

STATE OF LOUISIANA

**OFFICE OF
STATE INSPECTOR GENERAL**



**LOUISIANA RECREATIONAL
AND USED MOTOR VEHICLES COMMISSION**

Date Released:

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File No. 1-08-0021

STATE OF LOUISIANA
OFFICE OF
STATE INSPECTOR GENERAL



LOUISIANA RECREATIONAL AND USED
MOTOR VEHICLE COMMISSION

Stephen B. Street, Jr.
State Inspector General

A handwritten signature in black ink, appearing to be "Bobby Jindal", is written over a horizontal line.

Approved by:
Governor Bobby Jindal

June 23, 2009

File No. 1-08-0021

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BOBBY JINDAL
GOVERNOR



STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

June 23, 2009

Honorable Bobby Jindal
Governor of the State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Re: Case No. 1-08-0021

Dear Governor Jindal:

This report addresses concerns raised about whether employees of the Louisiana Recreational and Used Motor Vehicle Commission were actually working the number of hours for which they were receiving compensation; issues concerning appropriate levels of supervision being exercised; improper use of state vehicles; improper enforcement of Commission laws; and the use of unauthorized badges by Commission investigators. The report includes eleven recommendations that, if implemented, would increase the efficiency and effectiveness of the Commission.

We provided drafts of the report to the chairman, executive director, and several members of the commission, the investigators' supervisor, and six Commission investigators named in the report. Their written responses are included as Appendix A. The executive director submitted voluminous exhibits with his response which are also included for any necessary review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen B. Street, Jr.", written over a printed name and title.

Stephen B. Street, Jr.
State Inspector General

SBS/tab

Enclosure

Executive Summary

The Office of Inspector General received credible information that investigators employed by the Louisiana Recreational and Used Motor Vehicle Commission (the Commission) were submitting timesheets to support compensation for work that was not actually performed. It was also alleged that Commission supervisors responsible for overseeing the investigators' activities neglected their duties, which enabled the investigators to be paid for services not rendered.

Surveillance conducted to observe the investigators' activities revealed that they performed less Commission related work than was reported on their timesheets. During the days of surveillance, six investigators submitted timesheets for 225 hours of work. Some investigators never left home on those days; others worked at a garage sale, performed yard work, shopped, waited for school buses, had personal vehicles inspected, and drove children to and from school. A comparison of surveillance results with timesheets indicates that the investigators performed 111.5 hours of work, thereby leaving 113.5 hours of work compensated but not performed. An investigator who died and three others who appeared to be performing their jobs acceptably are not included in the numbers above.

Commission employees responsible for managing the investigators failed to properly supervise their subordinates or review their work product to ensure that the compensation received was commensurate with the services provided. Investigators submit weekly reports which detail the work they perform to justify payment for an eight hour day. In some cases, the only entries during the day were a few phone calls made from the investigators' homes. Their immediate supervisor only reviews these reports every four to five months. Jack Torrance, the Executive Director of the Commission, was cited by the Office of Inspector General and the Louisiana Board of Ethics for failing to properly supervise an employee in 2001.

Commission investigators are issued state vehicles to assist in the performance of their work duties. The vehicles contain no markings, emblems, or public license plates to identify them as state vehicles. A representative of the Governor's office advised the Commission that state law requires the vehicles to be properly marked as state vehicles. Mr. Torrance was made aware of the requirement but took no action to comply with the law. His failure to act may incur a penalty of up to \$50 per day per violation.

Our investigation also revealed that investigators regularly tend to personal errands in their state issued vehicles, an apparent violation of Commission policy prohibiting the personal use of state vehicles.

An additional finding involved the enforcement of curb stoning violations. Curb stoning is the practice by which licensed car dealers display vehicles for sale in unapproved locations. Some Commission investigators incorrectly apply the enforcement of curb stoning laws to private citizens who display vehicles for sale on private property. The investigators threaten private citizens with enforcement action if they do not remove their vehicles from sites where they are legally

allowed to be. They do so to protect licensed dealers from the competition created by private citizens selling privately owned vehicles.

Finally, Commission investigators carry badges similar to those used by the Louisiana State Police, which are made in the shape of the State of Louisiana. Louisiana Revised Statute 40:1376 provides for the use of such badges by only a few, specifically enumerated agencies. The Commission is not one of those agencies.

Background

The Louisiana Recreational and Used Motor Vehicles Commission was originally created by the 1984 Louisiana Legislature as the Louisiana Used Motor Vehicle and Parts Commission. The Commission is entirely funded through licensing fees and fines collected from persons and companies licensed by the Commission to sell used cars and trucks, new and used motorcycles, new and used trailers, and new and used motor homes. The Commission also is responsible for regulating auto dismantlers, parts recyclers, all terrain vehicle dealers, buses, marine dealers and dealers of marine products, and motor vehicle crushing companies.

