

LOUISIANA USED MOTOR VEHICLE COMMISSION  
STATE OF LOUISIANA

REGULAR MEETING  
NOVEMBER 19, 2012  
BEGINNING AT 9:32 A.M.

3132 VALLEY CREEK  
BATON ROUGE, LOUISIANA

REPORTED BY:  
BETTY D. GLISSMAN, CCR

Betty D. Glissman, CCR  
(225) 754-8609

1 APPEARANCES:

2

3 CHAIRMAN:

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT:

7 MR. GEORGE BREWER

8 MR. RON DUPLESSIS

9 MR. GEORGE FLOYD

10 MR. KIRBY ROY

11 MR. DINO TAYLOR

12 MR. DOUGLAS TURNER

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16 REPRESENTING THE LOUISIANA USED MOTOR  
17 VEHICLE COMMISSION:

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

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

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1 ALSO PRESENT:

2

3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. BECKY BERTRAND

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1 MR. POTEET:  
2 All right. Let's all stand  
3 for the Pledge of Allegiance.

4 (PLEDGE OF ALLEGIANCE)

5 MS. BARON:  
6 John Poteet?

7 MR. POTEET:  
8 Here.

9 MS. BARON:  
10 George Brewer?

11 MR. BREWER:  
12 Here.

13 MS. BARON:  
14 Dino Taylor?

15 MR. TAYLOR:  
16 Here.

17 MS. BARON:  
18 Tony Cormier?

19 MR. CORMIER:  
20 (No response.)

21 MS. BARON:  
22 Ron Duplessis?

23 MR. DUPLESSIS:  
24 Here.

25

1 MS. BARON:  
2 George Floyd?

3 MR. FLOYD:  
4 Here.

5 MS. BARON:  
6 Kirby Roy?

7 MR. ROY:  
8 Here.

9 MS. BARON:  
10 Darty Smith?

11 MR. SMITH:  
12 (No response.)

13 MS. BARON:  
14 Douglas Turner?

15 MR. TURNER:  
16 Here.

17 MS. BARON:  
18 Mr. Chairman, we have a  
19 quorum.

20 MR. POTEET:  
21 Excellent.  
22 Anyone here for public  
23 comments?

24 MS. BARON:  
25 No, sir.

1 MR. POTEET:

2 Items for discussion, we need  
3 approval of the minutes from the previous  
4 meeting.

5 MR. ROY:

6 I so move.

7 MR. TAYLOR:

8 Second.

9 MR. POTEET:

10 We have a motion over here by  
11 Mr. Kirby and Mr. Dino seconded.

12 All in favor, say "Aye."

13 (All "Aye" responses.)

14 MR. POTEET:

15 The motion carries.

16 Financial matters, Mona, are  
17 you ready?

18 MS. ANDERSON:

19 Yes. In your packet, you  
20 have your financial statements. They look a  
21 little bit different than they did before,  
22 not much. We're using the new accounting  
23 program now. So there's a little bit of a  
24 difference in the appearance.

25 But on Page 1 of the

1 financial statement, the balance sheet shows  
2 that the bank balance at the end of October  
3 was \$1,114,700, which is up about \$129,000  
4 from last month due to our renewal season  
5 picking up. The accounts receivable  
6 hearings and fines went up to \$68,650.

7           On Page 2 of your statement,  
8 the deferred revenue, you can see there are  
9 two accounts for each type of license, and  
10 what that entails is, the first account is  
11 the deferred from last year, which we're  
12 slowly -- over a six-month period, we're  
13 going to migrate that to -- into the income  
14 statement. And then, the second account for  
15 each license is for the upcoming 2013  
16 year -- I'm sorry, 2014. The years fly by.  
17 So, of that, the total in deferred revenue  
18 is \$285,700. \$211,000 of it is for the 2013  
19 year, and \$74,500 is for the 2014 year.

20           And if you'll turn the page  
21 on to Pages 3 through 5, that's the revenue  
22 and expenditure statement. On Page 3, the  
23 third column, it starts at the bottom there,  
24 shows that the year-to-date revenue for  
25 October was \$303,200 compared to \$326,381

1 last year. The license fee revenue is down  
2 about \$165,000 from last year and I think  
3 that's mostly due to we had a short delay in  
4 beginning to receive the fees. We had a few  
5 program problems and a little delay in the  
6 start up. But the November revenue is up  
7 significantly from this. So it's beginning  
8 to flow in.

9           The expenditure accounts  
10 beginning on this page and on through the  
11 end of the statements show a little bit of a  
12 different picture than what you previously  
13 saw on this report. We've divided up some  
14 categories that -- the two main primary  
15 differences are the employee related  
16 expenditures, we moved it to a more  
17 departmentalized arrangement. So you'll see  
18 several references to office and field.  
19 We're hoping that that will help us track  
20 our expenses on, you know, what we can spend  
21 in what department and what-have-you. In  
22 addition to that, some of the less  
23 descriptive categories, like, previously, we  
24 had miscellaneous expenses that took in a  
25 whole bunch of regular expenses, and we've



1 divided those up and now what will fall into  
2 miscellaneous expenses are only the unusual  
3 and infrequent in nature items. What we  
4 moved out of that were things like the bank  
5 analysis fee, which is a regular charge  
6 every month. The merchant account expense,  
7 which during renewals is a regular account  
8 -- regular expense, so that you can better  
9 understand what the expenses are in there.  
10 The salaries expenditures are up about  
11 \$7,900 from last year and that's due to  
12 adding on additional licensing staff. And  
13 we had an increase, of course, in the  
14 retirement -- the employer retirement  
15 contribution percentage.

16           So if you'll flip to Page 5,  
17 at the bottom there, you'll see the end of  
18 the month, end of year totals. The  
19 year-to-date expenditures were \$279,870  
20 compared to \$282,000 last year, and the net  
21 revenue over expenditures was \$23,330  
22 compared to \$44,000 last year. And, again,  
23 I think that's -- we just kind of had a slow  
24 start up in the renewal season. We'll see  
25 an increase in November.

1                   Turning on to Page 6 is the  
2 comparison of revenue and expenditures, and  
3 you'll see again the net of \$23,300 there.

4                   On Page 7, the accounts  
5 receivable hearings, again, the total is  
6 \$68,650. The changes there were we added  
7 A-1 Autoplex at \$20,200 and we collected  
8 \$1,000 on an older account, Discount Auto  
9 Sales, and we also wrote off the other  
10 \$1,000 in order to collect that.

11                   On Page 8 is the certificate  
12 of deposit report, which is pretty much the  
13 same as last month.

14                   And so unless there are any  
15 questions, that concludes my report.

16                   MR. POTEET:

17                   Nobody has any questions?

18                   (No response.)

19                   MR. POTEET:

20                   Mona, you've obviously done a  
21 very thorough job. There are no questions.

22                   MS. ANDERSON:

23                   Thank you.

24                   MR. POTEET:

25                   Do you have just -- I know it

1 would be a guess at this point, but November  
2 is going to make up for the shortfall we've  
3 seen in October?

