

1 LOUISIANA USED MOTOR VEHICLE COMMISSION

2 STATE OF LOUISIANA

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7 REGULAR MEETING

8 MARCH 18TH, 2019

9 BEGINNING AT 9:30 A.M.

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11

12 3132 VALLEY CREEK

13 BATON ROUGE, LOUISIANA

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24 REPORTED BY:

25 BRITTANY E. VIDRINE, CCR, RPR

1 APPEARANCES

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. JEFFEREY BRITT

8 MR. RICKY DONNELL

9 MR. GEORGE FLOYD

10 MR. STEPHEN OLAVE

11 MR. MATTHEW PEDERSEN

12 MR. HENRY "DARTY" SMITH

13 MR. DINO TAYLOR

14 MR. RICHARD WATTS

15 MR. TONY CORMIER (arrived late)

16

17 REPRESENTING THE LOUISIANA USED MOTOR VEHICLE

18 COMMISSION:

19

20 ROBERT W. HALLACK, ESQ.
21 HALLACK LAW OFFICE
22 13007 JUSTICE AVENUE
23 BATON ROUGE, LA 7081624 SHERI MORRIS, ESQ.
25 DAIGLE, FISSE & KESSENICH, PLC
8480 BLUEBONNET BOULEVARD, SUITE F
BATON ROUGE, LA 70810

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APPEARANCES (CONTINUED)

ALSO PRESENT:

- MS. KIM BARON
- MR. DEREK PARNELL
- MS. MONA ANDERSON

1 CHAIRMAN POTEET: Let's get started.

2 Are you ready?

3 (Pledge recited.)

4 CHAIRMAN POTEET: Kim, can we have
5 the roll call, please?

6 MS. BARON: Yes, I can.

7 John Poteet?

8 CHAIRMAN POTEET: Here.

9 MS. BARON: George Floyd?

10 MR. FLOYD: Here.

11 MS. BARON: Tony Cormier?

12 MR. CORMIER: (No response.)

13 MS. BARON: Matt Pedersen?

14 MR. PEDERSEN: Here.

15 MS. BARON: Richard Watts?

16 MR. WATTS: Here.

17 MS. BARON: Steve Olave?

18 MR. OLAVE: Here.

19 MS. BARON: Ricky Donnell?

20 MR. DONNELL: Here.

21 MS. BARON: Darty Smith?

22 MR. SMITH: Here.

23 MS. BARON: Dino Taylor?

24 MR. TAYLOR: Here.

25 MS. BARON: Jeff Britt?

1 MR. BRITT: Here.

2 MS. BARON: Mr. Chairman, we have a
3 quorum.

4 CHAIRMAN POTEET: Anyone here today
5 for public comments?

6 MS. BARON: No, sir.

7 CHAIRMAN POTEET: We're going to
8 start off with the adoption and approval
9 of the minutes from the January and
10 February meetings. I think we just got
11 the February this morning.

12 Has anybody had a chance to read
13 them?

14 MR. OLAVE: No.

15 MS. BARON: We'll just put it off
16 until next month.

17 CHAIRMAN POTEET: We'll approve the
18 January. We need a motion to approve the
19 January minutes.

20 MR. BRITT: I'll make a motion.

21 MR. DONNELL: Second.

22 CHAIRMAN POTEET: I hear a second by
23 Mr. Donnell. All in favor say, "Aye."

24 ("Aye" in unison.)

25 CHAIRMAN POTEET: Any opposed?

1 (No response.)

2 CHAIRMAN POTEET: We'll wait until
3 everybody has a chance to read those
4 February. I don't want to approve those
5 until we've read them.

6 MS. BARON: Yes.

7 CHAIRMAN POTEET: I've read two
8 paragraphs this morning.

9 All right. So next -- are you
10 ready, Ms. Mona?

11 MS. ANDERSON: Yeah.

12 CHAIRMAN POTEET: She's ready. All
13 right. Financial report from February.

14 MS. ANDERSON: Okay. If you'll turn
15 your binders to the financial statements
16 for the month of February 2019, on page
17 one, the Statement of Net Position, the
18 balance in the operating account at the
19 end of February was \$2,362,788. The
20 hearing fines receivable were \$96,538.
21 At the bottom of the page, the current
22 liabilities were \$41,795.

23 And turning to page two, the
24 long-term were \$262,855, and most of
25 that -- I'm sorry, that was the amount of

1 the deferred revenue. The total being
2 \$4,074,635. The -- at the end of the
3 statement, the total net position was a
4 negative \$141,138.