Commission investigators are domiciled throughout the state and are allowed to perform a portion of their assigned duties from their homes. They are responsible for conducting routine lot inspections on all regulated licensees to ensure compliance with laws, rules and regulations of the Commission, as well as laws, rules and regulations of the Department of Motor Vehicles. The investigators are also tasked with investigating, mediating and resolving complaints filed by consumers of the regulated products.

Scope and Methodology

We conducted our investigation in accordance with Principles and Standards for Offices of Inspector General as promulgated by the Association of Inspectors General.

We began our investigation after receiving credible allegations of impropriety on the part of Commission investigators and their superiors. The scope of the investigation was limited to the investigators' activities during the period in which random surveillance was conducted between August 2008 and April 2009.

The investigation consisted of reviewing:

- Time and attendance records
- Vehicle mileage logs
- Weekly work reports
- Personnel records
- Phone records
- Surveillance reports

We also conducted interviews with Commission employees and management, and other individuals as necessary.

Commission Investigators' Work Hours

Surveillance performed to observe the activities of Commission investigators showed that a majority of the investigators worked less than 50% of the time they claimed on timesheets submitted for payment. Between August 2008 and April 2009, the Commission employed eleven compliance investigators. According to the investigators' job description, their duties include:

- patrolling their assigned areas to detect violations of Commission regulations;
- investigating consumer complaints against regulated licensees;
- investigating cases of odometer tampering;
- conducting lot inspections and sales tax audits at licensees' business locations;
- inspecting vehicles, boats, motors, motor homes, buses, trailers, and recreational vehicles to ensure compliance with Commission rules;
- conducting physical inspections of licensees' places of business to ensure compliance with Commission and industry laws;
- preparing investigative reports;
- issuing violation tickets and serving subpoenas;
- appearing at commission meetings and hearings; and
- communicating relevant Commission information to the public.

After receiving credible information that Commission investigators were not working the amount of time claimed on their timesheets, we conducted intermittent surveillance over a total of 45 random days. Surveillance indicated that certain investigators performed significantly less field work than the number of hours claimed on their timesheets.

<u>Investigator</u>	<u>Hours Reported</u>	<u>Credited Work Hours</u>	<u>Difference</u>	<u>Hourly Rate</u>	<u>Total Overpayment</u>
Bertrand, Alex	48	23.75	24.25	19.49	472.64
Davis, Gary	56	34.25	21.75	16.86	366.71
Freeman, Donald	32	14	18	17.37	312.66
Freeman, Sharon	32	13	19	15.92	302.48
Horton, Johnny	32	19	13	17.32	225.16
Monk, Ray	25	7.5	17.5	18.35	321.13
TOTAL:	225	111.5	113.5		\$2,000.76

Over the 45 days, ten investigators recorded 303 hours of work time and 58 hours of leave time. Seven investigators claimed more time on their timesheets than they actually worked. Robert Helmka, the Commission investigator from the northwest corner of Louisiana, resigned and died before our investigation was completed. For the remaining six investigators, we were able to identify 111.5 hours in which work was performed, leaving a difference of 113.5 hours. The

hours worked include any observed time that could be construed as business related and an allowance of one hour per day for work performed from home. Based upon each investigator's rate of pay, the value of the 113.5 unsubstantiated hours amounts to \$2,001.

Commission investigators were observed working at a garage sale; performing yard work; shopping; waiting for school buses; having personal vehicles inspected; and driving children to and from school. Below is a summary of findings for each investigator during the period of surveillance.

Alex Bertrand

Alex Bertrand is the investigator for the southwestern part of the State of Louisiana. During the days of physical and electronic surveillance, Mr. Bertrand reported on his timesheets that he worked 48 hours. The times he was observed engaging in work related activities and the one hour per day credited for work from home amounted to 23.75 hours. The value of the remaining 24.25 hours, based upon Mr. Bertrand's rate of pay, amounts to \$473.

Surveillance of Mr. Bertrand began on a day when he departed his home in Crowley, LA at approximately 11:15 AM. He drove his state vehicle at speeds in excess of 100 miles per hour on Interstate 10 between Crowley and Sulphur, LA. He stopped for eight minutes at a business in Sulphur and drove back past Crowley to Carencro, LA where he drove through a used car lot that appeared to be abandoned. He later stopped at a used car lot in Ville Platte, LA where he spoke with someone for approximately ten minutes. He then drove back to Crowley and shopped at two grocery stores before returning to his residence.

Mr. Bertrand recorded on his work report that the stops he made in Sulphur and Ville Platte were to perform physical inspections of new dealer applicants. Mr. Bertrand completed three visits in approximately 19 minutes, excluding travel time. The actual time between his departure from and his return to Crowley was 4.5 hours, but he claimed eight hours on his timesheet.

