perform
21 daily rentals, they will be given a DR
22 number. Used motor vehicle auctions,
23 that will be assigned a AU number. I
24 think that's the way it is right now.
25 It's just not in the rules and regs.

1 So that's all the changes we had on
2 page two. Moving on to page three, we
3 changed the bond requirement from 20,000
4 to 50,000. We also changed "salesman" to
5 "salesperson." And the qualifications
6 and eligibility for license at 2905, we
7 made some changes there. These changes
8 were made to reflect what it is that we
9 actually do as opposed to what's in the
10 law. One of the bigger changes is number
11 two, "The dealer must maintain an office
12 reasonably suited to conduct the business
13 of a used motor vehicle dealership and
14 shall have an enclosed building or
15 structure easily accessible to the
16 public, at which place, the books,
17 records, files, and electronic data shall
18 be maintained for inspection and shall
19 not mean temporary structures such as
20 stands, lean-tos, or tents." We actually
21 had a dealer that had a lean-to.

22 MR. BRITT: Where did he have his
23 office at?

24 MR. HALLACK: It was on Highway 16
25 in Denham Springs. So no more lean-tos,

1 no more tents.

2 MR. TAYLOR: Do you believe by
3 "temporary structures" is too broad for
4 people that do have the Ahern-style
5 buildings or some of those movable
6 buildings?

7 MR. BRITT: I think -- I mean, I see
8 your point.

9 CHAIRMAN POTEET: I think if you
10 have it hooked up to the utilities,
11 though, it's not considered a temporary
12 structure. So if somebody had a, you
13 know, water and like --

14 MR. BRITT: Because it's a mini or
15 little dealer out of state or a
16 mom-and-pop that's got a little building.

17 MR. CORMIER: Campers, too.

18 MR. BRITT: Campers a little too
19 much.

20 MS. MORRIS: You might have a
21 temporary building while you're building.

22 MR. BRITT: I mean, a ten by ten, a
23 little lease and building or whatever,
24 you see that all over out in the country.

25 MR. HALLACK: Well, we tried to

1 define temporary structure as stands,
2 lean-tos, or tents.

3 MR. TAYLOR: If it, in fact, defines
4 it, then I'm not debating whether it does
5 or doesn't. I'm asking if it does define
6 it.

7 CHAIRMAN POTEET: Yeah, I think to
8 his point, is the word too broad?

9 MR. TAYLOR: Yeah.

10 CHAIRMAN POTEET: I mean, I take it
11 to mean that kind of stuff --

12 MR. TAYLOR: Me too.

13 CHAIRMAN POTEET: -- that we can
14 envision in our heads, but if it's got a
15 skirt around it and it's connected to
16 utilities, that's temporary, but it's not
17 something somebody can, you know, fold up
18 and leave in the middle of the night.

19 MR. OLAVE: Yeah, I think the "such
20 as" is an issue.

21 MR. HALLACK: Maybe if we just say,
22 "shall not mean structures such as."

23 MR. OLAVE: Well, "such as" -- "such
24 as" means that's an example of, but there
25 may be others that qualify for the

1 temporary structure.

2 MS. MORRIS: A standard lean-to, a
3 temporary -- wouldn't have utilities.

4 CHAIRMAN POTEET: Would that define
5 it, that your structure must have
6 utilities?

7 MR. HALLACK: Well, we can just
8 remove "shall not mean structures such as
9 stands, lean-tos, and tents" and just
10 remove temporary.

11 CHAIRMAN POTEET: I think it's
12 better to have it that way because
13 temporary does have the implications
14 you're like -- like when we were building
15 our auction, we had one of those. That
16 was our office for three or four months,
17 but it was connected to the utilities. I
18 mean, I couldn't get up and drag it off
19 in the middle of the night. The people
20 who owned it would have to come,
21 disconnect it, and do all of that. To
22 me, that's not a -- you know, I'm not
23 trying to mislead somebody. It's a
24 temporary building, but it's only until
25 something else gets built.

1 But right in Hammond, they have
2 three or four medical offices that are
3 those buildings, those temporary
4 buildings there. So they're meant to be
5 there for a while.

6 MR. CORMIER: Isn't -- south of
7 Lafayette, isn't that a temporary
8 building right there on the lot?

9 MR. TAYLOR: Yes. One of those
10 modular.

11 MS. MORRIS: Modular buildings
12 aren't temporary always.

13 MR. HALLACK: We'll remove the word
14 "temporary" and shall not mean structures
15 such as stands, lean-tos, or tents.

16 MR. TAYLOR: Put something that says
17 "blight" in there.

18 CHAIRMAN POTEET: Blight?

19 MR. HALLACK: Also, we have some
20 changes with regard to the sign. I was
21 told that we have some dealers whose sign
22 is not actually visible from the street
23 or roadway. That it may be off in the
24 back away from the highway and that you
25 can't always see it from the road. So

1 they wanted to remove the requirement
2 that it be seen from the road. Is
3 everybody okay with that?

4 MR. BRITT: Well, you know, a lot of
5 municipalities have their own zoning
6 about those signs. You have to leave
7 some leeway now, because a lot of these
8 new city planners --

9 MR. OLAVE: Green belt.

10 MR. BRITT: -- they want them low.
11 They don't want them -- so you've got to
12 have some -- well, you've just got to
13 have some leeway with that.

14 MR. HALLACK: They have to comply
15 with local zoning laws. That is the law.

16 CHAIRMAN POTEET: I think if you
17 have that in there, Jeff, that would
18 cover it.

19 MR. BRITT: Oh, yeah.

20 CHAIRMAN POTEET: As long as you
21 have to comply with the locals, but this
22 what we want out of it. What does it
23 say?

24 MR. BRITT: And that would mean
25 that -- if Derek would have the leeway,

1 if we had a complaint or if one of the
2 investigators took a complaint.

3 MS. MORRIS: Yeah, the minimum of
4 the 16 square feet might not comply with
5 some zoning laws. Because some of them,
6 like if you're in an office complex, like
7 where I am, there's one sign and you can
8 put your placard in that sign, so if they
9 said it was 14 square feet --

10 CHAIRMAN POTEET: But I think
11 Robert's point is zoning --

12 MR. HALLACK: Subject to the --

13 CHAIRMAN POTEET: So if we went out
14 and, you know, decided to get somebody
15 for having a ten-square-foot sign that's
16 what the local zoning is, then we can
17 decide.

18 MR. HALLACK: Right. So the next
19 thing is telephone. We've always had a
20 problem with the telephone. You know, a
21 lot of people don't have what we call a
22 landline. And so, a lot of people just
23 have a cell phone. As you can see,
24 previously it said an installed telephone
25 listed in the business name at the

1 established place of business. The
2 telephone number shall be listed on there
3 to get your license. So now it is a
4 telephone number for the established
5 place of business and the number for the
6 telephone shall be posted or displayed in
7 or at a place accessible to the public.

8 So in other words, they can have a
9 phone. They can use a cell phone, but
10 they have to have the telephone number
11 where the public can access it and call
12 that dealer. Is everybody okay with
13 that?

14 CHAIRMAN POTEET: Yes. I've heard
15 so many complaints -- a few complaints
16 about that, and I'm in favor of the
17 change, big time, because we were hearing
18 that often.