5 Turning on to page three, the
6 Statement of Revenues, Expenses and
7 Changes in Net Position. The
8 year-to-date revenues were \$1,116,719,
9 which is a \$10,000 decrease from the
10 '17-'18 year.

11 On the Miscellaneous Revenues, you
12 have \$2,200. The agency transferred the
13 2007 Dodge Magnum to Surplus, and the
14 \$2,200 was for the sale by the property
15 agency of that vehicle.

16 On page four, salaries and related
17 benefits were higher than the prior year
18 due to increases in retirement and health
19 insurance. The remainder of the expenses
20 were approximately \$9,000 higher than the
21 previous year.

22 And on page five, the change in net
23 position for the month was a negative
24 \$38,761, and the year-to-date was a
25 positive \$253,727.

1 Page six and seven are the Four Year
2 Revenue Comparison. And so while the Two
3 Year Comparison showed a decrease, if you
4 look at the '18-'19 and the '16-'17,
5 there was only a nine percent decrease at
6 the bottom of the page in the revenues.
7 A good deal of that being in the auction
8 transaction fees and the hearing fines.

9 On page eight is a comparison of the
10 Budget to Actual Expenditures. We're
11 approximately two-thirds of the way
12 through the budget, and all of our
13 expenses are within an appropriate range.

14 On page nine, the Certificate of
15 Deposit Summary, there were no changes in
16 February on that report.

17 And on page ten is the Accounts
18 Receivable fines. Twenty-three thousand,
19 four-hundred dollars in fines were
20 assessed in February, and 14,000 was
21 collected. The balance at the end of
22 February was \$96,538.

23 And unless there are any questions,
24 Mr. Chairman, that concludes my report.

25 CHAIRMAN POTEET: Anyone have any

1 questions for Ms. Mona?

2 MR. DONNELL: I know Dino asks from
3 time to time, what about Avery's Auto
4 Brokerage?

5 CHAIRMAN POTEET: The agent referred
6 it to the Attorney General. It's out of
7 our hands now.

8 MS. ANDERSON: Yes. And we have
9 talked to the -- I called the Attorney
10 General's Office a number of times.
11 We've not gotten anything on Avery's, but
12 they are starting to work on our
13 accounts. We actually got a couple of
14 payments on -- which will show up on the
15 March financials -- on some accounts that
16 we had already written off for Shawn
17 Calvit. They were garnishments, so they
18 located some income that he had and
19 garnished that.

20 So they're working on our accounts,
21 and we'll just keep on top of them.

22 CHAIRMAN POTEET: All right. If
23 there's no other discussion, enter a
24 motion to approve the financial report.

25 MR. SMITH: I'll make a motion.

1 MR. OLAVE: Second.

2 CHAIRMAN POTEET: Seconded by
3 Mr. Olave. All in favor say, "Aye,"
4 ("Aye" in unison.)

5 CHAIRMAN POTEET: Any opposed?
6 (No response.)

7 CHAIRMAN POTEET: All right. It
8 passed.

9 All right. Next on the agenda,
10 Derek, you've got a couple of invoices
11 here?

12 MR. PARNELL: Yes. Commissioners,
13 you will find in your packet two invoices
14 for services for both commission
15 attorneys. Attorney Morris' bill of
16 services for January of 2019 and Attorney
17 Hallack's bill of services for February
18 of 2019. I have reviewed the services
19 performed. The accounting department has
20 reviewed that the time and calculations
21 are correct. In addition, at the request
22 of Commissioner Olave, a full detailed
23 bill of services for both attorneys was
24 submitted for his review.

25 Commissioners, I do ask that you

1 approve payment of Attorney Morris'
2 January bill, which totals \$4,193, and
3 Attorney Hallack's February bill, which
4 totals \$4,140.

5 MR. OLAVE: I have a couple of
6 questions, if you don't mind.

7 Again, I was trusted with reviewing
8 the bills, and there are some things on
9 there that I don't understand and I'd
10 like to ask a couple of questions about
11 it. There's a case that's been on there
12 quite a few times that I'm not aware of,
13 and I asked Robert about it. It's Expert
14 Auto Sales, I believe. Lenise Martin
15 (phonetic), Expert Auto Sales. And when
16 I asked Robert about it, he wasn't able
17 to talk to me about it, that I should get
18 with the commissioners and ask them or
19 you (indicating) about it. Can you talk
20 about that?