On four subsequent days of electronic surveillance, Mr. Bertrand departed his home in his state vehicle for 3.5, 4.5, 2.5, and 1.25 hours and claimed to have worked full eight hour days. Many of the stops that he made during those days had no clear public purpose, including a day when the only trip he made was to a Mexican restaurant in Crowley, a day that he recorded no vehicle mileage. We allowed 2.5 hours of compensable time on that day to account for the remote possibility that the lunch was business related. It appears that Mr. Bertrand submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed.

Between January 2008 and March 2009, Mr. Bertrand reported 299 days of travel on his weekly work sheets and vehicle mileage logs. On 102 of

those days, or 34% of the total, he reported travel only to Crowley. He could provide no explanation as to why he spent such a disproportionate amount of time in his own town instead of being in other parts of his eight assigned parishes and the three parishes he often covers for another investigator.

Mr. Bertrand stated to us that he spends twenty of the forty hours in a week doing paperwork and administrative duties from his home. His supervisor, Mr. Hulin, stated that investigators should spend no more than eight hours per week working from their homes. Mr. Bertrand was unable to provide a reasonable explanation of the public purpose he achieves by working so many hours from home.

Mr. Bertrand stated that he produces one page reports to document the resolution of his cases. On May 6, 2009, he was asked to provide copies of the reports from his five most recent cases; he provided reports from six cases. The first was dated January 13, 2009 and the last was dated March 25, 2009. None of the reports filled an entire page.

Mr. Bertrand's actions may have violated Louisiana law.¹

Gary Davis

Gary Davis is the Commission investigator for East Baton Rouge, Livingston and West Feliciana Parishes. During the period of surveillance, he reported on his timesheets that he worked 56 hours. The times he was observed performing a public function and the one hour per day credited for work from home amounted to 34.25 hours. The value of the remaining 21.75 hours, based upon Mr. Davis' rate of pay, amounts to \$367.

Surveillance was performed to observe Mr. Davis' activities over seven random days. During those days, Mr. Davis departed his home in his state issued vehicle between 9:00 AM and 11:30 AM each day. The latest he returned home was 3:00 PM. Mr. Davis stated that he works from his home computer and makes phone calls when he is at home.

On December 29, 2008, Mr. Davis reported on his weekly work report that he visited K&K Auto Sales, Crown Auto Sales, Medallion Imports, and

¹ **LSA-R.S. 14:133. Filing or Maintaining False Public Records.** Filing false public records is the filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, any of the following: (1) Any forged document. (2) Any wrongfully altered document. (3) Any document containing a false statement or false representation of a material fact.

LSA-R.S. 14:138. Public Payroll Fraud. Public Payroll Fraud is committed when (1) Any person shall knowingly receive any payment or compensation, or knowingly permit his name to be carried on any employment list or payroll for any payment or compensation from the state, for services not actually rendered by himself, or for services grossly inadequate for the payment or compensation received or to be received according to such employment list or payroll; or (2) Any public officer or public employee shall carry, cause to be carried, or permit to be carried, directly or indirectly, upon the employment list or payroll of his office, the name of any person as employee, or shall pay any employee, with knowledge that such employee is receiving payment or compensation for services not actually rendered by said employee or for services grossly inadequate for such payment or compensation.

Foreign Car Sales. His vehicle log for that day also reported a trip to Watson where K&K is located. At no time during the entire day of surveillance was Mr. Davis observed at any of these locations. A "New Dealer Inspection Form" completed for K&K Auto Sales claims that an inspection was done on December 24, 2008, but Mr. Davis' vehicle log for that day does not mention a trip to Watson.

According to Mr. Davis, he documents his site visits on the work reports but does not record the phone calls that he makes. On December 29, 2008, he claimed and received compensation for eight hours of work.

On December 30, 2008, Mr. Davis was observed taking two personal vehicles to a state inspection station to be inspected. He was wearing his Commission insignia shirt while at the inspection station. Mr. Davis spent 1.75 hours having the vehicles inspected and tending to other personal business that day. He began what appeared to be work-related activities at 11:25 AM and had returned to his residence by 3:00 PM. He claimed and received compensation for eight hours that day.

On February 20, 2009, Mr. Davis departed his residence at approximately 9:00 AM, performed what appeared to be work-related activities until 12:00 PM, at which time he departed his office and drove his state vehicle to an automotive repair facility for an oil change. He left the state vehicle there and was driven to his residence by an employee of the facility. He remained at his residence until 4:00 PM, at which time he returned to the repair shop, retrieved the state vehicle, and drove it back to his residence. He claimed and received compensation for eight hours that day.