19 MR. HALLACK: Next thing is we made
20 sure that they can have a bond within an
21 approved carrier. That wasn't in the
22 rules and regulations previously. We had
23 some discussion on business integrity.
24 This has always been in our law, but it's
25 not something that ever comes up that

1 often. We had it one time where there
2 was a really bad person trying to get a
3 license with us, and it was because he
4 had bad business, and so we wanted to
5 keep him from getting a license, so we
6 used the business integrity. So we kind
7 of changed that a bit and said he must
8 demonstrate sufficient business
9 integrity.

10 Number eight is new. If you're
11 applying for a license, we have to check
12 and make sure that it doesn't owe any
13 outstanding fines or have any pending
14 violations with the Commission.

15 Number nine is new. It incorporates
16 the statute. Basically, if you're a
17 previous associate or a family member to
18 a dealer who has been penalized by us, we
19 have to check on that to make sure that
20 you're not that person because that
21 person can't get a license with us.

22 So all we did was incorporate the
23 law there. Next part deals with
24 auctions, 2907. It was confusing as it
25 was written, so we took out a lot of the

1 language, and basically, all it says is
2 that these deal with roving retail
3 auctions. So a roving retail auction may
4 have a location other than their prime
5 location, so we maintained the same law
6 that it's always been. We just removed
7 some language at the beginning of the
8 section that was unnecessary.

9 Under salesperson on page four, we
10 removed the "salesman" and call it
11 "salesperson" now. Basically, that's the
12 only change there.

13 Changes to -- reported to the
14 Commission. This is a new provision. So
15 now it's going to read "changes and
16 closure to be reported to the
17 Commission." So these are things that
18 have to be reported to the Commission now
19 in terms of changes. And if you close
20 your business, you have to complete a
21 closure of business form, and that's all
22 licenses, not just used automobile
23 dealers. So you must change -- provide a
24 complete closure of business form.

25 Now, the time limit for a lot of

1 these was ten days, but the Commission
2 believes that it needs to be a shorter
3 time because there may be dealers who
4 have changed their location and they need
5 to report that to us sooner than just ten
6 days, or if they've gone out of business,
7 they need to report that to us sooner
8 than ten days. So now we've made it to
9 three business days.

10 MS. MORRIS: You have to fix that
11 ten. It should be a strike-through.

12 MR. HALLACK: And if you turn the
13 page to page five, there's a whole list
14 of things that a used motor vehicle must
15 do when it goes out of business. For
16 instance, he shall properly notify the
17 Commission of the anticipated closure.
18 He shall surrender all licenses
19 associated with the dealership, and he
20 shall complete the Commission's closure
21 of business form within three business
22 days prior to closure. The dealer shall
23 list on the form any outstanding
24 certificates of title, any unremitted or
25 unpaid sales tax, and all outstanding

1 temporary markers. That's a change, and
2 the Commission feels like these are
3 things that we should be told about from
4 the dealer who is closing his business.

5 Does anybody have a problem with
6 that? And the reason for it is we don't
7 want people who have gone out of business
8 to be holding temporary markers, you
9 know. Because you know what they'll do
10 with it, they'll sell them.

11 MR. OLAVE: It's hard to enforce,
12 though. Didn't we have some hearing with
13 people closing their business. They
14 don't respond. They don't have no bond
15 anymore. I mean, they're just in the
16 wind.

17 MR. HALLACK: All right. So we'd
18 like to catch people floating in the
19 wind. I know it's going to be kind of
20 hard. So if anybody is thinking about
21 going out of business, they need to let
22 us know because that's a business that we
23 kind of need to monitor. Anybody have
24 any questions about that?

25 Next biggest change on page five is

1 with regard to the educational seminar.
2 This is basically the same language that
3 you-all had approved previously. There
4 are two types of seminars that the
5 Commission is going to require. There's
6 the pre-license educational seminar, and
7 if you look at the requirements for the
8 pre-license educational seminar, it shall
9 be conducted by the employees of the
10 Commission, the pre-license educational
11 seminar. Seminar shall not exceed six
12 hours in length. No tests are required
13 for the conclusion of the pre-license
14 educational seminar.

15 The next one at the very bottom of
16 page five is the post-license educational
17 continuing seminar. That gives you the
18 requirements of the post-license seminar
19 which is based on the law that we adopted
20 this past session.

21 And as you can see under part C, the
22 post-education continuing seminar may be
23 hosted by any educational institution,
24 private or vocational school,
25 correspondence school or trade

1 association. And that they -- the
2 requirements for that group to host a
3 post-educational seminar is all contained
4 therein.

5 And, again, these are all the things
6 that were discussed previously. We're
7 just now adopting them within the rules
8 and regs. Does anybody have any
9 questions about that?

10 MR. BRITT: Go back to what you said
11 about trade association.

12 MR. HALLACK: Yes, sir.

13 MR. BRITT: By any or trade
14 association is seeking to conduct. We
15 clarified that we would agree on the
16 trade associations, didn't we, earlier?

17 MR. HALLACK: Well, that's in the
18 statute.

19 MR. BRITT: All right. I just
20 remembered us talking about that. I was
21 just wondering. Because, I mean, you
22 don't want to have five of them calling
23 Derek and Dave from Kalamazoo wanting to
24 come down here and do something.

25 MR. HALLACK: The next change is on

1 on page seven. It deals with complaints.
2 This requires that complaints include
3 documents which supports the claim of a
4 complainant. The Commission shall mark
5 that all complaints as received and that
6 will be the date of filing for the
7 complaint. The Commission shall assign
8 the case number for each complaint
9 received. That's more of an in-house
10 thing for us, but it's something that we
11 felt like we needed to put in the rules
12 and regs.

13 The -- under general provision on
14 hearings, we're requiring that the return
15 of service on the notes of hearing be
16 placed into the case record. That's
17 always been the case, anyway, just put it
18 in the rules and regs. And there was a
19 bunch of stuff -- and let me explain. At
20 one time, we had commissioners that did
21 not want to conduct hearings. They did
22 not want to spend their time in
23 conducting hearings, and you have to
24 remember, when we represented
25 recreational products dealers and

1 manufacturers, we had lots and lots of
2 hearings. So you had used motor vehicle
3 dealers that did not want to sit in on a
4 hearing between a boat dealer and a boat
5 manufacturer. So you had lots of people
6 who did not want to do it.

7 As a provision under the
8 administrative procedures act which
9 allows an agency to conduct hearings by a
10 group smaller than the whole group. And
11 so to comply with that, we adopted a
12 whole bunch of rules and regulations so
13 that the entire Commission wouldn't have
14 to hear it, only a group of people would
15 hear it. And so we haven't had that need
16 since we lost the recreational products
17 dealers.

18 Most of -- I mean, if we had two or
19 three hearings a month, that would be
20 pretty regular, I guess, and most of the
21 time we'd get out of here before 1:00, I
22 think. So we did away with a lot of
23 those requirements that would allow us to
24 have a smaller body of people here in the
25 hearings. So we got rid of all of that.