21 MR. PARNELL: Oh, Lenise Martin,
22 that is a situation that -- part of that
23 case is going to come before this board
24 as a hearing. I don't know how far in
25 detail I can talk about it right now.

1 Commissioner -- I mean, I'm sorry,
2 Attorney Morris, she has kind of been
3 discussing --

4 MR. OLAVE: And I saw it on both
5 bills.

6 MR. PARNELL: So I don't know what
7 can --

8 MS. MORRIS: There's a lawsuit that
9 the dealer filed against -- or the
10 consumer filed against the Commission.
11 And so that's the part that I've been
12 communicating with the Attorney General's
13 Office. The Attorney General's Office
14 has assigned inside counsel, so it's
15 being defended in the Attorney General's
16 Office. But the original assignment,
17 that person left to go to another agency,
18 so now it's assigned to another attorney.
19 They are getting ready to file some
20 motions hopefully to dispose of the case,
21 but they have discovery requests that
22 involve a lot of documents. So I've been
23 coordinating with the staff to be able to
24 get the information to the Attorney
25 General's Office.

1 MR. OLAVE: What's the case about?
2 Why are they suing the Commission?

3 MS. MORRIS: The allegation is -- I
4 think, that we reviewed this at a prior
5 meeting. The allegation is that the
6 investigation of the complaint by the
7 Commission violates certain statutes. We
8 can -- I don't have a copy of it with me,
9 but we can provide you with a copy of the
10 complaint that was filed.

11 MR. OLAVE: There's actually a
12 lawsuit, then?

13 MS. MORRIS: Yes. But we submitted
14 it to the Attorney General for defense
15 and indemnity, and they are defending the
16 case under the -- we -- the Commission
17 pays premiums to the Office of Risk
18 Management for insurance coverage and
19 defense, and the case was accepted by
20 them for defense. So we are not
21 defending that case, but I'm just trying
22 to coordinate to make sure all the
23 records get to the Attorney General's
24 Office, and they will actually be
25 answering --

1 MR. OLAVE: What's the potential
2 liability of that?

3 MS. MORRIS: Well, that evaluation
4 will really be done by the Attorney
5 General's Office, but I don't think
6 there's much liability. I don't think
7 they have a cause of action, but that's
8 just my...

9 MR. OLAVE: I just saw it on the
10 bill for several months, and I was just,
11 you know, curious about it. And then
12 Robert said he couldn't say anything to
13 me.

14 MS. MORRIS: I think it was filed in
15 December. Maybe the suit was filed in
16 December.

17 MR. PARNELL: Yes.

18 MS. MORRIS: I think it was filed in
19 late December. And, like I said, it was
20 accepted by the Attorney General's
21 Office, and they assigned someone -- she
22 was working on the file, and then she
23 took a job at another agency. So now
24 it's to a second assistant attorney
25 general. But he's working on it. He has

1 discovery due, I think, in April. So
2 that's -- basically, it's just been
3 coordinating to make sure that he has all
4 the information he needs to be able to
5 defend the case properly.

6 MR. OLAVE: All right. Thank you.

7 MS. MORRIS: And Mr. Hallack is
8 handling the discipline that would arise
9 from the complaints, so...

10 CHAIRMAN POTEET: All right. Still
11 need a motion -- or did -- oh, you did.
12 My bad. I lost track, there. My mind is
13 wandering.

14 MR. SMITH: I'll make a motion.

15 MR. DONNELL: Second.

16 CHAIRMAN POTEET: All in favor say,
17 "Aye."

18 ("Aye" in unison.)

19 CHAIRMAN POTEET: Any opposed?

20 (No response.)

21 CHAIRMAN POTEET: All right. Next
22 we'll go to the Ratification of Imposed
23 Penalties.

24 MR. PARNELL: Commissioners, you'll
25 also find in your packet a chart that

1 illustrates the licensees that were in
2 violation of state law. These cases have
3 been investigated. And I have determined
4 that public interest can be served
5 without further administrative
6 proceeding. The civil penalties were
7 imposed. I will announce the names of
8 the dealers who have imposed civil
9 penalties for the record.