4 MS. ANDERSON:

5 We have two deposits --we've  
6 already -- I don't have that figure, but I  
7 believe we've already exceeded what we got  
8 in October. We had two deposits that one  
9 was \$22,000, one was \$15,000. You know, we  
10 got some significant money.

11 And we're beginning to kind  
12 of resolve that issue with the decline  
13 message on the program. Iron Data has  
14 actually told us this morning that they're  
15 working on getting us a final report, so we  
16 can start contacting those dealers who got a  
17 decline message, but have not yet paid, so  
18 we can collect on that. We'll see.

19 MR. POTEET:

20 And so earlier today when we  
21 were talking, our problem -- our  
22 technological problem has been resolved.

23 MR. PARNELL:

24 Seemingly, yes.

25 MR. POTEET:

1                   That's not a yes.

2                   MR. PARNELL:

3                   Once they get a report to us  
4 -- the technical problem with the system,  
5 yes, that's resolved, but once they get a  
6 report to us, we can actually collect on  
7 those fees.

8                   And I think Commissioner  
9 Taylor, you were a victim to that, if I'm  
10 not mistaken, on the decline.

11                   But as far as we know, yes,  
12 the situation has been corrected through  
13 them. We haven't received, that we know of,  
14 decline messages since they have told us  
15 that it's been corrected.

16                   MR. POTEET:

17                   Okay. All right. I guess we  
18 need an approval -- a motion to approve the  
19 financial report.

20                   MR. TURNER:

21                   I would like to ask a  
22 question on the accounts receivable.

23                   MR. POTEET:

24                   Okay.

25                   MR. TURNER:

1                   Affordable Imports, where do  
2 we stand with that? We're showing that  
3 we're writing off \$240,600.

4                   MR. PARNELL:

5                   That was Beau Guidry, yes.

6                   MS. BARON:

7                   The claim against the surety  
8 was in August and they responded on the  
9 21st. They were trying to contact him to  
10 determine whether or not he's going to pay.  
11 They have to contact him and they're  
12 probably having a problem contacting him,  
13 because he was destined for federal prison,  
14 but I don't know if he's there, yet. But  
15 they are trying to contact him to see if he  
16 is going to pay or if they're going to have  
17 to. And they usually give them two or three  
18 months to try to contact them. I can call  
19 them this week, though, and find out. I'll  
20 e-mail the bond company and find out for  
21 sure where we are with that.

22                   MS. MORRIS:

23                   Why are we writing off the  
24 200 -- the rest if it's just a couple months  
25 old, is that just not in the right column?

1 MS. ANDERSON:

2 Well, on the audit, we talked  
3 about that, that they're requiring us to  
4 show that, because in order to keep from  
5 bumping up our income, we had to record that  
6 as a -- and it's not really a write off even  
7 though it's a doubtful account. So because  
8 the auditor felt like we were -- and we went  
9 rounds on this. Roy Hebert helped us  
10 research it and we looked at it extensively,  
11 but basically they require you to record  
12 anything that you are fairly certain you are  
13 not going to collect on. And due to his  
14 legal problems, they considered that to be  
15 -- now, should we collect on it, then we can  
16 reverse that.

17 MR. POTEET:

18 I think generally accepted  
19 accounting principals would say that when  
20 you know or you're fairly certain that  
21 you're not going to collect it, the time is  
22 irrelevant. It could be the next day after  
23 you record it. If you find out, you know,  
24 the guy is going to federal prison or you  
25 just -- so I would agree with that. I would

1 agree that we should write it off as soon as  
2 we're fairly certain that we're never going  
3 to collect it.

4 MS. ANDERSON:

5 And they've become really  
6 stringent with that now, that, you know,  
7 people were putting things on the books to  
8 make the income look better, not us, but  
9 there were entities that were doing that.  
10 So they're pretty strict about that now,  
11 that you have to record that.

12 MR. POTEET:

13 I'm strongly in favor of  
14 writing them off as soon as possible,  
15 because as soon as we know -- because, it  
16 does -- it's kind of silly to drag it out  
17 and carry it on the books when we all know  
18 good and well we're never going to collect  
19 it.

20 MR. TURNER:

21 I think the biggest thing is,  
22 we need to collect the \$20,000 from the bond  
23 company.

24 MS. MORRIS:

25 We're going to still send it

1 to the Attorney General's Office for  
2 collection.

3 MS. ANDERSON:

4 When it becomes old enough,  
5 yes.

6 MR. TURNER:

7 What about the \$1,000 from  
8 Luxury Motors; is that collectible?

9 MR. PARNELL:

10 Yes. Luxury Motors, this was  
11 a guy that I put a fine out there. He had  
12 some activities out there and I gave him a  
13 fine, but he wants to come in for a hearing  
14 to appeal what I fined him. So I'll try to  
15 bring him in, in December.

16 MR. TURNER:

17 And A-1 Autoplex is still in  
18 -- he's contesting he fine.

19 MS. BARON:

20 We have a stay order on him.

21 MR. TURNER:

22 When is that going to court?

23 MR. HALLACK:

24 January 6th.

25 MR. TURNER:



1                   That's all the questions I  
2    have.

3                   MR. POTEET:

4                   Thank you.

5                   Does anybody else have any  
6    questions?

7                   (No response.)

8                   MR. POTEET:

9                   Can I get a motion to  
10   approve?

11                  MR. TURNER:

12                  Motion to approve.

13                  MR. POTEET:

14                  We have a motion to approve.

15                  MR. TAYLOR:

16                  Second.

17                  MR. POTEET:

18                  Dino seconds.

19                  All in favor, say, "Aye."

20                  (All "Aye" responses.)

21                  MR. POTEET:

22                  The motion carries.

23                  Legal matters and pending  
24   litigation, Mr. Hallack.

25                  MR. HALLACK:

1                   Value Imports, I think we  
2 talked about it last week, that they filed  
3 an appeal to the First Circuit Court of  
4 Appeals. We filed our brief. It was due  
5 Friday and we filed our brief Friday. They  
6 have an opportunity to file a reply brief.  
7 Generally, it takes about -- once it's  
8 finished briefing, probably about six months  
9 before we get a decision.

10                   The other case is what you  
11 just talked about, A-1 Autoplex. They filed  
12 an appeal and they have a stay order from  
13 the judge staying it, which is set for  
14 hearing on January 6th. So we'll need to  
15 file an answer to the appeal and request a  
16 briefing schedule.

17                   MR. POTEET:

18                   Okay.

19                   Does anybody have any  
20 questions about any of that?

21                   MR. TAYLOR:

22                   I think it was two businesses  
23 that were in one building.

24                   MR. HALLACK:

25                   They're next to each other.

1 MR. TAYLOR:

2 Next door to each other,  
3 okay. That was it.

4 MR. POTEET:

5 Okay. The next thing we have  
6 on our agenda is the policy and procedure  
7 discussion.

8 Derek, do you want to take  
9 that?

10 MR. PARNELL:

11 Yes. This is a discussion of  
12 Policy and Procedure #90, which is the  
13 optional pay policy amendment, which is in  
14 accordance with Civil Service Rule 6.16.2.  
15 If you will turn with me in your packet, you  
16 will see that it's right up here, the  
17 financials.