1 Now, the next important part is on
2 page eight is with regard to restitution.
3 We don't have any guidelines to tell us
4 what restitution is about, so we've got
5 to come up with something. We may have
6 people that came in and want all kinds
7 of -- wants you to award all kinds of
8 stuff. And I think we need to narrowly
9 define what it is we're going to do in
10 terms of restitution. So this is what we
11 came up with. Now, you recently --
12 restitution is something that's very
13 recent. It wasn't this past session, but
14 I think it was the previous session.

15 The Commission at its discretion can
16 order restitution as follows: The intent
17 of restitution is to restore the
18 complainant to their position as it
19 existed prior to the licensee's
20 violation.

21 In other words, if someone -- if a
22 dealer can't deliver a title to a vehicle
23 and they have to take that title back,
24 you could order that dealer to pay --
25 return that money to the complainant.

1 You know, that's -- recently, we just had
2 our very first restitution case where the
3 Commission had ordered restitution
4 against the dealer. You may remember, it
5 was the guy who sold the car that had
6 a --

7 MR. OLAVE: A salvage title, I
8 think.

9 MR. HALLACK: A what?

10 MR. OLAVE: It was a salvaged title.

11 MR. HALLACK: It wasn't a salvaged
12 title.

13 MR. OLAVE: Reconstructed?

14 MR. DONNELL: Certificate of
15 destruction.

16 MR. HALLACK: Certificate of
17 destruction, that's it. And so the
18 Commission awarded a restitution in that
19 situation, ordered the dealer to pay back
20 the money, which he eventually did. But
21 so that's -- restitution may only be
22 awarded to compensatory or actual loss
23 incurred by the complainant as a direct
24 result of the licensee's violation and
25 shall not include general damages.

1 What is meant by general damages is
2 emotional and mental anguish and stuff
3 like that. It's -- actual is where you
4 can prove a pecuniary loss. General
5 would be something like, this hurt me so
6 bad because I couldn't drive my car
7 because I couldn't get a -- couldn't get
8 it registered or something like that. So
9 it's only actual loss.

10 Commission may order restitution
11 only after a hearing on the violation and
12 only upon proof submitted by the
13 complainant of compensatory or actual
14 loss. Does anybody have any comments on
15 this?

16 CHAIRMAN POTEET: I think it's a
17 good idea to define what restitution is.

18 MR. HALLACK: Does anybody want to
19 define it any differently? Does anybody
20 else want to put some restrictions on it?

21 CHAIRMAN POTEET: I think we're
22 good.

23 MR. HALLACK: The next thing -- and
24 if you turn to page nine, here's all that
25 language that dealt with the hearing

1 chairman. We're doing away with hearing
2 chairman. At one time, we used to have a
3 hearing chairman. We're doing away with
4 a hearing committee, which would have
5 been that smaller body that would have
6 the hearing as opposed to the full board.

7 The next thing is interlocutory
8 cease and desist orders. We don't --
9 both the injunctions and the cease and
10 desist orders was originally written for
11 this Commission. It was written in
12 regard to recreational products dealers.
13 For instance, if a boat dealer was aware
14 that somebody else was selling his
15 product within his area of
16 responsibility, he could come to the
17 Commission, file an injunction against
18 that dealer from selling the product for
19 which he had the area responsibility for
20 it. He could file an injunction against
21 the manufacturer for trying to set up a
22 new dealer within his area of
23 responsibility.

24 So a lot of our law that was written
25 with regard to injunctions and cease and

1 desist orders dealt with that situation,
2 the relationship between recreational
3 products dealers within the dealers and
4 with their manufacturers. So
5 basically -- and we need to change that
6 legislatively.

7 What we did was we explained with
8 regard to what we hope what applies in a
9 used motor vehicle situation. So we have
10 two types, really two types of orders.
11 One, where it poses the action that we
12 seek to prohibit or to enjoin, poses a
13 threat to the public. And this is an
14 order that may be entered by the
15 executive director.

16 And it's very similar to the order
17 that you already do. You've had people
18 come in and say this person is engaging
19 in the business of a used motor vehicle
20 dealer and he doesn't have a license, and
21 we issued a cease and desist. It comes
22 to you to determine whether or not that
23 cease and desist order is continuing. So
24 we had that. It's a situation where the
25 executive director can order them to stop

1 their activity and they can come to you
2 in a hearing to see whether or not that
3 cease and desist order is continuing or
4 what we would call permanent.

5 Then we have another cease and
6 desist order where they just bring it to
7 the Commission and ask the Commission to
8 cease that prohibited activity. So
9 there's two types: One that's entered by
10 the executive director based upon proof
11 that there is an activity which is a
12 violation of our laws and that that
13 activity could threaten the public.

14 And then there's another one where
15 there's really no threat to the public.
16 That the Commission can do on their own.
17 So that's how we're trying to do the
18 cease and desist order now.

19 I'll give you an example. Say, for
20 instance, an investigator finds a dealer
21 who is parking cars on the right of way.
22 Now, that's a violation of our statute,
23 but what if the guy is parking a car on a
24 right of way that's blocking a stop sign
25 or something like that, that may be a

1 threat to the public. So what the
2 investigator would do is come to the
3 executive director and say, here's some
4 pictures, he's parking his cars on the
5 right of way, and they're blocking a stop
6 sign, and I think that could be a threat
7 to the public.

8 As opposed to a situation where
9 somebody is parking the cars on the right
10 of way, but they don't seem to be harming
11 the public or a threat to the public. So
12 the -- so we would use the other cease
13 and desist order. Anybody got any
14 questions about that?

15 MR. TAYLOR: Bring us back to
16 performance because I always get
17 confused, the dealership and motor -- so
18 in performance, when we issued the cease
19 and desist and they continued operating,
20 our next move was supposed to be what?

21 MR. HALLACK: We file an injunction
22 in Washington Parish.

23 MR. TAYLOR: Okay. And it took
24 60 days --

25 MR. HALLACK: No, it didn't take

1 that long.

2 MR. TAYLOR: It didn't?

3 MR. HALLACK: We had one hearing in
4 front of Judge Sharp and he ordered them
5 to stop.

6 MR. TAYLOR: Okay.

7 MR. HALLACK: I mean, that was an
8 extreme situation. Before, it was cars
9 and trucks, and then before this agency,
10 they had numerous violations. So we
11 revoked their license. We issued a heavy
12 fine against them. But -- and after we
13 revoked their license, they continued to
14 operate and they continued to operate
15 like in a triangle of other dealers
16 including one of the commissioners that
17 was a commissioner at the time, Marvin
18 Ramsey. Their lot was like across the
19 street or catty-cornered to his
20 dealership. They continued to operate in
21 used motor vehicle business right there,
22 and they refused to do it.

23 And so this agency entered into a
24 cease and desist order telling them not
25 to do it anymore and kept doing it. So

1 we finally got an injunction from the --
2 what is that? Fourth judicial District?

3 MR. TAYLOR: Fourth JDC.

4 MR. HALLACK: Montie testified at
5 that hearing. The executive director
6 testified at that hearing as well. Now,
7 I know that's -- had to be a lot of
8 money. We had an investigator there. We
9 had the executive director there. We had
10 a lawyer there. But it was something
11 that we had to do because they were just
12 flagrantly selling used cars without a
13 license. Right there in front of several
14 other dealers.

15 MR. WISENOR: Well, I believe what
16 he is referring to is during these
17 proceedings they were filing appeals,
18 weren't they?