Mr. Davis was also observed on other days of surveillance doing yard work outside his house, driving his state vehicle to Livingston Parish to pick up children from school, and doing other personal errands. Mr. Davis did not record a trip to Livingston Parish on the day he picked the children up at school. It appears that Mr. Davis submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed.

West Feliciana Parish is one of the three parishes within Mr. Davis' assigned territory. Between December 2007 and March 2009, he recorded no travel or site visits there.

Mr. Davis' actions may have violated Louisiana law.¹

Donald Freeman

Donald Freeman is the Commission investigator assigned to St. John, St. James, Assumption, Lower St. Martin, St. Mary, Terrebonne, Lafourche, St. Charles, Lower Jefferson, Tangipahoa below Interstate 12, and until very recently, Plaquemines Parishes. He resides in Ponchatoula, LA with his wife, Sharon, who is also a Commission investigator. During four random days of surveillance, Mr. Freeman reported on his timesheets that he worked 32 hours. The time he was observed engaged in work-

related activities and the one hour per day credited for work from home amounted to 14 hours. The value of the remaining 18 hours, based upon his rate of pay, amounts to \$313.

According to Mr. Freeman's vehicle logs and work reports, he traveled on work-related business on 231 days between March 2008 and March 2009. On 140 of those days, or 61% of the total, Mr. Freeman's only destination within his assigned territory was Ponchatoula. As a result, his only travel to the other ten parishes in his territory occurred over the remaining 91 travel days.

Many of the travel days to areas outside his territory were to attend vehicle auctions with his wife in her territory. Between January 2008 and April 2009, Mr. Freeman and his wife separately recorded 892 identical contacts with car dealers on the same days. When asked about the reasonableness of such a practice, Mr. Freeman stated that such an inquiry was "micromanaging" him.

On other days, Mr. Freeman claimed to have worked eight hours but recorded as few as seven phone calls on his work report, with no travel. When asked whether those few phone calls required eight hours to complete, Mr. Freeman refused to answer. He later explained that his job is like that of a fireman, in that he is allowed to sit home and "monitor" his state provided mobile phone and fax machine. It appears that Mr. Freeman submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed.



Mr. Freeman, after four years of employment with the Commission, attributed the discrepancies between his timesheets and his observed activities to a lack of training. He stated that no one ever informed him to

work eight hours per day and that he did not know it was wrong to claim eight hours on his time sheet when he did not actually work eight hours.

Mr. Freeman's actions may have violated Louisiana law.¹

Sharon Freeman

Sharon Freeman is the Commission investigator assigned to East Feliciana, St. Helena, Washington, and St. Tammany Parishes, and Tangipahoa Parish north of Interstate 12. She resides in Ponchatoula, LA with her husband, Donald, who is also an investigator with the Commission.

During four random days of surveillance, Ms. Freeman reported on her timesheets that she worked 32 hours. The times she was observed engaged in work-related activities and the one hour per day credited for work from home amounted to 13 hours. The value of the remaining 19 hours, based upon her rate of pay, amounts to \$302.

On March 26, 2009, Ms. Freeman departed her residence in her state issued vehicle wearing a Black Sabbath T-Shirt, pants rolled up to her shins, and flip flops. She claimed on her weekly work report that she made three phone calls and a site visit at a car dealership in Hammond that day. However, the only places she visited that day were Blockbuster Video, Wendy's, and Winn Dixie. When confronted with this information, Ms. Freeman initially stated that she went to the dealership in Hammond to see if the wind had knocked down its sign. She eventually admitted that she did not perform a site visit as claimed on her work report.

Ms. Freeman's excuse for the false entry on her weekly work report and her timesheet is that the Commission does not assign her enough work to fill up an entire day. She also claimed that she was instructed not to drive her vehicle unnecessarily in order to lower fuel costs.

Ms. Freeman stated that a portion of her day is spent at home on the telephone tending to Commission related business. According to the detailed bills of her state issued cell phone, 34 calls were made to and from her phone during the four days of surveillance. Of those 34 calls, 21 were to or from her husband, 7 appeared to be work related, and 6 were clearly personal in nature. The seven work related calls over four days totaled only 19 minutes. It appears that Ms. Freeman submitted timesheets and work reports in support of her claim for compensation which contained false representations of the amount of work actually performed.



Ms. Freeman's actions may have violated Louisiana law.¹

Robert Helmka

Robert Helmka was a former Commission investigator assigned to the northwestern part of Louisiana. He resigned his position in March 2009 and died on April 8, 2009. Due to his death, our investigative findings related to his activities are not included in this report.

Johnny Horton

Johnny Horton is the Commission investigator assigned to the west, central part of the State of Louisiana. He has been employed with the Commission since 1999. Prior to that, he was as an appointed member of the Commission for more than six years.