18 This Commission -- we had on  
19 file a Civil Service Rule for our Commission  
20 of an optional pay adjustment. It was  
21 effective on May 2, 2007. According to that  
22 policy, you know, we can grant pay  
23 adjustments for employees for four reasons.  
24 One is to provide for retention of an  
25 employee whose loss would be detrimental to

1 the agency. Two would be to adjust pay  
2 differentials between comparable employees.  
3 Three would be to recruit employees if it's  
4 difficult to fill positions. And four is to  
5 compensate employees for performing  
6 additional duties of either a permanent or a  
7 temporary nature.

8           That's more what I was  
9 looking at when I looked at our situation,  
10 our agency, the guidelines that -- for our  
11 policies that we had in place allowed us to  
12 do up to a five percent increase for those  
13 individuals to perform additional duties.  
14 At the time, that was in line with what  
15 Civil Service documents, what their rule  
16 was. It was five percent then. Since then,  
17 it's moved to seven percent. That allows us  
18 up to seven percent for those four  
19 particular reasons.

20           And, typically, I would have  
21 come to you all first before I did it, but  
22 on last Wednesday, November 14, we -- once I  
23 found out the process that I had to go  
24 through in order to get approval from Civil  
25 Service to move our optional -- amend our

1 policy from five percent to seven percent,  
2 they just told me that they could put me on  
3 the next agenda, which was early in that  
4 week. So I went ahead and we went forward,  
5 got ourselves on the agenda, and what they  
6 did was -- we put the request forward to  
7 move it from five to seven percent. They  
8 approved us to move from five to seven  
9 percent. I did that because we do have  
10 certain personnel that are working here with  
11 us that are doing additional duties that may  
12 not qualify for promotion or to move into  
13 other positions, but they do qualify for  
14 optional pay or increase in pay due to  
15 additional duties that they've been doing.

16 So what we've done is they  
17 made that revised date. It became effective  
18 November 14 of 2012. Just -- the only  
19 difference in our policy from what we had  
20 before and now it's changing from five  
21 percent to seven percent.

22 MR. POTEET:

23 Does anybody have any  
24 questions about that?

25 MR. ROY:

1                   It puts us more in line with  
2 the rest of the agencies?

3                   MR. PARNELL:

4                   Well, the agencies and what  
5 Civil Service's ruling is of itself. We  
6 were under that. I mean, it's not  
7 necessarily saying that I'm going to give  
8 that amount, but it gives us the option.  
9 You know, it depends on how much -- what  
10 percentage of work that we have -- that  
11 those persons have increased on their normal  
12 pay.

13                   MR. DUPLESSIS:

14                   Do you think we need a motion  
15 to pass it?

16                   MR. PARNELL:

17                   For a change in policy, yes.

18                   MR. POTEET:

19                   Does anybody want to make a  
20 motion?

21                   MR. BREWER:

22                   I make a motion that we  
23 accept it.

24                   MR. POTEET:

25                   Second?

1 MR. ROY:

2 Second.

3 MR. POTEET:

4 All in favor, say, "Aye."

5 (All "Aye" responses.)

6 MR. POTEET:

7 Any opposed?

8 (No response.)

9 MR. POTEET:

10 The motion passes.

11 The next thing on the agenda  
12 is Executive Director evaluation. This can  
13 be discussed in Executive Session.

14 Derek, do you want to do that  
15 in Executive Session?

16 MR. PARNELL:

17 Yes, I would like to do that  
18 in Executive Session.

19 MR. POTEET:

20 So we need a motion to --

21 MR. TAYLOR:

22 I make a motion that we go  
23 into Executive Session.

24 MR. TURNER:

25 Second.

1 MR. POTEET:  
2 I need a roll call.

3 MS. BARON:  
4 John Poteet?

5 MR. POTEET:  
6 Yes.

7 MS. BARON:  
8 George Brewer?

9 MR. BREWER:  
10 Yes.

11 MS. BARON:  
12 Dino Taylor?

13 MR. TAYLOR:  
14 Yes.

15 MS. BARON:  
16 Ron Duplessis?

17 MR. DUPLESSIS:  
18 Yes.

19 MS. BARON:  
20 George Floyd?

21 MR. FLOYD:  
22 Yes.

23 MS. BARON:  
24 Kirby Roy?

25 MR. ROY:



1 Yes.

2 MS. BARON:

3 And Douglas Turner?

4 MR. TURNER:

5 Yes.

6 MS. BARON:

7 It's unanimous.

8 MR. POTEET:

9 We'll go into Executive  
10 Session now.

11 (EXECUTIVE SESSION)

12 MR. POTEET:

13 So we need a motion to come  
14 back into session.

15 MR. BREWER:

16 I make a motion we come back.

17 MR. TURNER:

18 Second.

19 MR. POTEET:

20 All right. We're back in  
21 session. Okay. So we discussed the  
22 Executive Director Evaluation and we had a  
23 nice lively discussion and I need a motion  
24 to --

25 MR. DUPLESSIS:

1                   I'll make the motion. I  
2 would like to make the motion that we  
3 positively approve Derek's review and  
4 commend him on the fine job that he has done  
5 over the last couple of years, and I would  
6 also like to make a motion to include a pay  
7 raise of up to \$90,000.

8                   MR. TURNER:

9                   I second that motion.

10                  MR. POTEET:

11                  All in favor, say "Aye."

12                  (All "Aye" responses.)

13                  MR. POTEET:

14                  The motion carries.

15                  And I just want to make a  
16 little public acknowledgment that, number  
17 one, I'm proud to work with Derek. I was  
18 involved in his hiring and I have never  
19 thought that we made a mistake. We did the  
20 right thing. He's done a good job. I would  
21 also like to commend all of the  
22 Commissioners that I've worked with for the  
23 past few years. It sounds like I'm  
24 resigning, but I'm not, but I think it's a  
25 good time to pat everybody on the back. And

1 the staff here, Mona and all of the staff  
2 outside and our two legal counsels have been  
3 excellent and I just want that on the  
4 record. Okay.

5 Next, we have the Executive  
6 Director's report.

7 MR. HALLACK:

8 Well, the first thing I want  
9 to talk about is Number F on the agenda,  
10 January 2013 Commission meeting. The  
11 January 2013 Commission meeting is scheduled  
12 for -- I have a tab in your book for the  
13 third Monday of the month, which is the  
14 21st, which is Martin Luther King day. The  
15 staff will be off. If I'm not mistaken,  
16 that's inauguration day, too. The staff  
17 will be off that day. So we need to try to  
18 reschedule that meeting for that month at  
19 any time that you guys see fit.

20 MR. POTEET:

21 Does anybody have any  
22 comments on that?

23 (No response.)

24 MR. POTEET:

25 I would prefer the 28th.

1 Does anybody prefer the 14th?  
2 The 14th is tough, because we can't get all  
3 of our stuff done.

4 MR. DUPLESSIS:

5 Well, we also have to have a  
6 Legislative meeting probably in the month of  
7 January.

8 MR. POTEET:

9 Before that?

10 MR. DUPLESSIS:

11 It would probably be best in  
12 order so we can start shaping up a couple of  
13 the issues that I think might be laborious.