19 MR. HALLACK: Yes, correct.

20 MR. WISENOR: And that bought them
21 30 to 60 days.

22 MR. HALLACK: Right, that's correct.

23 MR. WISENOR: So they did. They
24 were in business. They were still
25 operating for a while until we could

1 finally get to court.

2 MR. HALLACK: Yes. They had filed
3 appeals but never followed up on the
4 appeals. They just filed them. Like I
5 said, when this law was initially
6 written, it was written with regard to
7 recreational products dealers, so we need
8 to make the law better fit of what we
9 actually do. Does anybody have any
10 questions? This legal stuff just is not
11 fun, is it?

12 CHAIRMAN POTEET: It's not
13 excruciating, but it's pretty close.

14 MR. HALLACK: Well, anyway, I think
15 that concludes that. We'll make the
16 changes that all of you have recommended,
17 and we'll get that emailed back out to
18 you.

19 MR. WISENOR: May I bring up
20 something, and I apologize for not
21 bringing it up when you were on that
22 subject. The pre-education seminar and
23 post-education, the pre, before they're
24 licensed, did we take out the 60-day
25 allowing the dealer to have 60 days to

1 attend once their license is issued?

2 MR. DONNELL: All right. Now, tell
3 me what the procedure is now.

4 MR. HALLACK: You have to take the
5 seminar before you can get your license.
6 Previously -- previously, you didn't have
7 to -- you had a grace period of 60 days
8 in which to take the seminar.

9 MR. DONNELL: Well, I disagree with
10 it. I think we need to go back to the
11 old way.

12 MR. PARNELL: For a new dealer?

13 MR. DONNELL: I mean, if we got a
14 guy here who's got a million or two on
15 the line, you know, we got cars bought
16 and we decide we're not going to have a
17 seminar that month, he's hung out there
18 for 60 days. I just disagree with it.

19 MR. BRITT: I disagree with you,
20 Rickey, from a consumer standpoint, I
21 mean, it's like everything I do. I've
22 got my license in place before I do it.
23 And if -- I don't know. I mean, I just
24 think if you're going to do something,
25 you should have your license in place.

1 MS. MORRIS: The legislature changed
2 the law. So we've got to comply with the
3 law, but I'm not aware of frequent
4 cancellations of seminars. They happen
5 pretty regularly, so -- while you're in
6 the application process --

7 MR. BRITT: Making these seminars
8 easier in how to do it. I think we've
9 got some good things going.

10 CHAIRMAN POTEET: If it's a
11 statute --

12 MS. MORRIS: It takes you a while to
13 get a bond and insurance and all that.
14 So you need to be doing that at the same
15 time --

16 MR. BRITT: I wouldn't go into a
17 million dollars worth of inventory
18 without a license, I can tell you.

19 CHAIRMAN POTEET: I don't know. If
20 I were getting ready to do it, I would
21 come to the Commission and say, when is
22 your next seminar going to be, and I'd
23 start working on all of my stuff and say,
24 I want to take that seminar --

25 MS. MORRIS: Next time.

1 CHAIRMAN POTEET: -- whenever it's
2 due or when it's happening, and then by
3 that time you're getting your bond,
4 you're getting everything set up, and if
5 everything works out, it's going to be
6 very rare that you'd be sitting there
7 ready to go when you hadn't had the
8 seminar -- or hadn't had the opportunity
9 for the seminar.

10 MR. OLAVE: I can see both sides of
11 it. I mean, really, did we have 12
12 seminars in 2017 and '18?

13 CHAIRMAN POTEET: I'm sorry?

14 MR. OLAVE: Did we have 12 seminars
15 in 2018?

16 MR. DONNELL: When was that statute
17 revised?

18 MR. HALLACK: It's always been a
19 requirement. It's always been a
20 requirement that you take an educational
21 seminar before you can get a license.

22 CHAIRMAN POTEET: You were given a
23 60-day grace.

24 MR. HALLACK: Right. But you were
25 given a 60-day grace.

1 CHAIRMAN POTEET: Yeah, that --

2 MR. HALLACK: You were eliminating
3 the grace by these rules and regulations.
4 That is correct.

5 MR. PARNELL: That's primarily
6 because you have dealers that go out
7 there and get started operating business.
8 They don't really understand how they
9 should operate if the business falls
10 within the lines of the law, and then,
11 well, the investigator goes out there and
12 they're operating incorrectly and then it
13 takes them longer to circle those --

14 MR. BRITT: We spent an hour on this
15 conversation a while back and I thought
16 we had made some headway on where we were
17 heading about the seminars and maybe
18 coming up with some more ideas on how to
19 help the general public around the state.
20 So I don't know what more to say in the
21 meeting.

22 MR. HALLACK: What's that, Tonya?

23 MR. PARNELL: She's pulling up the
24 number of seminars that --

25 MR. OLAVE: I'm just curious as to,

1 do we have 12 seminars a year
2 consistently?

3 MS. BURKS: Yeah, once a month.

4 MR. OLAVE: But we had them -- for
5 2018, we had 12?

6 MR. HALLACK: Montie teaches them.
7 Montie and --

8 MR. WISENOR: We've never had any
9 missed. The only circumstance I may have
10 saw that it might be an issue is if we
11 were over -- we were at capacity for one
12 month and they may have to be pushed to
13 the following month or --

14 MR. PARNELL: What we were doing
15 when we had a huge capacity and we had a
16 lot of -- we were just trying to get in a
17 seminar, we would hold it for two days in
18 that month. We would do the Tuesday and
19 Wednesday in that month, one in the
20 morning and one in the afternoon. So
21 that way, we were able to get everybody
22 in prior to --

23 MR. BRITT: Well, while we're on the
24 subject, and you and Montie both are
25 here, that -- and we talked about the

1 regional concept, but when the applicants
2 come in and you look and say, we've got
3 15 from the northern Louisiana corridor
4 and how many is usually in a class?

5 MR. PARNELL: About 30, 35.

6 MR. BRITT: So I mean, if you've got
7 15 or 20 whatever from the northern
8 Louisiana corridor stacking up, that's
9 when you pull the trigger and say, hey,
10 we're going to do a regional deal and
11 what day and such-and-such, you know.
12 And let Montie go up there and do it or
13 go down to Lake Charles or Opelousas, you
14 know what I'm saying. You could do it
15 regionally like that after you look at
16 the applicants and break them down.

17 CHAIRMAN POTEET: All right. Are we
18 through with all that?

19 MR. HALLACK: Yes, sir.

20 MS. BARON: When does that go into
21 effect or is that for this year, do you
22 know?

23 MR. HALLACK: All of these changes
24 are going to go effect on the 19th.

25 MR. PARNELL: My thought would be

1 yes. It's not something we can implement
2 right away. I mean --

3 MR. HALLACK: We have to get these
4 rules first --

5 MR. PARNELL: -- that's going to be
6 a few months.

7 MR. HALLACK: What, Sheri, about
8 three or four months?

9 MS. MORRIS: Well, the rule says you
10 have to complete the seminar before
11 you're issued a license.

12 MR. PARNELL: Right.

13 MR. HALLACK: No, no, no. That's
14 already in the law for new licensing, but
15 we're talking about the post-educational
16 seminars.