During the period of surveillance, Mr. Horton was compensated for six days, or 48 hours of work; he properly claimed leave time on two of the days. Based upon his statements and results of the surveillance, Mr. Horton was credited with working 19 hours during this period, including a one hour per day credit for tasks performed from home. The value of the remaining 13 hours, calculated with Mr. Horton's rate of pay, amounts to \$225.

Direct and electronic surveillance was employed to observe Mr. Horton's activities. During an interview with OIG investigators, Mr. Horton stated that once he departs his residence at approximately 8:00 AM, he is at work. Since he does not stop for lunch, his workdays end at approximately 3:00 PM when he returns home.

On the first day that Mr. Horton's activities were observed, he assisted his neighbor with a garage sale, visited a local hardware store, drove to his

fishing camp, and returned home at 1:30 PM. He appeared to perform work related duties for two hours that day by conducting a site visit and delivering an application for a dealer's license. However, he claimed and received compensation for a full eight hour day.



When confronted with the fact that his activities had been monitored during the entire day, Mr. Horton stated that since he did not have a watch, he thought he returned home at 3:00 PM instead of 1:30 PM. He also stated that he drove his personal vehicle to obtain change for the garage sale and to conduct a site visit at the Lowe's in Leesville. Mr. Horton did not record a visit to Lowe's on his weekly work report and surveillance does not support a site visit there either.

On another day of direct surveillance, Mr. Horton reported on his work sheet that he conducted a site visit at the Tractor Supply Company in DeRidder, LA. He passed by the Tractor Supply Company on his way to Stine Lumber Company where he shopped in the nursery, but he did not stop at the Tractor Supply Company. It appears that Mr. Horton submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed.

It should also be noted that electronic surveillance recorded Mr. Horton's state issued vehicle being driven at 93 miles per hour.

Mr. Horton's actions may have violated Louisiana law.¹

Ray Monk

Ray Monk is the Commission investigator for Upper Jefferson, Orleans, St. Bernard, and now Plaquemines Parishes. He has been with the Commission since 2005. During three random days of surveillance, Mr. Monk reported on his timesheets that he worked 25 hours. Based upon his statements and observed activities, Mr. Monk was credited with 7.5 hours of work time, which includes one hour per day for work performed

from home. The value of the remaining 17.5 hours, based upon his rate of pay, amounts to \$321.

During the three days of surveillance, Mr. Monk was observed away from his home tending to Commission related business only once. He departed his home twice to drive his child to school and once to shop at a Sears store. His state issued vehicle was parked at his residence the remainder of the time.



On the first day of surveillance, Mr. Monk departed his home at 10:51 AM and drove to a Sears store near his home where he shopped for a short time before returning home at 11:21 AM. He remained home until 1:50 PM, at which time he drove to the east side of New Orleans. He stopped at what appeared to be a small junk yard for four minutes before returning directly to his own neighborhood. He reported working nine hours that day, which included an hour of overtime.

On the other two surveillance days, Mr. Monk departed his residence at approximately 8:00 AM in his state vehicle to drive his child to school. After driving the child to school, he returned home and stayed there for the remainder of the day. During an interview with OIG investigators, Mr. Monk stated that he did not know the Commission had a policy prohibiting the use of state vehicles for personal reasons and did not know there was a problem in doing so.

On the final two days of surveillance, Mr. Monk did not appear outside his residence by 3:00 PM after driving the child to school. He reported nine completed phone calls and no travel on one of the days. The work report for the final day listed four phone calls and a trip to the eastern side of New Orleans, which he claimed occurred after 3:00 PM, when surveillance was terminated. Mr. Monk was unable to provide an explanation as to how so few phone calls and site visits could justify his claim to be compensated for two complete eight hour days. Neither could he provide sufficient work product to support his claim for compensation. It appears that Mr. Monk submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed.

Mr. Monk's actions may have violated Louisiana law.¹

Mr. Torrance responded to the investigators' claims of not being suitably trained or explained their job duties by stating, "That is a lie." Mr. Torrance stated that each employee is advised of his or her job expectations upon being hired. He also stated that he never authorized or instructed investigators to stay at home if they had no other assigned work to complete. When gasoline prices increased, he modified a rule to allow investigators to perform physical inspections of new license applicants within three days instead of one. This was to allow the investigators to conveniently schedule inspections around routine patrols instead of making special trips to the applicants' locations.

Surveillance was also performed on three other investigators, June Powell, Montie Wisenor, and Ronnie Wisenor. These individuals either appeared to be providing services commensurate with the compensation they received or provided suitable explanations for their observed activities. Further surveillance was not conducted due to a lack of resources needed to sustain protracted surveillance activities throughout a geographical area that includes the entire State of Louisiana.