10 Do we have anyone representing any
11 of the licensees that are on this imposed
12 penalty list?

13 MS. BARON: No, sir.

14 MR. PARNELL: We'll do the list.

15 Chiquita Moore from Baton Rouge,
16 Louisiana, violation and fine amount of
17 \$600.

18 A5K Auto Sales, LLC, from Jennings,
19 Louisiana, fine amount was \$600.

20 Kar City, LLC, from Lake Charles,
21 Louisiana, fine amount is \$250.

22 Johnny Viola from Independence,
23 Louisiana, fine amount is \$1,100.

24 Ideal Auto Sales, Incorporated, from
25 St. Martinville, Louisiana, fine amount

1 is \$250.

2 Thomas Moran from Slidell,
3 Louisiana, fine amount is \$300.

4 C&K Automotives, LLC, from
5 Baton Rouge, Louisiana, fine amount is
6 \$150.

7 A-1 Auto Parts of Lafayette from
8 Lafayette, Louisiana, fine amount is
9 \$400.

10 Shawn Prejean from Lafayette,
11 Louisiana, fine amount is \$2,550.

12 The total amount of fines for the
13 month was \$6,200. And Commissioners, I
14 ask that you ratify the imposed civil
15 penalties assessed.

16 CHAIRMAN POTEET: Does anyone have
17 any questions for Mr. Parnell on this?

18 MR. DONNELL: I do. What is the
19 difference of failing to submit a monthly
20 sales report and failing to maintain
21 records?

22 MR. PARNELL: Typically, what
23 happens, it's -- all right. Failing to
24 submit monthly sales reports, every month
25 you're supposed to submit your monthly

1 sales report to the Office of Motor
2 Vehicles. Each one of those is typically
3 counted as one count. However many
4 months that -- after we did our research
5 and investigation finding out that the
6 monthly sales reports were not submitted,
7 I usually count all of those as one
8 count. The difference between the two
9 is, any records that could be missing
10 throughout the investigation, it could be
11 that; it could be some other information.
12 I usually try to count that as one count.
13 I don't try to compile on that charge as
14 the other one.

15 MR. DONNELL: How is that injuring
16 the public?

17 MR. PARNELL: Which part? How is it
18 injuring the public?

19 MR. DONNELL: Yeah. Like not --
20 failing to submit monthly sales reports.

21 MR. PARNELL: Failing to submit
22 monthly sales reports injures the state
23 is what it does, because the state -- the
24 Office of Motor Vehicles, they request
25 it, and the Department of Revenue, they

1 request that that information to be out
2 there. And it's not. A lot of dealers
3 are not doing that. The Department of
4 Revenue, as we discussed in here before,
5 came to our agency and advised us that,
6 hey, they're going to start hammering our
7 dealers. They're going to go out there
8 and start looking at our dealers that
9 haven't submitted the monthly sales
10 reports. So, technically, I don't know
11 if you would say it's injuring the
12 public. I mean, they're not calculating
13 the tax dollars that are out there. But
14 as an individual person, I don't think
15 it's injuring the public in that way.
16 But that's part of our statutes. That's
17 a violation of our laws.

18 CHAIRMAN POTEET: Any other
19 questions, comments? What's next?

20 MR. PARNELL: Next on the list is a
21 chart that illustrates the -- what has
22 been Ratifications of Revocations for the
23 month. I'll look again. And do we have
24 anyone present?

25 MS. BARON: No, sir.

1 MR. PARNELL: So I'll go through
2 and -- all right. The first one on the
3 list is B7 Motors, LLC, from Shreveport,
4 Louisiana, notice of revocation is
5 January 11th of 2019.

6 Daniel Wilkins from Bogalusa,
7 Louisiana, notice of revocation is 2/25
8 of '19.

9 Value Yes, LLC, from Baton Rouge,
10 Louisiana, notice of revocation is 2/25
11 of 2019.

12 Westco Motors, LLC, from Covington,
13 Louisiana, notice of revocation is 2/25
14 of '19.

15 Commissioners, I ask that you ratify
16 the revocations for the month.

17 MR. OLAVE: I'll make a motion that
18 we adopt that.

19 CHAIRMAN POTEET: Motion from
20 Mr. Olave. Any second?

21 MR. WATTS: I'll second.

22 CHAIRMAN POTEET: Second. All in
23 favor say, "Aye."

24 ("Aye" in unison.)

25 CHAIRMAN POTEET: Any opposed?

1 (No response.)

2 CHAIRMAN POTEET: All right. That
3 carries.

4 Next we have the Executive
5 Director's Report.

6 MR. PARNELL: Commissioners, you'll
7 also find there's a chart in the packet.
8 The first part is the Alleged Issue
9 Counts for the month of February. There
10 were 73 alleged issues.