17 MS. MORRIS: Post-education. I
18 think we have until next year, right?

19 MR. PARNELL: Right. We're going to
20 take a little time to do that. I really
21 want to see it --

22 MS. MORRIS: For the 2020 licenses.
23 Because we've already issued. So we have
24 a couple of months to get it in place and
25 then for 2020 licenses.

1 CHAIRMAN POTEET: We talked about
2 that at the meeting back in November.
3 All right. Next on the agenda, we've got
4 the ratification of imposed penalties.
5 Derek?

6 MR. PARNELL: Commissioners, please
7 find in the packet the chart that
8 illustrates the licenses that are in
9 violation of state law. These cases have
10 been investigated, and I have determined
11 that the public interest can be served
12 without further administrative
13 proceeding, thus civil penalties were
14 imposed.

15 I will -- as usual, I will announce
16 the name of the dealers and who have been
17 imposed to the penalties. For the
18 record, please note that this listing is
19 for two months. It may look longer. Do
20 we have any representation from anyone on
21 this list of the civil penalties?

22 MS. BURKS: No, sir. We do not.

23 MR. PARNELL: Okay. All right. I
24 shall begin. Fox Cars, LLC, from Kenner,
25 Louisiana, violation fine amount is \$150;

1 Mark's Truck and Auto from Lake Charles,
2 Louisiana, fine amount was \$2,350;
3 Havarro, Incorporated, doing business as
4 Rent My Ride from Lafayette, Louisiana,
5 fine amount was \$100; J&J, LLC, doing
6 business as J&J Auto Sales from Scott,
7 Louisiana, fine amount \$1,250; Statewide
8 Auto Sales, LLC, from Mandeville,
9 Louisiana, fine amount is \$600; H&H Auto
10 Sales, LLC, from Shreveport, Louisiana,
11 fine amount is \$200; Millennium Motor
12 Sales, LLC, from Lafayette, Louisiana,
13 fine amount is \$200; Johnaida Auto Sales
14 from New Iberia, Louisiana, fine amount
15 is \$150; ABC Auto Sales, LLC, from
16 Baton Rouge, Louisiana, fine amount is
17 \$900; Cajun Corner Used Cars, LLC, from
18 Opelousas, Louisiana, fine amount is
19 \$700; Up Front Auto Sales from Opelousas,
20 Louisiana, fine amount is \$1,050; Short
21 Dog Auto Sales, LLC, from Opelousas,
22 Louisiana, fine amount is \$700; Junior's
23 Auto Sales, LLC, from Lafayette,
24 Louisiana, fine amount is \$1,100; Triple
25 Threat Auto Sales, LLC, from Eunice,

1 Louisiana, fine amount is \$150. The
2 total amount of fines assessed for the
3 month -- for the two months was \$9,600.

4 Commissioners, I ask that you ratify
5 the proposed civil penalties that were
6 assessed.

7 MR. TAYLOR: I make a motion.

8 MR. SMITH: Motion.

9 CHAIRMAN POTEET: Motion for
10 ratification. Seconded by Darty.

11 All in favor say "Aye."

12 ("Aye" in unison.)

13 CHAIRMAN POTEET: Any opposed?

14 (No response.)

15 CHAIRMAN POTEET: All right. Motion
16 carried. Next, we've got the
17 ratification of revocations.

18 MR. PARNELL: Commissioners, you'll
19 also find in your packets a chart that
20 illustrates licenses that have been
21 revoked. Once again, I will announce the
22 name of the licensee that has been
23 revoked. We do not have anyone present
24 on this list as well. So I will get
25 started.

1 Baton Rouge Wholesale, LLC, from
2 Baton Rouge, Louisiana, notice of
3 revocation was 11/7/2018; Alexandria
4 Windshield Repair from -- LLC -- I'm
5 sorry, Alexandria Windshield Repair, LLC,
6 doing business as Anchor Auto Glass and
7 Sales in Denham Springs, Louisiana,
8 notice of revocation was 10/24 of '18; LA
9 Auto Plex, Incorporated, doing business
10 as LA Auto Plex from Baton Rouge,
11 Louisiana, notice of revocation was 10/22
12 of '18; M&M Auto Wholesale, LLC, doing
13 business as M&M Wholesale Auto from
14 Monroe, Louisiana, notice of revocation
15 was 11/2 of 2018; Mr. P's Auto Sales,
16 LLC, from New Iberia, Louisiana, notice
17 of revocation was 11/7 of 2018.

18 Commissioners, I ask that you ratify
19 the revocation of dealers I have just
20 announced.

21 MR. BRITT: Make a motion.

22 MR. PEDERSEN: Motion.

23 CHAIRMAN POTEET: All right, Jeff.

24 Second from Matt. All in favor say

25 "Aye."

1 ("Aye" in unison.)

2 CHAIRMAN POTEET: Any opposed?

3 (No response.)

4 CHAIRMAN POTEET: All right. That
5 motion carries.

6 Next, we have the executive
7 director's report.

8 MR. PARNELL: Commissioners, you
9 also will find a couple of other charts
10 that are the alleged issue counts of
11 what's been going on -- in the compliance
12 investigation and the enforcement side of
13 things. The alleged issue counts for the
14 two months of November and December was
15 133 alleged issues. The case report, the
16 next document, shows the number of cases
17 that were assigned. Seventy-six cases
18 assigned, sixteen of those cases have
19 been closed, and sixty-one of those cases
20 still remain open.

21 Our accountant is looking at a trend
22 that's been happening over the last few
23 years, and we kind of, I guess you could
24 say, was out there really trying to
25 enforce and being a little bit more

1 aggressive on what we've been doing in
2 the past. Just making sure the dealers
3 understand, hey, look, we are here. You
4 need to follow the law. You need to make
5 sure you're doing these things properly.

6 In 2016, we had a total
7 complaints -- it was 947 total
8 complaints. In 2017, there was 718 total
9 complaints for the entire year. But this
10 past year in 2018, we only had 563 total
11 complaints. So that's a huge trend that
12 I see that's really changing for the
13 better. Prior to that, it was always
14 like 1,100, 1,200 complaints that was
15 coming in. I think dealers are really
16 starting to understand, hey, now look,
17 I'm out here doing these things and it's
18 going to get around and that they're
19 going to come out and see me. So let's
20 make sure -- I just really think it's
21 been a benefit. I mean, that's a huge
22 decrease in complaints that's been coming
23 to this office, you know.

24 Kim and Tonya, they accept these
25 calls all the time, but we're seeing that

1 a lot of it is able to get solved really
2 quick. Sometimes, a lot of buyer's
3 remorse, a lot of these consumers have,
4 but like the major, major issues is not
5 as prevalent as it once was. So I think
6 that's a really good trend that we've
7 been seeing happening.

8 The licensing renewal side of
9 things, it's been going very well.
10 They've really been pumping out the stuff
11 pretty fast. All the dealers -- as we've
12 always said, all the dealers who have all
13 their information in place, they don't
14 have a 14-day turnaround max. If you
15 don't have everything in order, it's
16 going to linger on from time to time.
17 But I think staff has done a wonderful
18 job during this renewal period, getting
19 those licenses out.