14 MR. POTEET:

15 Do you want to set the 14th  
16 for that or the 7th?

17 MR. DUPLESSIS:

18 I can't do it on the 14th,  
19 but I can do it on the 10th, which is  
20 the Thursday. If we could turn it in to  
21 them on the 28th, that would give us plenty  
22 of time to produce a work document.

23 MR. POTEET:

24 Is everybody okay with those  
25 dates, the Legislative meeting and, as

1 always, Ron and Derek, and I'll try to be  
2 there, but any Commissioner can be at that  
3 meeting.

4 MS. BARON:  
5 What time?

6 MR. DUPLESSIS:  
7 You know, I say we do it at  
8 10 o'clock.

9 MR. TURNER:  
10 Here?

11 MR. DUPLESSIS:  
12 No. We're going to do it at  
13 the Archives building. That's probably my  
14 thought.

15 MR. BREWER:  
16 That's going to be on the  
17 10th, you said?

18 MR. DUPLESSIS:  
19 On the 10th.

20 MR. BREWER:  
21 What time?

22 MR. POTEET:  
23 10:00 a.m.

24 MR. DUPLESSIS:  
25 This is in order to invite

1 every licensee and any industry concern such  
2 as SEADRA or anyone that would have an  
3 industry concern about the legislation.

4 MR. BREWER:

5 That's where we had the  
6 meeting before, isn't it?

7 MR. DUPLESSIS:

8 It is.

9 MR. BREWER:

10 What street is that on?

11 MR. DUPLESSIS:

12 That's on Essen.

13 MR. BREWER:

14 Essen?

15 MR. DUPLESSIS:

16 Yes, Essen right at the  
17 interstate?

18 MR. POTEET:

19 Does anybody have a calendar  
20 for February?

21 Just to -- back to Ron's  
22 earlier motion that we approve, the  
23 effective date of that would be November  
24 30th. That's the anniversary date --

25 MS. BARON:

1 Yes.

2 MR. POTEET:

3 -- of Mr. Parnell's pay  
4 raise, okay.

5 So we're set for Legislative  
6 meeting in the Archives Building on January  
7 10th, which is a Thursday, at 10:00 a.m.,  
8 our next Commissioner -- our January  
9 Commission meeting will be on January 28th.

10 MR. PARNELL:

11 What if we're not able to get

12 --

13 MR. POTEET:

14 Just for the record, somebody  
15 asked, the next meeting is December 17th,  
16 right?

17 MS. BARON:

18 Yes. That is correct.

19 MR. TURNER:

20 Just for the record the 17th  
21 is my birthday.

22 MR. POTEET:

23 Now, the Executive Director's  
24 report.

25 MR. PARNELL:

1           The first item is review of  
2 complaint totals. If you turn with me, the  
3 alleged issue counts, you will find that we  
4 had 100 alleged issues for the month of  
5 October. Twenty-two were non-delivery of  
6 title. Twenty-one were refunds. Those  
7 always tend to work hand in hand. The next  
8 document that you have is the case report.  
9 We have, for the month of October, 76 cases  
10 assigned. Six of those cases were completed  
11 during that month, which means we have 69  
12 cases remaining open that were assigned in  
13 October, total.

14           The next document is the  
15 Department summary report. The total number  
16 of October cases that were closed were 47,  
17 but, as always, I say that we do have some  
18 tickets that have been written and I am  
19 reviewing through those items to determine  
20 whether or not they are worthy come before  
21 the Board or just a simple fine would be  
22 sufficient for those persons. We are trying  
23 to do some different things and I just kind  
24 of mentioned with the Commissioners trying  
25 to do some different things as far as being



1 a little bit more proactive on getting out  
2 there and doing a little bit more in the  
3 field. But that is -- but in the complaint  
4 totals section, No. 2 -- does anyone have  
5 any questions about that portion?

6 (No response.)

7 MR. PARNELL:

8 The next item is the  
9 licensing update. We have been doing very  
10 well this year. We did get a hiccup with  
11 our licensing program, our CAVU program.  
12 Well, we kind of touched on it earlier.  
13 Persons were getting declined. At this  
14 point, we think we've worked through that  
15 situation. We have been informed that we  
16 haven't been receiving any more declines  
17 since they have done the hot fix, is what  
18 they call it, to our system. But we're  
19 still working on getting a report from them  
20 that can kind of show us exactly who did not  
21 pay as of yet. What we've been doing is  
22 calling those persons and asking them to go  
23 ahead and send in payment for us. It may be  
24 a situation whereas once we identify those  
25 persons, all of them, they may be able to go

1 back into the system and do it online, but  
2 we're still trying to work that out to make  
3 sure if that works that way. One person, it  
4 did work that way for, but we don't know if  
5 it's going to allow us to do that for  
6 everyone.

7           So that's pretty much the --  
8 but our licensing, we're currently -- today  
9 is November 19th and as of Friday, the  
10 persons in our office, they were working on,  
11 like, November 11th. So we're not behind by  
12 no stretch of the imagination on what we've  
13 received in, but, of course, typically we  
14 will get another influx of applications  
15 toward the end of December, actually. We'll  
16 probably get a large -- within the next 30  
17 days, I would say we would have a large  
18 number of applicants trying to apply,  
19 because we're getting closer to the December  
20 31st expiration date. But where we are  
21 right now, I think we're doing the two year  
22 licensing and adding additional staff. I  
23 think we've placed ourselves in a very good  
24 position moving forward and I'm really  
25 satisfied with where we are.

1 MR. POTEET:

2 I haven't heard any  
3 complaints, yet.

4 MR. PARNELL:

5 Not yet.

6 MR. POTEET:

7 Usually, the last couple of  
8 weeks of the year.

9 MR. PARNELL:

10 It is early.

11 MR. POTEET:

12 I think -- this two year  
13 licensing has been, you know, really  
14 successful, I think. And as far as I know,  
15 I haven't heard anybody complain about it,  
16 any dealers.

17 MR. PARNELL:

18 And maybe in the future, we  
19 can potentially look at doing salesmen over  
20 a two year time frame, which would be in  
21 line with the license itself, but I didn't  
22 want to get into that, because usually their  
23 turnover ratio is pretty high right now, but  
24 we can let it go like this maybe a year or  
25 two just to see how things are going and

1 look into that at a later date.

2 MR. POTEET:

3 I would like to see us get to  
4 our next two year renewal, and then that  
5 would be the first time that the guys, like  
6 -- I think you had a two year license last  
7 year.

8 MR. BREWER:

9 We have a two year license.

10 MR. POTEET:

11 Yes. I would like to see how  
12 we get through the next one, and then maybe  
13 after that --

14 MS. BARON:

15 Have any of Commissioners  
16 submitted applications or anything that you  
17 haven't gotten licenses for yet?

18 MR. POTEET:

19 We only have one salesman at  
20 the auction, but that was -- it was quick.

21 MR. TURNER:

22 Yes. I would say my salesmen  
23 got theirs within 10 days.

24 MR. POTEET:

25 Yes, sir.

1 MS. BARON:

2 You're all taken care of?

3 MR. TAYLOR:

4 Yes. Compared to last year  
5 -- this year versus last year, the people  
6 that were -- I came on November 1st last  
7 year. I came right in the middle of all of  
8 that, whatever, but, anyway, long story  
9 short, nobody is beating my doors down this  
10 year. I haven't heard the phone calls.