11 The next document is the Case Report
12 illustrating the amount of cases that
13 were assigned to investigators. There
14 are 41 cases that were assigned to
15 investigators. Five of those cases have
16 been closed. Thirty-six remain open.

17 The next document is the Department
18 Summary Report, which illustrates the
19 total number of cases that have been
20 closed for the month. There were 16
21 cases that were closed for the month of
22 February.

23 And other news -- a few other
24 updates: We had been looking into doing
25 a website upgrade, because our website is

1 kind of outdated. When I first came on,
2 we did some work and we put that website
3 up there. And we're really just trying
4 to update things and keep things more
5 easily -- make it easier for dealers and
6 consumers to get out there and find
7 information. So we did -- we worked with
8 our IT team, Transformyx, and upgraded
9 the look and function of our website.
10 And so once we -- they've already kind of
11 started the process, and once we've
12 finished doing the final submissions of
13 some documents, they'll go ahead and
14 finish up that process. So, hopefully,
15 by, I would say -- you think it will be
16 ready by next month or --

17 MS. ANDERSON: Yes.

18 MR. PARNELL: Yeah. By next month
19 we will have a newer, updated website.
20 It should be more user-friendly for the
21 consumer and for the dealer. We tried to
22 separate some things out, so it's very
23 easy, more user-friendly for both parties
24 to go out there and get information and
25 find other things.

1 Also, during the month of February,
2 the management team kind of met together.
3 We met with three vendors to get quotes
4 for upgrading our phone system, because
5 this phone system is pretty far out of
6 date, and it doesn't operate as it should
7 in many instances. So we did kind of
8 come to the decision, and we went through
9 those proposals and we decided to go with
10 Transformyx. They offer a solution that
11 will work really well with us. We felt
12 really good about the relationship that
13 we had with them already. Them being our
14 IT, they handle those functions as well.
15 And they've always been professional.
16 And they've always gotten back with us
17 immediately. They take care of all of
18 the problems that we have had. So there
19 was a product that was out there that
20 offered the same phone system, per se,
21 but we just wasn't really familiar with
22 that company. Being that Transformyx is
23 a local company, we decided to go with
24 them, because I think we'll get a better
25 product out of that.

1 In legislative news, attorneys with
2 the legislature had called and advised
3 that they had a constituent that called
4 one of the legislatures and is asking
5 that the LUMVC go out and add to their
6 application, their dealer application, to
7 add golf carts as a single entity on an
8 application.

9 I did have Attorney Morris -- she
10 did reach out with the attorney and kind
11 of got a little bit more information, a
12 little bit more in depth. The attorney,
13 kind of, didn't really tell us exactly,
14 you know, who the person was, but she
15 does have some information that she can
16 share.

17 MS. MORRIS: The problem that the
18 staff or the legislature is trying to
19 solve is they have a constituent who is a
20 golf cart only dealer, and they --
21 currently on our application form, we
22 don't have a golf cart in the list. We
23 have cars and trucks, boats, boat motors,
24 trailers, motorcycles, motor homes,
25 ATV/off-road vehicles. So they would

1 fall within the ATV/off-road vehicles.
2 Only certain golf carts require to -- are
3 required to be sold through a dealer.
4 Those are the ones that are registered to
5 be operated on the streets. So they fall
6 under "ATV," but the logic that they're
7 using is that golf carts that, you know,
8 are not on the public roads would not be
9 required to be inspected by the State
10 Police. And so if there were a golf cart
11 only box, then those dealers, I guess,
12 could show their application and say
13 "We're golf cart only. You don't have to
14 inspect our lot." The fallacy in that is
15 if they're used golf carts, and they
16 could be -- it's basically, what the
17 purchaser intends to use them for or they
18 could already be registered when they
19 arrive at the dealership. So I don't
20 know that that solves the problem, but it
21 was suggested that if we would put the
22 box, there wouldn't be any need for
23 legislation.

24 CHAIRMAN POTEET: Can we do that?
25 Do we want to do that?

1 MR. DONNELL: My question is, do we
2 want to do that?

3 MR. PARNELL: I feel like it's
4 covered under the used AV --

5 MR. WATTS: ATV.

6 MR. PARNELL: -- ATV title. I think
7 a few years ago was when they removed the
8 exception from golf carts so they would
9 fall under "ATV." A discussion that
10 Sheri and I had about that, you know, if
11 they do go forward and do legislation,
12 you know, that -- those are those
13 opportunities where you can have somebody
14 try to jump on an instrument, a bill, and
15 try to add something that we may be
16 totally against. So I don't know if it
17 hurts anything, but I don't see that it
18 solves anything that they're looking to
19 do.