20 February 1, what happens on
21 February 1? That's when we change --
22 change the statuses. Okay.

23 MS. BURKS: Or that did not renew.

24 MR. PARNELL: That did not renew.

25 Okay. So, all right, and at that point,

1 we'll probably just send out, you know,
2 emails for one thing, you know, just
3 notifying by hey, look, you know, if
4 you -- at this point, you're in trouble
5 now, you know, so let's not keep
6 operating. You know, so we try to get
7 investigators out there to try to kind of
8 touch some of the dealers that we know
9 don't have salespersons licensed for the
10 next renewal period.

11 Because as we know, we still have --
12 the salesperson license is annually
13 versus the dealer license, so we run into
14 issues sometimes where the dealer, they
15 forget that they have to renew their
16 salesperson license because their
17 dealership license is for two years. So
18 we'll get some notification out there.

19 One thing that we've been trying to
20 do a lot more of is do email blasts to
21 the dealers just getting out information
22 as often as we can. You have a lot of
23 situations where dealers, well, I didn't
24 get anything in the mail. Well, that's
25 because we're sending it to you via email

1 to you two or three times and warning you
2 of these instances that are coming up.

3 Primarily, one of the things that we
4 run into a lot of concern with is with
5 the monthly sales reports. I'm always --
6 the guys are always coming in here
7 saying, hey, I never knew anything about
8 this. That's been the law since '84
9 since this Commission was established.
10 When we talked to the Department of
11 Revenue, they haven't started this
12 process yet, but what they informed us is
13 that they're going to start getting out
14 there and start pounding dealers pretty
15 hard that are not submitting their
16 monthly sales report.

17 So that's why every few weeks or so
18 we're going to try shooting out more
19 email blasts saying, hey, look, this is
20 what's going on. One guy asked me, hey,
21 why are you not sending out letters
22 anymore. Well, I mean, it's just really
23 not cost effective for the agency to be
24 sending out letters like that because
25 it's too costly.

1 So one thing that I really want to
2 see our agency move, more digital. More
3 things that we're trying to do, you know,
4 get it out there. Granted, we do still
5 have dealers that are not computer savvy.

6 MR. BRITT: Oh, yeah. You're going
7 to have to keep mailing the letters.

8 MR. PARNELL: We're going to work
9 with those dealers, you know, but I
10 really want to see us push in a different
11 outreach so we can be more effective,
12 more efficient, and get more information
13 out there.

14 MR. BRITT: Quick question. On the
15 nondelivery of title in '18, I saw you
16 guys had 32 complaints. What was it in
17 '17? Was it about the same?

18 MR. PARNELL: Nondelivery?

19 MR. BRITT: Yeah, is that a --

20 MR. PARNELL: Nondelivery is usually
21 the highest complaint that always comes
22 in.

23 MR. BRITT: Is that usually when the
24 date of the -- it's a history --

25 MR. PARNELL: Repeat that, please.

1 MR. BRITT: Is that somebody that's
2 a problematic dealer already?

3 CHAIRMAN POTEET: He's a repeat
4 offender --

5 MR. PARNELL: Some of them may have
6 consistent issues of the same thing, you
7 know. And whenever we get out there and
8 we look into them, we look into the
9 system, into our record, we see if
10 they've done this habitually --
11 habitually done this same violation over
12 and over. The second time, we increase
13 or double the fine amount. Third time,
14 they're going to come see you-all. So
15 we -- granted, a lot of these guys --
16 some of these guys are not as far out,
17 they're just not meeting us within the 20
18 days that they're supposed to get it out
19 there. But we don't really write a
20 violation on those persons until they --

21 MR. BRITT: It's the --

22 MS. BARON: Mr. Parnell?

23 MR. PARNELL: Yes.

24 MS. BARON: A lot of that could be
25 too applications for claim against Surety

1 and they've gone out of business.

2 MR. PARNELL: That's true. So, but
3 that's always going to be the highest --

4 MR. BRITT: I'm just curious, just
5 curious.

6 MR. PARNELL: But that will always
7 be the highest -- but any other
8 questions, comments, or concerns? Other
9 than that, I'm finished with my report.

10 CHAIRMAN POTEET: I think that's
11 good. I think the trend going down, you
12 know, is good because it does indicate
13 that, you know, we're doing a lot more.
14 Like Montie and the guys get out there.
15 I know that they talk to people sometimes
16 and give them more less a warning, you
17 know. I can write you up, but let's work
18 with it. And that's really what our
19 purpose here is to educate the dealers
20 and make sure they're taking care of
21 their customers and following the laws,
22 not so much to write tickets.

23 MR. PEDERSEN: Well, continuing ed
24 classes will help with that.

25 CHAIRMAN POTEET: So I think we're

1 moving in the right direction, and I
2 commend you and your whole staff and
3 particularly the investigators in the
4 field because I think you've done a good
5 job.

6 All right. That ends the session.
7 We've got two hearings coming up.

8 MR. PARNELL: Yes, sir.

9 MR. HALLACK: They're very, very
10 short, yes.

11 CHAIRMAN POTEET: One is here? Why
12 don't we take a five-minute break.

13 (Brief recess.)

14 CHAIRMAN POTEET: All right. Let's
15 get started. We're going to get on to
16 calling the roll, please. Hey, guys.

17 MS. BURKS: John Poteet?

18 CHAIRMAN POTEET: Here.

19 MS. BURKS: George Floyd?

20 MR. FLOYD: Here.

21 MS. BURKS: Jefferey Britt?

22 MR. BRITT: Here.

23 MS. BURKS: Tony Cormier?

24 MR. CORMIER: Here.

25 MS. BURKS: Matthew Pedersen?

1 MR. PEDERSEN: Here.

2 MS. BURKS: Richard Watts?

3 MR. WATTS: (No response.)

4 MS. BURKS: Stephen Olave?

5 MR. OLAVE: Here.

6 MS. BURKS: Ricky Donnell?

7 MR. DONNELL: Here.

8 MS. BURKS: Darty Smith?

9 MR. SMITH: Here.

10 MS. BURKS: Dino Taylor?

11 MR. TAYLOR: Here.

12 MS. BURKS: Chairman, we have a
13 quorum.

14 MR. HALLACK: So let's get started.
15 We have two hearings. Both on
16 violations. The first one that we'll
17 take up is a case that the Commission has
18 against J&P Automotive & Collision. We
19 have here on behalf of the dealer,
20 Nathan -- I'm sorry, Nathan, I didn't
21 catch your last name.

22 THE WITNESS: McCoy.

23 MR. HALLACK: I'm sorry?

24 THE WITNESS: McCoy.

25 MR. HALLACK: Mr. McCoy has agreed

1 to enter into a stipulation with regard
2 to his charges. His charges, if you look
3 at Exhibit A1. It's the second page.
4 You see his charges are employing an
5 unlicensed salesperson, one count;
6 failing to deliver a certificate of
7 title, one count; failing to submit
8 monthly sales report, seven counts;
9 failing to maintain records, one count.

10 Mr. McCoy has agreed to -- has
11 agreed to these violations. He and
12 Mr. Parnell have spoken. Mr. Parnell has
13 agreed to reduce the seven counts of
14 failing to submit monthly sales reports
15 to one count. And he's agreed to pay a
16 fine of \$1,350, which he will pay out
17 over a six-month period.