11 MS. BARON:

12 And you people are having to  
13 renew everything up in that area.

14 MR. TAYLOR:

15 Nobody complaining about not  
16 being able to get in touch with you guys  
17 this year. I think we hit on that in  
18 Executive Session. And nobody is  
19 complaining, whining at my doorstep, right  
20 now.

21 MS. BARON:

22 Great.

23 MR. TAYLOR:

24 Right now.

25 MR. PARNELL:

1                   That's one thing I did stress  
2 with staff was that I didn't want -- I  
3 wanted -- if the dealer that has  
4 information, all of the information in, no  
5 more than 14 days before they have their  
6 license. So I think they've been doing a  
7 great job in doing that, making sure that's  
8 done.

9                   MR. POTEET:

10                   If you can get a 14-day  
11 turnaround, that's excellent.

12                   MR. TURNER:

13                   The only people that are  
14 going to complain are the ones that send  
15 their stuff in on December 25th.

16                   MR. BREWER:

17                   Incomplete.

18                   MR. PARNELL:

19                   Or just an application with  
20 nothing else.

21                   MR. POTEET:

22                   Anything else for Derek here?

23                   (No response.)

24                   MR. POTEET:

25                   All right. The next thing on

1 our agenda is the discussion of the 2013  
2 legislative session. Ron.

3 MR. DUPLESSIS:

4 I guess the big issue is  
5 going to be the rent-to-own. I think we're  
6 kind of worn out on this. And I'm clueless  
7 how -- other than getting with the New Car  
8 Commission and studying. Robert, Derek,  
9 what we're truly experiencing that they  
10 transfer to the New Car Commission for the  
11 leasing aspect, but it's still truly on a  
12 rent-to-own contract and the significance of  
13 that, if you're a leasing company, you've  
14 got to buy the car, register it, and then  
15 your qualities of repossession are on a much  
16 higher level. You've either got to go  
17 judicial or quick take in your contract and  
18 leasing is more complicated. But we've got  
19 -- we kind of got worn out last year in the  
20 Legislature by the -- by SEADRA,  
21 particularly. I think they're the one who's  
22 there. We did make a good grass roots  
23 efforts from the dealers, but they're not --  
24 they are not skilled lobbyists. We can't  
25 lobby as Commissioners or as legal counsel

1 or yourself. You can't lobby.

2           So we have to figure out how  
3 we're going to try and bring this to an end.  
4 The easy way is declaratory judgment, and  
5 then that doesn't stop legislation. So I  
6 think it's a very complicated deal. We've  
7 spent a lot of time in the Commission on  
8 something that I don't think really has any  
9 impact to us other than getting our dealers  
10 licensed. But, Sheri, I would welcome  
11 anything. Robert.

12           The only other thing I think  
13 we need to do is review our rules. We need  
14 to clean up some rules and make sure that we  
15 have a rule in place that says we need to  
16 pursue a case even if there's a civil  
17 action. That has nothing to do with us. We  
18 are actually the liaison between civil and  
19 criminal and we're the investigative body.  
20 We're obligated to review those issues. But  
21 maybe some rules clean up, review those. I  
22 can't think of many other issues, but that's  
23 why we have the meeting and all the  
24 Commissioners should pitch in and look at  
25 the items early, because we're only going to



1 have one more meeting before we have to set  
2 the agenda for this legislative meeting with  
3 the open dealers. Then, we have to play  
4 defense as well.

5           So I will open it up to  
6 y'all. Defense was most important last year  
7 to keep our Commission running and we also  
8 have to play defense on the SEADRA issue,  
9 which we kind of won, because they didn't  
10 succeed in getting legislation passed, and  
11 then -- now, we have the dealers with  
12 reasonable insurance. So we won that one.  
13 We went into overtime.

14           MR. POTEET:

15           Do you think that SEADRA is  
16 going to come in with something that's going  
17 to -- I mean, I guess I'm asking you to look  
18 into a crystal ball. What do you think  
19 they're going to do?

20           MR. DUPLESSIS:

21           If you are looking at  
22 legislation, follow the money. And there's  
23 so much money at the end for SEADRA and  
24 there's so much money for the dealers with  
25 Lloyds of London. You know, there are two

1 pots of gold and they're at opposite ends of  
2 the spectrum. I think there's no doubt that  
3 SEADRA is planning to put forth some  
4 legislation. I will be honest with you, I  
5 don't know much tighter they can get.  
6 Sheri, I'm clueless. They were already  
7 mandated to kind of a semi-monopoly, because  
8 nobody else is in it. So I don't know how  
9 they're going to approach it and tighten the  
10 legislation up.

11 MR. POTEET:

12 I don't know what else they  
13 can do. Keep fighting.

14 MR. BREWER:

15 They're laying low, right  
16 now.

17 MR. POTEET:

18 That's exactly the  
19 terminology I used. They're laying in wait.

20 MR. DUPLESSIS:

21 I think both sides are going  
22 to be looking to pursue this issue to the  
23 middle. And I also think the New Car  
24 Commission is going to have an issue with  
25 it. So, you know, I think between the two

1 agencies that we need -- we were mandated  
2 anyway to review each others legislative  
3 agenda and have a meeting, and I think at  
4 some point in time, we need to kind of look  
5 at those issues, which serves the people of  
6 Louisiana and the dealers of Louisiana best.

7 MR. POTEET:

8 I think that we're going to  
9 be -- that's -- Ron is right. We're going  
10 to be in a position this year. The main  
11 thing is, we're really pushing it forward,  
12 but we're going to -- something is going to  
13 happen and we've got to be ready for it.  
14 Unfortunately, I think SEADRA is going to be  
15 the one that we're going to be fighting with  
16 somewhere, somehow, some way.

17 MR. DUPLESSIS:

18 Yes. Gentlemen, any issues  
19 out there that, you know, kind of -- that  
20 you see that we have to bring forward?

21 MR. HALLACK:

22 Well, Derek and I talked  
23 about a couple of cleanup measures, some  
24 things that have surprised Derek that have  
25 been the way they've been since the

1 inception of the Commission. I can't recall  
2 all of them off the top of my head. One of  
3 the things that we've talked about a lot  
4 lately is, do we actually license  
5 rent-to-own, because the definition is a  
6 little sketchy, and so we've talked about  
7 putting that -- making sure that that's  
8 clearly in our law and giving it a rock  
9 solid definition, so we don't butt heads  
10 with the New Car Commission. But it's  
11 something that everybody is happy with, you  
12 know. So that's one of the things that  
13 we've talked about doing.