20 MR. BRITT: So this is the used ones
21 that come with the -- and the brake
22 lights and the headlights, they're
23 classified as a used vehicle already;
24 aren't they?

25 MS. MORRIS: ATV.

1 MR. BRITT: Well, I mean, no. I'm
2 talking about the highway-ready ones.
3 Because they make a highway -- a lot of
4 the big neighborhoods in small towns, I
5 mean, you tag them, and I've seen them
6 with tags and blinkers and the whole nine
7 yards.

8 MS. MORRIS: And that's what the
9 State Police --

10 MR. BRITT: So that's a used --
11 that's --

12 MS. MORRIS: That's what they're
13 expecting is those types of cars.

14 MR. BRITT: Yeah. So that's a used
15 vehicle already, so...

16 MS. MORRIS: Uh-huh.

17 CHAIRMAN POTEET: This was a request
18 from a licensee that wants us to add
19 this?

20 MR. PARNELL: I think so, yes.

21 MS. MORRIS: The licensee came to
22 the legislature.

23 MR. DONNELL: And I've got to agree
24 with Derek, you know, I don't think we
25 need no legislation that they can attach

1 something to a bill without none of us
2 knowing or something we're totally
3 against right at the last minute of it.

4 CHAIRMAN POTEET: Why would a
5 licensee want this?

6 MS. MORRIS: They don't want their
7 lots inspected.

8 MR. PARNELL: Well, I think it has
9 more to do with the inspections. A lot
10 of what's happening out there is those
11 ATV -- I'm sorry, those golf carts that
12 are supposed to be inspected, a lot of
13 the state troopers are not -- they don't
14 want to do it. Typically, I'm seeing
15 more in the middle of the state toward
16 top of the state, they're not going out
17 there and inspecting them at all.

18 MR. BRITT: No, because everybody in
19 the world is selling them.

20 MR. WATTS: Like a boat trailer.

21 MR. BRITT: No. We're talking about
22 the golf carts.

23 MR. WATTS: Yeah. How do you sell
24 them? You got a title on them?

25 MR. BRITT: I mean, I own three of

1 them and don't have a title on any of
2 them.

3 MS. MORRIS: Well, they're required
4 to be registered if you're going to use
5 them on the highway.

6 MR. DONNELL: What do you give them,
7 John, when you sell them through your
8 auction?

9 CHAIRMAN POTEET: We sell them with
10 no title unless they have a title. Is
11 that --

12 MR. PEDERSEN: I've never seen one
13 come through with a title.

14 CHAIRMAN POTEET: I've never seen
15 one with a title.

16 MR. BRITT: I bought one of those at
17 one of those estate sales in Arkansas --
18 and I'm not a used car guy -- dealer, but
19 I bought it when I was at an estate sale,
20 and they had the Arkansas title in there
21 with them. I just threw that away.

22 CHAIRMAN POTEET: I don't even know
23 what the -- how much the police enforce
24 these things. I see them riding on the
25 roads all the time. I've never seen them

1 on like 190 or anything. But I've seen
2 them on the service streets all the time
3 with no registration, no headlights.

4 MR. BRITT: Not even any taillights.

5 CHAIRMAN POTEET: I mean, in our
6 neighborhood, there are three or four of
7 them that drive around. I don't know.
8 Until people start stopping them and
9 giving them tickets, I guess --

10 MR. HALLACK: You could use a block
11 that says "Other used vehicle." I mean,
12 because there are things on your list
13 that you don't cover.

14 MR. OLAVE: Just "Other."

15 MR. HALLACK: "Used other vehicle."

16 MR. BRITT: I wouldn't get it pinned
17 down to that where they could add
18 legislation to it. Maybe another block
19 that just says "Other."

20 MS. MORRIS: Well, if we put "Other"
21 and a line and let them fill it in.

22 CHAIRMAN POTEET: Yeah. I like
23 that. That's what we call an answer
24 that's not really an answer. Perfect.

25 MS. MORRIS: My specialty.

1 CHAIRMAN POTEET: She's an attorney.

2 MR. OLAVE: That's the eight or ten
3 years of school for that.

4 MR. PARNELL: There's no opposition.

5 CHAIRMAN POTEET: Okay. If we can
6 do that, let's do that. I like that.
7 Good job. You earned your keep today.

8 MS. MORRIS: Well, Robert brought it
9 up.

10 MS. BARON: Robert brought it up.
11 She put the line.

12 CHAIRMAN POTEET: All right.
13 Anything else, Derek?

14 MR. PARNELL: No, that's all I have.

15 CHAIRMAN POTEET: Derek, I've got a
16 question and this might require a little
17 research, so if you don't have this right
18 at the tip of your fingers, there --
19 licensees -- total licensees 2019 versus
20 2018?