Failure to Properly Supervise Employees

In 2001, the Office of Inspector General issued a report which found that Jack Torrance, the Executive Director of the Commission, failed to properly supervise a subordinate and to ensure that the subordinate worked the amount of time for which he received compensation. He was also cited by the Louisiana Board of Ethics for violating La. R.S. 42:1161F in that he failed to act when he was aware that the same employee was receiving compensation for work not actually performed. The statute requires that an agency head “constantly screen all employees under his supervision to ascertain that such employees are needed to perform the work of the agency.” The agency head is then required to take the necessary steps to reduce the number of employees to a sufficient number proportionate to the level of work. Similar to the present situation, it appears that Mr. Torrance and Larry Hulin failed to ensure that their subordinates performed the necessary work of the Commission, which allowed the subordinates to receive compensation for work not actually performed.

Commission investigators submit weekly work reports which purport to describe the tasks they perform during any given day. The purpose of the work reports is to provide documentation necessary to support the investigators’ claims for compensation.

Each investigator submits their reports to June Powell, another Commission investigator, who stores them at her home. Ms. Powell performs no supervisory function, does not review the reports, and does not approve timesheets. She receives the reports, punches holes in them, and files them in the appropriate folder. The investigators’ supervisor, Mr. Larry Hulin, does not contemporaneously review the reports to ensure that the amount of work performed is commensurate with the pay received. Mr. Hulin stated that he only reviews the weekly work reports every four or five months. At that time, he compares the reports with the vehicle logs. If no apparent conflicts exist, he accepts the timesheets as correct.

Every investigator completes the work reports in a different manner. When asked to explain the reports, Mr. Hulin was unable to determine the meaning and veracity of many entries because there is no uniform method for recording the information contained therein. In some cases, the investigators who originally entered the information could not decipher the meaning of their own reports. Mr. Hulin admitted that the logs are ineffective in conveying the true nature of his subordinates’ activities due to the disparate means employed by each investigator to record the information.

It appears that Mr. Hulin makes insufficient effort to ensure that his employees perform the work that they are assigned or expected to perform. He stated that he does not follow up with complainants to verify that investigators satisfactorily address complaints. He does not show up in an investigator’s territory to confirm that the investigator is where he is supposed to be and doing what he is supposed to be doing. He does not observe the investigators’ activities to properly assess their competency.

Mr. Hulin stated that the investigators should require no more than eight hours per week to perform administrative and report writing requirements inside their homes. Mr. Hulin explained that investigators are required to remotely update cases on the Commission's computer system. According to Mr. Hulin, not every investigator complies with this requirement, thereby reducing the amount of time an investigator would need to work from home.

Even while exercising minimal supervision, Mr. Hulin completes an annual performance appraisal on each of the ten investigators that he supervises. He rated nine investigators as "Outstanding," the highest rating possible in the most recent reviews obtained. Only one investigator was rated at the next lower level, that of "Exceeds Requirements." Mr. Hulin also received a rating of "Outstanding" on his own performance appraisal.

Mr. Hulin's and Mr. Torrance's actions may have violated Louisiana law.²

² **LSA-R.S. 42:1161F. Screening of employees.** Every agency head shall constantly screen all employees under his supervision to ascertain that such employees are needed to perform the work of the agency and shall promptly take the necessary steps to reduce the number of the employees of the agency to a sufficient or satisfactory number required. Knowingly having one or more employees on the payroll who are not rendering service for which they are being paid or having one or more employees on the payroll that violate the provisions of R.S. 42:1119 shall subject the agency head, a public employee having the authority to hire and fire the employee, and the immediate supervisor of the employee, as well as such employee, to the disciplinary action and penalties provided by this Chapter.

LSA-R.S. 14:134. Malfeasance in Office. Malfeasance in office is committed when any public officer or public employee shall: (1) Intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee; or (2) Intentionally perform any such duty in an unlawful manner; or (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.

Improper Use of State Vehicles

The Commission has failed to properly identify its fleet vehicles as being property of the State of Louisiana and to limit the personal use of state vehicles by investigators.

Failure to Properly Mark State Vehicles

Louisiana Revised Statute 49:121 requires that any vehicle belonging to the state or any political subdivision of the state have a public license plate and the name of the agency “conspicuously” displayed. The name of the Commission is not “inscribed, painted, decaled, or stenciled” on the Commission’s vehicles as required by law. They do not bear public license plates either.

Exempt from the requirements of LSA-R.S. 49:121 are vehicles used in “crime prevention and detection and similar investigative work, which if identified as required by this Section could not be used effectively for such purposes.” According to the Commission’s attorney, the Commission investigators do not use their state vehicles in the investigation or detection of criminal offenses, for surveillance, and do not use them in an undercover capacity.