14 Right now, I can't think of  
15 anything else. Mr. Taylor had brought up  
16 the fact that -- and Sheri had brought this  
17 up, too, that once the Commission makes the  
18 decision that it's not enforceable until 30  
19 days runs, which makes a big difference in a  
20 case where they may not appeal it and we're  
21 just stopped at enforcing for 30 days.  
22 Sheri said that she's aware of some other  
23 agencies that their law provides that it's  
24 enforceable the minute it's signed.

25 MS. MORRIS:

1                   Well, the Administrative  
2 Procedures Act provides that you can't get a  
3 stay of an administrative decision without a  
4 court hearing. You can't get an ex-parte  
5 stay. That implies that it's not stayed.  
6 The law says it's not stayed and the only  
7 way you can get a stay is by a hearing  
8 before a court, but your law is different.

9                   Everybody that falls under --  
10 that's for Title 37, but y'all are in Title  
11 32, and then you have your own standard. It  
12 looks like instead of your decision being  
13 appealable for 30 days, it's like it doesn't  
14 exist for 30 days until the appeal delay  
15 runs. Whereas, the other is, it's  
16 enforceable unless you get a stay.

17                   So you can have an appeal  
18 that goes on for two years or whatever, but  
19 that person might have been suspended,  
20 fined. It's still flexible. It's still --  
21 they can't operate; whereas, yours allows  
22 them to keep operating. So it kind of gives  
23 them an incentive to file that appeal to get  
24 the stay even if they maybe don't have a  
25 good chance and they don't have a good --

1 what I see from it is, they don't have a  
2 good incentive to try to settle with you.  
3 Whereas, the other boards, when you don't  
4 have a stay, they want to continue to  
5 operate the business. They're in a better  
6 position to get compliance from the  
7 licensee. Whereas, you all are not. They  
8 continue to operate and they continue to  
9 violate the same provisions, it looks like.

10 MR. HALLACK:

11 Yes. Our law specifically  
12 says it's not enforceable.

13 MS. MORRIS:

14 Right. It's not -- that's in  
15 your law, but that's not what the other  
16 licensing boards -- most of the licensing  
17 boards are under Title 37 and it says if  
18 it's a Title 37 matter that you have to have  
19 a court hearing. You have to have a -- you  
20 can't have an ex-parte stay.

21 MR. POTEET:

22 So in other words, Title 36  
23 could still change our --

24 MS. MORRIS:

25 You would have to change your

1 statue to adopt the same provision, but it's  
2 in the administrative code. So I think it's  
3 a real good incentive for the dealers to get  
4 into compliance, where the other work that I  
5 see with the dealer coming and saying, okay,  
6 what do I need to do? We settle more of the  
7 appeals. Like, well, if you do this and we  
8 can come audit that, then, we'll do this.  
9 Whereas, it seems like y'all have a higher  
10 number of appeals, and then have -- once  
11 it's appealed, there's really no incentive  
12 for the dealer to settle. Instead of  
13 settling, they appeal it to the district  
14 court, and then they go to the Court of  
15 Appeal, and then all of this time, they're  
16 continuing to operate and they're continuing  
17 to have the same bad practice sometimes.

18 MR. HALLACK:

19 Well, Value Import, we did  
20 revoke his license and we levied a fine.  
21 They did not ask for a stay. So we went  
22 ahead and enforced it. And we got the  
23 \$20,000 from the bond and he is still  
24 revoked, although he is still on appeal.  
25 Now, A-1, they did request a stay. So

1 that's why we can't go against A-1's bond  
2 right now. We didn't revoke his license,  
3 but that's why we can't go against his bond.

4 MR. POTEET:

5 Would that be the stop gap  
6 measure, to revoke their license? I mean,  
7 if we revoke their license --

8 MR. DUPLESSIS:

9 They would still appeal.

10 MR. HALLACK:

11 They would still appeal.

12 MR. TURNER:

13 But they can't operate.

14 MR. POTEET:

15 But they can't operate if we  
16 revoke their license.

17 MR. HALLACK:

18 No. At one time, the  
19 Commission had a policy that a license had  
20 been revoked, that we make every effort to  
21 fight the stay, because that's serious when  
22 somebody's license has been revoked.  
23 Whereas, if it was a fine, okay, we'll let  
24 the stay go. It's just a fine. If they won  
25 on appeal, you know, it would just be



1 meaningless if we had not collected the  
2 money, you know. But revocation is serious  
3 and that we've always had a policy of  
4 fighting a stay where there was revocation.

5 MR. POTEET:

6 I guess this is -- obviously,  
7 it's a priority that we try to get that  
8 language cleaned up or get that -- you know,  
9 so we can operate. I think that's -- you  
10 know, we're talking about our credibility  
11 and I think that's our credibility, when we  
12 do something to somebody, you know, and then  
13 they just go out the next day and they're  
14 still operating. It's like, well, what did  
15 you really do to them? How are you  
16 protecting us? Other dealers and our  
17 consumers.

18 MR. HALLACK:

19 Yes. I know that Derek has  
20 gotten calls, I saw so and so at the  
21 auction, I thought y'all had revoked his  
22 license.

23 MR. DUPLESSIS:

24 Well, the other thing we can  
25 do is bring in other agencies if Cheryl

1 comes on. Normally, we have violations of  
2 temp tags, which is the Department of Motor  
3 Vehicle, and that's State Police as well.  
4 So they can be brought in and there are some  
5 other things that we can go further on. We  
6 don't have to renew their license if it  
7 comes with another appeal.

8 MS. MORRIS:

9 Well, that's another thing.  
10 One of the other licensing boards that I  
11 work with on their legislation, I think --  
12 and I don't see that it really exists in the  
13 licensing laws, if somebody owes you a fine  
14 and they don't pay, do you have clear  
15 authority not to renew their license. Now,  
16 we say, you have to -- we have a practice of  
17 saying, in order to renew your license, you  
18 have to pay this fine plus the fee, but do  
19 we have clear authority to do that if  
20 somebody sends us just -- when they send us  
21 just the renewal fee and everything for the  
22 renewal and not the fine. And so I think  
23 that that's something that should be  
24 clarified. Why should you be able to get a  
25 new license when you have an outstanding

1 fine? It doesn't really make sense, but I  
2 think it's kind of one of those things --  
3 you know, this state is looking at a lot of  
4 uncollectible accounts that we have and we  
5 probably could put in some measures to do  
6 better collection if you know that, you  
7 know, we give you 30 days to pay the fine,  
8 but you didn't pay in 30 days, but you're  
9 licensing at some point. Can we revoke --  
10 the question I was researching is can we  
11 revoke somebody's license for nonpayment of  
12 a fine after a certain time period? Well,  
13 some boards won't reissue the license, but I  
14 don't really see that that's what the  
15 statute says anywhere. But I think that  
16 that's -- why should you be able to come  
17 with your insurance policy, your fee, and  
18 continue to go on. So that might be  
19 something that --

20 MR. POTEET:

21 I would agree. That would be  
22 something to add in. But I would also say  
23 that when somebody comes -- if you've got a  
24 fine and you come in to our Commission to  
25 get a new license, if you've got a history

1 -- the fine was there for a reason.