21 MR. PARNELL: Total, I don't know
22 that offhand. We can pull that -- we
23 have to run several reports to get to
24 those single figures.

25 CHAIRMAN POTEET: What I'd like to

1 see is all of our categories just, you
2 know, year to year, where we are on all
3 of them. Obviously, this is not urgent.
4 It's just that it's an informational
5 thing.

6 MR. PARNELL: Yeah. I'll do it for
7 the last three years.

8 CHAIRMAN POTEET: I get a lot of
9 people asking me questions like that, and
10 I really don't have an answer.

11 MR. PARNELL: Do you want to know
12 just the dealers themselves or
13 salespersons as well?

14 CHAIRMAN POTEET: Yeah, I'd like to
15 see all of our categories.

16 MR. PARNELL: Everything?

17 CHAIRMAN POTEET: And then you don't
18 have to go back -- maybe to '17.

19 MR. PARNELL: Okay. Yeah, we'll do
20 that.

21 MR. OLAVE: You're looking at like
22 the trend, growth trend?

23 CHAIRMAN POTEET: Yeah.

24 MR. TAYLOR: Are you asking because
25 you're seeing the decline like we are?

1 That's what me and Mona were just
2 discussing.

3 CHAIRMAN POTEET: Yeah, I am. I am
4 seeing a decline, but, you know, it does
5 come up in different conversations I have
6 with customers and with other people
7 involved in government.

8 MR. PARNELL: We'll get that out
9 this week to you. We'll send it to
10 everybody.

11 CHAIRMAN POTEET: Yeah, just send it
12 to everybody.

13 MR. WATTS: We're having a decline
14 of dealers?

15 CHAIRMAN POTEET: I'm sure we have a
16 decline in dealers. We know that. We
17 just don't know what the number is.

18 MR. BRITT: They all up in my area.

19 CHAIRMAN POTEET: Well, you're in a
20 hot part of town, I guess.

21 MR. WATTS: We need to keep his
22 auction going.

23 CHAIRMAN POTEET: That's right.

24 MR. WATTS: Before they pay too much
25 in cars.

1 CHAIRMAN POTEET: You know, I don't
2 know, we've been tracking this at least
3 for 18 or 20 years, and -- at our two
4 auctions, our Houston auction, and this
5 one, which we just opened 17 years ago.
6 So, you know, we've seen a little bit of
7 a decline, and, you know, that's -- I
8 don't know how much of that is our
9 business. But you see a lot of these
10 new -- like AutoNation and people like
11 that, CarMax, et cetera.

12 MR. PARNELL: Yeah, they are.

13 CHAIRMAN POTEET: And I'm just
14 curious. It's mostly just things that
15 come up in conversation.

16 MR. PARNELL: We'll get that out to
17 everybody this week.

18 CHAIRMAN POTEET: I might have
19 broken your record (indicating), 40
20 minutes.

21 MR. FLOYD: I have something I want
22 to say.

23 CHAIRMAN POTEET: Oh, you want to
24 bring -- okay. This is what's known in
25 the Senate as a filibuster.

1 MS. BARON: I don't think we
2 ratified the imposed penalties.
3 Mr. Donnell -- Commissioner Donnell asked
4 a question, and then I don't think we
5 ratified. We ratified the --

6 MR. OLAVE: I'll make a motion that
7 we ratify the imposed penalties.

8 CHAIRMAN POTEET: All in favor say,
9 "Aye."

10 ("Aye" in unison.)

11 MR. OLAVE: Thanks, Kim.

12 MR. FLOYD: So I have an issue with
13 temp tags. I issued my temp tags. I had
14 a problem with -- you know, the system
15 makes you put the number in. And I put
16 the number in and it said, "You've
17 already used this tag." So I looked and
18 researched it and it said, "It's not in
19 your database." So I called my notary
20 and said, "Well, what's going on"?
21 Dealers are, they're looking at tags,
22 putting the number in, and it asks you to
23 do it again. Well, they don't look back
24 at the tag. They just repeat that
25 number. And if they made a mistake, it

1 just so happened they picked my number.