18 Mr. McCoy, I'm going to ask you to
19 be sworn by the court reporter.

20 (Witness sworn.)

21 MR. HALLACK: Mr. McCoy, I just
22 informed the commissioners that you've
23 agreed to stipulate or plead guilty to a
24 violation of employing an unlicensed
25 salesperson, failing to deliver a

1 certificate of title, failing to submit
2 monthly sales report, and failing to
3 maintain records. One count of each for
4 a fine of \$1,350; is that correct?

5 THE WITNESS: Yes, sir.

6 MR. HALLACK: And it's my
7 understanding that he's going to enter
8 into a stipulated order, Mr. Parnell; is
9 that right?

10 MR. PARNELL: That is correct, yes.

11 MR. HALLACK: Okay. And he'll make
12 his first payment Friday and then he'll
13 owe payments for the next five months.
14 So we need to -- Mr. McCoy; is that
15 correct?

16 THE WITNESS: Yes, sir.

17 MR. HALLACK: Does anybody have any
18 questions for Mr. McCoy?

19 CHAIRMAN POTEET: Is the customer
20 whole?

21 THE WITNESS: Yes, it has been
22 delivered.

23 CHAIRMAN POTEET: What I'd like to
24 add to that, attendance at the
25 educational seminar.

1 THE WITNESS: I just attended one
2 recently.

3 MR. PARNELL: That's in 2015.

4 MR. HALLACK: Oh, no. You'll need
5 to take another one.

6 CHAIRMAN POTEET: Within 60 days.
7 So we need a motion.

8 MR. HALLACK: We need a motion to
9 accept that stipulation, yes, sir.

10 MR. BRITT: I'll make that motion.

11 MR. SMITH: I'll second.

12 CHAIRMAN POTEET: All in favor say
13 "Aye."

14 ("Aye" in unison.)

15 CHAIRMAN POTEET: Any opposed?

16 (No response.)

17 CHAIRMAN POTEET: We'll work out all
18 the details.

19 MR. BRITT: Do we need to put that
20 in there about the educational seminar?

21 CHAIRMAN POTEET: That's included in
22 the motion.

23 THE WITNESS: Thank you, you-all.

24 MR. HALLACK: Next case we have is
25 also a hearing on violations. It's a

1 hearing of violations against M&M Auto
2 Sales, Marcellus Elahi. We checked
3 earlier and Mr. Elahi is not here, so
4 we're going to proceed without the
5 dealer.

6 The violations, if you turn to the
7 second page of Exhibit A. Exhibit A is
8 the notice of hearing. If you look at
9 the second page to see what he's been
10 alleged to have committed. He's alleged
11 to have committed a fraudulent act of
12 sale of a used motor vehicle. He's
13 alleged to have failed to deliver a
14 certificate of title, and he's alleged to
15 have issued a temporary license plate in
16 violation of the law. I'd like to, at
17 this time, move to introduced the
18 exhibits marked A through E, and I'll go
19 over those with you. A, of course, is
20 the notice of hearing. B is the dealer's
21 application. C is his bond in the amount
22 of \$50,000. D is the complaint from
23 Deskenna Cameron, and E is the complaint
24 of Roger Robertson. With those exhibits
25 introduced, I'd like to go ahead and call

1 our only witness, Montie Wisenor.

2 CHAIRMAN POTEET: Didn't we just
3 ratify something regarding this dealer?

4 MR. HALLACK: Revocation.
5 Mr. Parnell?

6 MR. PARNELL: That is correct.

7 MR. HALLACK: If we're ready, I'd
8 like for Mr. Wisenor to be sworn.

9 (Witness sworn.)

10 MR. HALLACK: Montie, could you give
11 us your full name.

12 THE WITNESS: Montie Lee Wisenor.

13 MR. HALLACK: And you're employed at
14 the Commission as a compliance
15 investigator; is that correct?

16 THE WITNESS: Yes.

17 MR. HALLACK: And what is your -- do
18 you have a particular area that you
19 investigate?

20 THE WITNESS: District 1, consisting
21 of approximately ten parishes, I guess.

22 MR. HALLACK: In north Louisiana?

23 THE WITNESS: North Louisiana.

24 MR. HALLACK: At some point, you
25 became aware of a problem with this

1 dealer, M&M Wholesale; is that correct?

2 THE WITNESS: Yes.

3 MR. HALLACK: Is he still in
4 business today?

5 THE WITNESS: No, he's not.

6 MR. HALLACK: Okay. He was on the
7 list to be revoked?

8 THE WITNESS: Correct.

9 MR. HALLACK: And he was revoked
10 because of what?

11 THE WITNESS: I believe his
12 insurance may have lapsed, if I'm not
13 mistaken.

14 MR. HALLACK: His garage liability
15 or his bond?

16 THE WITNESS: Yeah, his garage
17 liability.

18 MR. HALLACK: Okay.

19 THE WITNESS: I believe that's
20 correct.

21 MR. HALLACK: Now, it looks like M&M
22 operates at 300 Louisville Avenue in
23 Monroe; is that correct?

24 THE WITNESS: Yes.

25 MR. HALLACK: Have you been by this

1 location to see if there's anything
2 there?

3 THE WITNESS: Yes. And the lot's
4 vacant now, and I actually posted a
5 five-day notice as well, notice of
6 revocation on his door as well.

7 MR. DONNELL: What about his liquor
8 store?

9 THE WITNESS: What's that?

10 MR. DONNELL: What about his liquor
11 store?

12 THE WITNESS: As far as I know, he
13 has no business. I think he sold that or
14 lost it. I'm not real sure, but he's not
15 in that business as well.

16 MR. HALLACK: Now, attached to the
17 notice of hearing is a receipt marked A2.
18 Is that where you served the dealer the
19 notice of hearing?

20 THE WITNESS: Yes.

21 MR. HALLACK: Did he say anything to
22 you at the time you filed the notice of
23 hearing?

24 THE WITNESS: He made statements
25 that he was wanting to have a meeting

1 with Mr. Parnell to discuss his
2 violations, but he was trying to gather
3 the funds together to -- for the fine
4 amount to have with him once he did that,
5 but he said he was having trouble doing
6 that.

7 MR. HALLACK: Okay. And according
8 to the violations on the back of the
9 notice of hearing, you cited Mr. Elahi --
10 am I pronouncing that correct?

11 THE WITNESS: I believe so.

12 MR. HALLACK: You cited Mr. Elahi
13 with a fraudulent act in the sale of a
14 motor vehicle. Could you explain that
15 charge to the Commission?

16 THE WITNESS: I'm sorry, which one
17 again?

18 MR. HALLACK: The committing of a
19 fraudulent act in the sale of a motor
20 vehicle.

21 THE WITNESS: Yes, sir. To back up,
22 Ms. Cameron's complaint, which is
23 Exhibit D1, she had purchased this
24 vehicle back in March of last year. He
25 had -- he had given her a bill of sale

1 that showed she only paid \$5,000, but he
2 admitted in her statement that she had
3 actually purchased the vehicle for 1,900.
4 So he had just -- he had put a false
5 amount on the bill of sale.

6 MR. HALLACK: So we don't actually
7 have the bill of sale?

8 THE WITNESS: Well, we did. I filed
9 it, but did we not -- I could have
10 swore -- I thought we had one, but his
11 statement to me was that that was
12 correct -- he admitted to it.