2 MR. HALLACK:

3 But our statute provides that  
4 we can deny a license based on previous  
5 violations.

6 MR. POTEET:

7 Right. So it may not be fact  
8 that you haven't paid your fine, but you got  
9 the fine for a reason. It's not -- we  
10 didn't fine you, because --

11 MS. MORRIS:

12 But you would have to have a  
13 hearing to show that they're in violation of  
14 the order.

15 MR. HALLACK:

16 Well --

17 MS. MORRIS:

18 Whereas, it seems like the  
19 statute should say that if there's an  
20 outstanding account --

21 MR. POTEET:

22 Yes. It would be better if  
23 you had all of that. We can frame that to  
24 one bill. That needs to be what happens  
25 along with everybody else. So I think we

1 need to have some teeth in some of these  
2 things that we're doing.

3 MR. HALLACK:

4 We really need some teeth  
5 with regard to curbstoning. You know, it's  
6 a criminal violation under our statute, but  
7 the criminal violation is nothing, just  
8 absolutely nothing. I know that the -- I  
9 wanted to get the fine bumped up to \$5,000  
10 under the black market sales. I don't know  
11 if we got that accomplished last session or  
12 not, but I think we need to bump up the  
13 criminal penalties for it, too, you know,  
14 where a person is operating as a dealer  
15 without a license. I think that's one of  
16 our biggest problems and trying to find some  
17 teeth in that, we've got to do some type of  
18 criminal sanctions for that.

19 MR. DUPLESSIS:

20 We can't.

21 MS. MORRIS:

22 You have to refer it to the  
23 DA.

24 MR. DUPLESSIS:

25 You have to refer it to -- I

1 guess State Police or local authority.

2 MR. HALLACK:

3 But it's in our statute.

4 MS. MORRIS:

5 We still don't have criminal  
6 authority.

7 MR. DUPLESSIS:

8 We can't levy a criminal  
9 fine.

10 MS. MORRIS:

11 It's law enforcement.

12 MR. HALLACK:

13 Right. All of those have to  
14 go to law enforcement, but what I'm saying  
15 is, it's not in our statutes.

16 MR. POTEET:

17 You mean a stronger fine?

18 MR. HALLACK:

19 We need to make it better,  
20 because when you have people that are  
21 operating as used car dealers without a  
22 license, they're running chop shops.  
23 They're doing all kind of other illegal  
24 activity and -- Derek, you remember the guy  
25 from around Hammond. The State Police had

1 him on a number of things and he was running  
2 a dealership without a license.

3 MR. DUPLESSIS:

4 Now, we have authority over  
5 him.

6 MR. HALLACK:

7 Well, sure we do.

8 MR. DUPLESSIS:

9 We have authority over him on  
10 that. We can issue a civil fine, but it's  
11 up to another team to do the criminal stuff.  
12 We passed a pretty good one last year,  
13 except, you know, the curbstoning is just --  
14 I've written it every which way I can  
15 and it failed miserably in passing, because  
16 the landowners get into their rights and  
17 that's an issue and we ran into an abandoned  
18 K-Mart, I want to say in north Louisiana,  
19 that threatened to file suit on us and ran  
20 Ronnie off and all sort of stuff. I mean,  
21 I'll review the curbstoning thing, again.

22 MR. HALLACK:

23 What if you passed a law, and  
24 maybe not under our statute, but where you  
25 had to identify the car as a private sale as

1    opposed to -- and then, you would have  
2    dealers lying about whether it's a private  
3    sale or not.  So if you curbstone a vehicle  
4    that you had to identify as a private sale  
5    somewhere on it -- because, that's the  
6    hardest part for our investigators.  They  
7    see a car in K-Mart's parking lot, but, you  
8    know, whether it belongs to somebody that's  
9    an individual or somebody that's pretending  
10   to be a dealer, it's hard for them to  
11   determine.

12           MR. DUPLESSIS:

13                    What came up last year, if  
14   the guy is selling his widow's car, that's  
15   one sale of the year, he's not past five and  
16   you tow it, you know, you really come up  
17   with a lot of -- and then, you know, you try  
18   to find him and all that, then you just get  
19   a lot of bad press.  There's just not a  
20   clear way to do it.  We looked at the  
21   Maryland law, which I thought was the best  
22   one.  Then, there's one in Arizona --

23           MR. HALLACK:

24                    Virginia.

25           MR. DUPLESSIS:



1 Virginia, I'm sorry. It  
2 wasn't Maryland. It was Virginia. And, I  
3 mean, it's a tough one, because you just  
4 have municipalities involved. You have  
5 local police involved. You have landowners.  
6 You've got -- it's not a clear shot. I  
7 enjoy stuff like that.

8 MR. HALLACK:

9 It's a challenge.

10 MR. POTEET:

11 I think one of the hardest  
12 things of curbstoning is -- I had one of my  
13 customers a while back was complaining about  
14 a curbstoner and he brought me some pictures  
15 and I sent Stacy -- I mean, I didn't send  
16 her, I called Derek and he sent Stacy out  
17 there and there was nothing there. I mean,  
18 you know, they're there one day, they're  
19 gone the next, and they don't leave a  
20 forwarding address either.

21 MR. TURNER:

22 They shuffle their cars  
23 around. They shuffle them from one location  
24 to another. They've got, like, three or  
25 four cell phones numbers they use. The only

1 way it got stopped by the K-Mart by me was,  
2 the owner of the property finally got  
3 complaints from the merchants, because it  
4 was like a bizarre on the weekend. They had  
5 boats out there all the time and all kinds  
6 of stuff. So they finally complained. He  
7 put up signs and contracted with a towing  
8 company to tow the cars.

9 MR. POTEET:

10 We can't, because that's his  
11 property.

12 MR. TURNER:

13 Right. So once he did that,  
14 it stopped, because he would have the cars  
15 towed and whoever the car belonged to had to  
16 go pay the big tow bills, stupid money to  
17 get your car back.

18 MR. POTEET:

19 Well, I agree with Ron. I  
20 think it's a challenge. We need to see if  
21 we can come up with something to deal with  
22 it.

23 MR. DUPLESSIS:

24 Can y'all help?

25 MS. BERTRAND:

1                   We'll try. We get a lot of  
2 complaints about it.

3                   MR. DUPLESSIS:

4                   If we had y'all's help --  
5 and, you know, basically, you can get a lot  
6 of legislation passed on this fine stuff.  
7 The story bodes well, look, I've got to get  
8 my driver's license and I've got an  
9 outstanding ticket. Number one, they will  
10 put me in jail and put a fine on my driver's  
11 license. You can pass that, because it  
12 sells well. The curbstoning is a different  
13 deal. So if you guys could come, we would  
14 have collaboration with the association and  
15 y'all testify, then that makes our road a  
16 little bit easier. And we're going to get  
17 bombarded with questions. You've got to go  
18 stand there and face the questions and  
19 clinch your lips and kind of say what your  
20 position is and they've got to understand it  
21 at the end of the day to pass it out of the  
22 first committee.