Ms. Joan Hudson, an appointed commissioner, asked for guidance from the Louisiana Director of Intergovernmental Affairs on whether the Commission’s vehicles should bear public markings. On November 14, 2008, Mr. Luke Letlow informed Ms. Hudson that the Commission’s vehicles should have public plates and visible markings to identify them as public vehicles. Jack Torrance was informed of Mr. Letlow’s decision but refused to mark the vehicles to bring them into compliance with state law.

Ms. Hudson purchased official Commission decals to attach to the agency’s public vehicles. Mr. Torrance confirmed to us his possession of the decals and his knowledge of Mr. Letlow’s letter. He stated that he would attach the decals if the commissioners voted to do so. He also provided a letter that he wrote to the Chairman of the Commission’s Personnel and Equipment Committee. In the letter, he asserted his desire for unmarked cars by citing a need to “monitor curb stoners and other illegal activities” and a desire to be “less intrusive to the dealers and the customers” at car dealerships.

Contradictory to Mr. Torrance’s claims, we observed the investigators wearing badges and apparel which identify them as Commission investigators when working in public. The investigators also stated that they conduct much of their curb stoning monitoring over the phone and that they have not used a state vehicle to conduct surveillance activities in more than two years. Therefore, the grounds that Mr. Torrance relies upon to justify the unmarked state vehicles are not supported in law or fact.

The statute provides that “the head of any department or board” who allows employees to operate state vehicles not marked in accordance with the statute,

“shall be guilty of a violation.” Each day that a state vehicle is found to be in violation of this statute is considered to be a separate offense with a fine of not less than \$25 or more than \$50 per violation.

Personal Use of State Vehicles

Commission Policy and Procedure #60 provides guidance on the use of state vehicles by Commission employees. It specifically states, “State vehicles cannot be used at any time for personal use.” During days that surveillance was performed on Commission investigators, the vehicles were observed being used for purposes that were obviously personal in nature. Such purposes include driving children to school, shopping at grocery stores, hardware stores, home improvement stores, sports stores, and movie and game rental stores. State vehicles were also used for personal errands on days when the investigators were observed performing no other work-related business.

Several Commission investigators informed us that they had never been made aware of the existence of the policy prohibiting the use of state vehicles for personal reasons. Mr. Torrance disagreed with that assertion.

Improper Enforcement of Curb Stoning Laws

Commission investigators are misapplying curb stoning laws intended to regulate licensed dealers. Curb stoning is an unlawful practice committed by licensed car dealers who display vehicles for sale from locations other than those allowed by their licenses. Commission investigators are responsible for the enforcement of curb stoning in the State of Louisiana. The Commission receives complaints of curb stoning and the investigators are expected to detect curb stoners during their routine patrols. Monetary fines may be imposed by the Commission for curb stoning violations.

Interviews with certain Commission investigators revealed that they regularly apply curb stoning enforcement efforts to private citizens who offer privately owned vehicles for sale within the public view. They threaten these citizens with citations and fines if they do not remove the vehicles from public view. The investigators also take it upon themselves to warn private landowners of potential liability associated with car buyers being injured on their property while looking at cars for sale there. Mr. Torrance confirmed that curb stoning laws only apply to licensed dealers.

One investigator stated that he forced a nursing home resident to remove two personal vehicles placed for sale in front of the nursing home because a local car dealer complained about it. Another investigator routinely and incorrectly warns local businesses that allowing privately owned vehicles to be sold from their property violates the law.

These investigators admitted that their actions are to protect the interests of licensed car dealers who they are expected to regulate. The investigators could cite nothing in the law which prohibits private individuals from selling vehicles within the public view but explained that their intent is to reduce the competition created for the licensed dealers.

Mr. Torrance stated that he has received numerous complaints from legislators concerning the inappropriate application of curb stoning laws to private citizens. He also stated that he has repeatedly instructed the investigators on how to properly enforce to curb stoning violations but not all have complied with his directions.

Unauthorized Badges

Commission investigators carry and wear gold badges made in the same shape and design as those worn by the Louisiana State Police. Louisiana Revised Statute 40:1376(F) restricts the use of such badges by law enforcement agencies to employees of the Department of Public Safety and Corrections, the Department of Justice, the Department of Wildlife and Fisheries, and state commissioned law enforcement officers within the Department of Agriculture, the Department of Environmental Quality, and the Louisiana Legislature.

The use of badges by Commission investigators that are so similar in appearance to those used by the Louisiana State Police and other specifically allowed agencies appears to be a violation of Louisiana Revised Statute 40:1376.