2 So now I have a tag that's no good.

3 MR. OLAVE: Kills the tag.

4 MR. FLOYD: So I have two tags like
5 that I can't use. And they won't let me
6 track who has it. So somebody is riding
7 around with a tag that's actually not
8 being used. And I have a tag that I
9 can't use. So maybe let DMV know about
10 that.

11 MR. OLAVE: On a similar but
12 separate note, has anybody had to reset
13 their password for temp tags? I can see
14 not many -- that is crazy. That is crazy
15 how --

16 MR. PARNELL: We get a lot of
17 dealers --

18 MR. OLAVE: I had to call Jill
19 Jarreau (phonetic) to get her to help me
20 with that, and, I mean, it's...

21 MR. PARNELL: We get a lot of that.

22 MS. BARON: They're not real happy
23 with it.

24 CHAIRMAN POTEET: I've never heard
25 of that.

1 MR. SMITH: You ever had a problem
2 with dealer tags? I had an officer
3 threaten to tow my vehicle and take my
4 plate.

5 CHAIRMAN POTEET: What did you do
6 wrong?

7 MR. SMITH: I had a dealer tag on my
8 truck.

9 CHAIRMAN POTEET: Sometimes there's
10 a beginning to the story and an end to
11 the story and sometimes there's stuff in
12 between. I think you're leaving that
13 out. Why did he stop you?

14 MR. SMITH: No, that's what he said.
15 He said, unauthorized use of a dealer
16 tag.

17 MR. WATTS: On a truck?

18 MR. SMITH: My truck, my business,
19 my tag.

20 MR. DONNELL: He was wrong.

21 MR. SMITH: Oh, I know. He was the
22 one who told me. I said, "I respect you.
23 Go right ahead, sir." He was going to
24 take my plate.

25 CHAIRMAN POTEET: How did you stop

1 it?

2 MR. SMITH: I showed him my badge
3 and who I was. And he said, "Oh, I'm
4 sorry, Mr. Smith. We're not looking for
5 you."

6 CHAIRMAN POTEET: So, what, they're
7 stopping people?

8 MR. SMITH: They're saying that --
9 going back to them tags, a dealer is
10 getting 30 tags and putting it on their
11 aunt and uncle's and cousins' trucks.

12 CHAIRMAN POTEET: Well, that's been
13 a problem as long as I've been around.
14 We don't control that.

15 MR. SMITH: No, we don't control
16 that. And how do they know how to stop
17 somebody? I don't know how they --

18 MR. OLAVE: That's pretty common. I
19 know people that have dealer tags that
20 get stopped just because they have a
21 dealer tag on it. And, I guess, it's
22 like they're investigating the fact
23 that -- they're validating, because
24 there's no way to track that tag for that
25 vehicle, like, they can run it through

1 the database. So you get an aggressive
2 policeman maybe, and, you know, he's
3 going to stop you because he's got
4 probable cause to validate that that tag
5 is actually your tag. I'm guessing.
6 It's just an assumption on my part. But
7 that's not the first time I've heard
8 that. It happens all the time. I think
9 that happens all the time.

10 MR. TAYLOR: I think it comes from
11 the upper brass talking to their
12 officers, and then they're horribly
13 misinformed on a drive tag and a temp
14 tag.

15 MR. OLAVE: Yeah, exactly. Yeah.

16 MR. TAYLOR: And they just don't
17 know.

18 MR. OLAVE: They don't know.

19 MR. TAYLOR: And they think they
20 know. But it's a short spurt of time
21 that goes away pretty quickly, because we
22 go down there and inform the police
23 department of exactly what we could do,
24 because they don't know all of that.

25 MR. OLAVE: You hit it on the head,

1 though.

2 CHAIRMAN POTEET: All right.

3 Everybody is talking.

4 Okay. The last thing on the agenda
5 is any items from the next agenda. I
6 noticed that the next meeting is
7 April 15th. I may or may not be in the
8 country that day. Just a joke.

9 Anything for the next agenda? If
10 not, we need a motion to adjourn.

11 MR. DONNELL: I'll make a motion to
12 adjourn.

13 MR. TAYLOR: Second.

14 MS. BARON: This is a new record.

15 CHAIRMAN POTEET: This is a record.

16 (CONCLUDED AT 10:04 P.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 40 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 2nd day of April, 2019.

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