23                   MR. HALLACK:

24                   I think if you make the  
25 people identify who is selling the car,

1 display it some way, just identify who  
2 you are and why you're -- who is selling  
3 this vehicle, you know. In the state of  
4 Virginia, they did a survey and they found  
5 as high as 20 percent of all cars were sold  
6 by curbstoning, people pretending to be  
7 dealers, 20 percent.

8 MR. DUPLESSIS:

9 True black marketers in that  
10 state and that's how that legislation got  
11 coined. It's truly sad.

12 MR. BREWER:

13 The sad part about it, if an  
14 individual sells to another individual,  
15 there's no tax, or let's say a boat or  
16 an airplane or anything like that in  
17 the state of Louisiana. But if a dealer  
18 sells that same boat, they have to pay tax  
19 on it. So, I mean, it seems kind of unfair.

20 MR. TAYLOR:

21 We can write and get  
22 everything put in there as much as we want  
23 to, but if we don't have the people to  
24 enforce this, which -- you know, which we  
25 were talking about earlier, it's --

1 MR. DUPLESSIS:

2 It's moot.

3 MR. TAYLOR:

4 It is. And, evidently, we  
5 don't the problems up north that y'all are  
6 having down here, because I don't hear my  
7 dealers -- maybe it's a population deal,  
8 too. We're not near as populated as y'all  
9 are down here. If we can enforce something  
10 like that, you know, if these people are  
11 identified --

12 MR. POTEET:

13 That's one thing I ask our  
14 dealers all the time when they complain  
15 about it. It's always a general complaint.  
16 I shouldn't say always. It's usually a  
17 general complaint and I say, well, you know,  
18 tell me where the person is and I know  
19 exactly who is doing it, so tell me. Well,  
20 you know, I don't want to -- I had one guy,  
21 I do business with him. Well, then quit  
22 complaining. There's got to be something  
23 that the dealers have to get behind and  
24 enforce. So I think it's a matter of  
25 enforcement, but, you know, I think the more

1 we do with that -- this is one of the --  
2 probably, the number one thing I hear from  
3 car dealers about what they want enforced is  
4 curbstoning. I don't know if that's just  
5 because it's the easiest thing to come to  
6 their minds, but most dealers will tell you  
7 that curbstoning is at least a problem. It  
8 may not be a major problem, but it's a  
9 problem. So we'll work on that a little  
10 bit. But I think that the LIADA has to be -- like  
11 Ron said, you've got to be willing to come  
12 up and testify and talk about all of the bad  
13 things that curbstoning does, not just for  
14 dealers, but for consumers, too. If  
15 somebody sells you a bad car, where are you  
16 going to go?

17 MR. TAYLOR:

18 The LIADA wouldn't take a  
19 stand a couple of years ago against SEADRA  
20 and that might be something else, too. If  
21 you have somebody representing car dealers  
22 that would take -- just have an opinion when  
23 it comes to that time, it might could help,  
24 also, you know.

25 MR. HALLACK:

1                   And what's crazy about  
2 that is, if you pass favorable legislation,  
3 that just opens up a huge market. You know,  
4 if you're a used motor vehicle dealer, what  
5 would keep you from doing rent-to-own if the  
6 insurance was readily available to you?

7                   MR. POTEET:

8                   In this state, it seems like  
9 everybody would want to do it.

10                  MR. HALLACK:

11                  Anybody that does buy here,  
12 pay here would have to do it. It wouldn't  
13 make sense to do buy here, pay here if that  
14 was an option available to you.

15                  MR. POTEET:

16                  Okay. Anything else?

17                  Yes, ma'am.

18                  MS. BARON:

19                  Ms. Morris just made me aware  
20 that the Ethics Board is requiring everyone  
21 to take a one hour training on ethics and  
22 y'all are included. She's going to give me  
23 the information. Somehow, we got left off  
24 the list. She's going to give me the  
25 information before she leaves and I'm going

1 to contact the Ethics Committee or the  
2 Ethics Board or whatever and find out what  
3 we need to do. So just be watching your  
4 e-mails for ethics training. That will be  
5 the subject line. So y'all be sure to do  
6 that, because it has to be done before  
7 December 31st. And, somehow, we got left  
8 off the list. She's going to give us --

9 MR. TAYLOR:

10 Webinar?

11 MS. BARON:

12 I'm sorry?

13 MR. TAYLOR:

14 Webinar?

15 MS. MORRIS:

16 They have Webinars on their  
17 website, but it covers all public employees.  
18 So that's everybody that's employed in this  
19 office. And all the -- the definition of  
20 public employees includes those appointed --  
21 anyone appointed by an elected official  
22 whether they are compensated or not. And  
23 then, the Ethics Board has issued an  
24 interpretation that it covers contractors,  
25 which would include your auditors,



1 accountants and lawyers.

2                   So it's a one-hour training  
3 and it's going to be required every year.  
4 2012 is the first year that these type of  
5 boards were in there. They've phased in  
6 school boards and municipalities over last  
7 several years, but I think -- I've just been  
8 mentioning it to all of my clients and some  
9 of them knew about it and some of them  
10 didn't and some of them thought the  
11 employees had to go and not the  
12 appointments. Some of them the appointed  
13 official are not the employees. So it's  
14 pretty expansive and there are penalties for  
15 not doing it. It's one hour on the website  
16 is the easiest way. There's also a schedule  
17 on the website of the remaining classes  
18 through the end of the year, but probably  
19 not in convenient locations.

20                   MR. POTEET:

21                   You're going to send it to  
22 us?

23                   MS. BARON:

24                   Yes, I will.

25                   MR. BREWER:

1                   We have to come Baton Rouge,  
2 I'm sure, for this, huh?

3                   MS. BARON:

4                   We could do it online.

5                   MR. BREWER:

6                   So you can do it online?

7                   MS. BARON:

8                   Yes.

9                   MS. MORRIS:

10                   You can do it online and you  
11 can print a certificate to show that you've  
12 done it. I don't know if y'all -- some of  
13 the agencies are requiring everybody to file  
14 a certificate fill, so that they can --

15                   MS. BARON:

16                   We would need a copy of the  
17 certificate.

18                   MS. MORRIS:

19                   Some of them are just doing  
20 it on the honor system. You have to print a  
21 certificate at the end of it.

22                   MR. POTEET:

23                   Motion to adjourn?

24                   MR. BREWER:

25                   I make a motion that we

1 adjourn.

2 MR. TURNER:

3 Second.

4

5 (Meeting adjourned at 11:01.)

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## 1 REPORTER'S CERTIFICATE

2  
3 I, BETTY D. GLISSMAN, Certified  
4 Court Reporter, Certificate No. 86150, in  
5 and for the State of Louisiana, do hereby  
6 certify that the Louisiana Used Motor  
7 Vehicle Commission November 19, 2012 meeting  
8 was reported by me in the stenotype  
9 reporting method, was prepared and  
10 transcribed by me or under my personal  
11 direction and supervision, and is a true and  
12 correct transcript to the best of my ability  
13 and understanding.

14 This November 27, 2012, Baton  
15 Rouge, Louisiana.

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23 \_\_\_\_\_  
24 BETTY D. GLISSMAN, CCR  
25 CERTIFIED COURT REPORTER