13 MR. HALLACK: He admitted that the
14 bill of sale was actually more?

15 THE WITNESS: Was lower.

16 MR. HALLACK: Was lower?

17 THE WITNESS: Right.

18 MR. HALLACK: Now, that's one count
19 of fraudulent act in the sale of a motor
20 vehicle?

21 THE WITNESS: Yes, sir.

22 MR. HALLACK: You have one count of
23 failure to deliver the certificate of
24 title. Could you explain that charge for
25 us?

1 THE WITNESS: Acting on another
2 complaint that we received, Mr. Dale --
3 Roger D. Robertson, or he went by Dale,
4 filed a complaint that he had purchased a
5 Mercedes from the dealership back in --
6 was it February of last year, and he
7 never -- never received his title. And
8 when I contacted the dealership, he
9 stated that there was a payoff owed on it
10 that he had made, but there was some
11 problem there, but he was working on
12 getting it taken care of, so -- which he
13 eventually did.

14 MR. HALLACK: So the title was
15 eventually delivered?

16 THE WITNESS: Yes.

17 MR. HALLACK: But it wasn't
18 delivered within the time prescribed?

19 THE WITNESS: Correct.

20 MR. HALLACK: Okay. And we also
21 have -- he issued a temporary license
22 plate in violation of the law. Could you
23 explain that charge?

24 THE WITNESS: Yes, he -- when he was
25 having the trouble, according to him,

1 getting the title from his lienholder,
2 the 60-day tag expired, so he issued a
3 second 60-day tag without getting
4 approval from motor vehicle.

5 MR. HALLACK: Okay. Gentlemen, the
6 Commission has explained the charges that
7 have been set forth by the Commission.
8 Do you-all have any other questions for
9 Mr. Wisenor? If no one has any other
10 questions, that completes our case.

11 If you look at the notice of
12 hearing, you'll see what the potential
13 outcome may be. It looks like that's on
14 page three. No, two, the notice of
15 hearing imposes a civil penalty of up to
16 \$2,000 per count, and you can impose the
17 attorneys' fees and court costs.

18 MR. OLAVE: I have a question,
19 Robert.

20 MR. HALLACK: Yes, sir.

21 MR. OLAVE: On Mr. Robertson's
22 complaint, it looks like he -- when did
23 he file the complaint because it looks
24 like he bought the vehicle February 13th
25 and then he got the title June 22nd. Was

1 he fined in the interim?

2 MR. HALLACK: It looks like his
3 complaint was filed January 9th, 2019.

4 MR. OLAVE: Oh, so he just filed the
5 complaint after he got his title in June?
6 Looks like he got his title in June. I'm
7 just curious because if he didn't get his
8 title and he filed a complaint, shouldn't
9 the dealer have been fined while he was
10 open --

11 THE WITNESS: As a matter of fact --

12 MR. OLAVE: -- at that time?

13 THE WITNESS: -- the consumer had
14 contacted me before he filed his
15 complaint, and I started contacting the
16 dealer in the interim while he was in the
17 process of filing his complaint.

18 MR. OLAVE: You see what I'm saying?

19 THE WITNESS: Oh, as for the --
20 right, and that -- in that time frame,
21 there's late fees that have accrued on
22 the taxes that owed on his sale. So
23 we're having him file a claim against
24 Surety to go against the dealer's bond to
25 collect his late fees.

1 MR. HALLACK: Which is approximately
2 two, three hundred dollars --

3 MR. OLAVE: No, I understand. I
4 just -- like when did Mr. Robertson
5 actually file the complaint on the
6 failure to provide a title?

7 THE WITNESS: I'm sorry, that's what
8 it was. He had contacted me prior to
9 doing this, but this was -- but I advised
10 him to file the complaint, so I guess
11 this is when he actually sent it in --

12 MS. BARON: Yeah. He used the
13 application for claim against Surety.

14 MR. OLAVE: So that just came in --
15 okay, I understand.

16 MR. BRITT: So this guy's nowhere to
17 be found, Montie?

18 THE WITNESS: Well, I mean, he's not
19 in operation, but I know where he lives.
20 That's where I delivered this notice of
21 hearing, at his home.

22 CHAIRMAN POTEET: Any
23 recommendations?

24 MR. HALLACK: Well, like I said, you
25 could fine him up to \$2,000 per count.

1 You could also include attorneys' fees
2 and court costs.

3 CHAIRMAN POTEET: He's revoked. You
4 can't revoke a license he's already
5 revoked. That's what I think we should
6 do is fine the max on those three, and
7 court costs, we can get it from his bond.
8 Anybody have any other comments about
9 that?

10 (No response.)

11 CHAIRMAN POTEET: Questions?
12 Suggestions? Yeah, I said court costs,
13 didn't I?

14 MS. BARON: How much is the court
15 costs?

16 CHAIRMAN POTEET: Eight hundred
17 dollars.

18 MS. BARON: So it's 2,000 per count
19 and 800?

20 CHAIRMAN POTEET: \$6,800. Okay,
21 I'll make that motion. I need a second.

22 MR. OLAVE: Second, Mr. Chairman.

23 CHAIRMAN POTEET: Thank you,
24 Mr. Olave.

25 All in favor say "Aye."

1 ("Aye" in unison.)

2 CHAIRMAN POTEET: Any opposed?

3 (No response.)

4 CHAIRMAN POTEET: That carries, and
5 that's the last of our hearings.

6 MR. HALLACK: Yes, sir.

7 CHAIRMAN POTEET: I was curious,
8 just -- so we revoked his license during
9 the time period between November and this
10 meeting, right? Well, I mean, we did it
11 today, but you had already warned him
12 that that was about to happen?

13 MR. HALLACK: Yes.

14 CHAIRMAN POTEET: So this guy has
15 no -- back to the question, somebody
16 asked it over here. This guy has no
17 intention of getting back in the
18 business?

19 THE WITNESS: He claimed he wanted
20 to, but he was saying -- he was trying to
21 come up with the funds to pay the fine
22 that we initially issued. It said on
23 this part. I haven't seen it. And he
24 was going to contact us, but never did.

25 CHAIRMAN POTEET: It will probably

1 be hard for him to get back on. All
2 right. Meeting is adjourned.

3 (CONCLUDED AT 11:31 A.M.)

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REPORTER'S CERTIFICATE

I, Brittany E. Vidrine, Certified Court Reporter and Registered Professional Reporter in and for the State of Louisiana, and as the officer before whom this meeting was taken, do hereby certify that the foregoing proceedings of the Louisiana Used Motor Vehicle Commission transpired as hereinabove set forth in the foregoing 85 pages.

I further certify that said proceeding was reported by me in the Stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships as defined by Louisiana Code of Civil Procedure, Article 1434, and in rules and advisory opinions of the board.

I further certify that I am not an attorney or counsel for any of the parties, that I am neither related to nor employed by any attorney or counsel connected with this action and that I have no financial interest in the outcome of this matter.

This certificate is valid only for this transcript accompanied by my original signature and original required seal on this page.

Baton Rouge, Louisiana, this 25th day of February, 2019.

BRITTANY E. VIDRINE, CCR, RPR
LA CCR No. 2014025