Recommendations:

1. The investigators' work reports are inadequate to determine whether the investigators perform sufficient work to justify being compensated for a full day. We found that each investigator uses a different method to complete the reports and that their supervisor did not know how to interpret entries made on the reports. One standard form should be provided to the investigators so their work reports can be uniform in appearance and form.
2. Larry Hulin, the investigators' supervisor, reviews weekly work reports no more than once every four months. His supervisor, Jack Torrance, did not ensure that Mr. Hulin was sufficiently performing his duties either. Such inattention to duty and failure to supervise subordinates contributed to an institutional breakdown of control which allowed Commission investigators to be compensated for work not actually performed. The Commission should require that supervisors do what is necessary to ensure that subordinates actually perform the work required of them and work the number of hours for which they receive compensation.
3. In 2001, Jack Torrance was cited by the Office of Inspector General and the Louisiana Board of Ethics for allowing an employee to be compensated for work not performed. The Commission should consider taking appropriate disciplinary action, up to and including termination, against Mr. Torrance and Larry Hulin for what appears to be a very similar neglect of supervisory duties and the possible violation of state law.
4. Commission investigators are allowed to work schedules that vary from day to day, which makes it impossible to know the actual work times that they claim as compensable. The Commission should require that employees without set schedules record the beginning and ending times of their workdays in order to ensure greater accountability in the reporting of time and attendance.
5. It appears that Alex Bertrand, Gary Davis, Donald Freeman, Sharon Freeman, Johnny Horton, and Ray Monk submitted false documents to support claims for compensation for work not actually performed or for services grossly inadequate for the compensation received. The Commission should consider taking appropriate disciplinary action, up to and including termination, against Mr. Bertrand, Mr. Davis, Mr. Freeman, Ms. Freeman, Mr. Horton, and Mr. Monk for what appear to be violations of state law.
6. The Commission should seek restitution from Alex Bertrand, Gary Davis, Donald Freeman, Sharon Freeman, Johnny Horton, and Ray Monk for the compensation they received for work that was not performed on the surveillance days.
7. Certain Commission investigators claimed that they were unaware of their job duties and Commission rules because they had never seen their job

description or the Commission's Policy and Procedures Manual. Each Commission employee should immediately be provided a copy of his or her job description and the Policy and Procedures Manual. Providing each employee with such documents and requiring a signature to acknowledge receipt will ensure awareness of expected behavior and accountability for failure to adhere to the requirements.

8. Louisiana Revised Statute 49:121 requires that state vehicles be identified as property of the State of Louisiana unless such vehicles are used for "crime prevention and detection and similar investigative work, which if identified as required by this Section could not be used effectively for such purposes". The Commission was specifically advised by the Louisiana Office of Governmental Affairs in November 2008 of its duty to comply with the law. The Commission's vehicles have remained unmarked since then but should be brought into compliance with State law to avoid the continued accrual of fines for failing to do so.
9. Two Commission investigators, Alex Bertrand and Johnny Horton, were observed through direct and electronic surveillance operating their state issued vehicles at speeds approaching and exceeding 100 miles per hour. The Commission should take appropriate disciplinary action against these two employees, up to and including termination, to ensure that such unlawful and dangerous behavior is discontinued.
10. We found that Commission investigators regularly misapply the law which prohibits curb stoning in that they threaten private citizens with legal action for displaying vehicles for sale to the public. The Commission should immediately educate its investigators in the proper definition, detection, enforcement, and prosecution of curb stoning. Appropriate disciplinary action should be taken against investigators who fail to properly enforce and apply the curb stoning law.
11. Commission investigators carry and display badges of the same design as those used by the Louisiana State Police. The Commission is not an agency authorized under Louisiana Revised Statute 40:1376 to use badges designed in such a manner. The Commission should immediately recall the State Police type badges that are currently in use.

APPENDIX A

Responses



BOBBY JINDAL
GOVERNOR

State of Louisiana

JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

OFFICE OF THE GOVERNOR

Recreational and Used Motor Vehicle Commission

June 19, 2009

VIA HAND DELIVERY

Stephen B. Street, State Inspector General
150 Third Street, Third Floor
Baton Rouge, Louisiana

RE: Response to June 5, 2009 Confidential Draft Report

Dear General Street:

This correspondence is in response to the Confidential Draft Report concerning the Louisiana Recreational and Used Motor Vehicle Commission ("Commission") which was presented on June 5, 2009. The Commission's response to this report is limited by the Commission's ability to discuss the confidential report. Attached to this correspondence as Exhibit "A" is information which Commissioner Eugene Smith requested to be attached to this response.

The Commission's agenda for its June 16, 2009 meeting included a discussion regarding the report to be held in executive session for the purposes of preparing an appropriate response to the report. Prior to the Commission meeting, I received e-mail correspondence from Jack Torrance objecting to any discussion of the draft report in an executive session and indicating that he intended to institute legal action against the Commission if the report was discussed in executive session, which is attached as Exhibit "B." Under the circumstances the Commission did not discuss the draft report in executive session; however, Commission members in attendance were provided a copy of the report and requested to keep the report confidential.

Twelve of the fourteen current Commission members were appointed by Governor Bobby Jindal on or about May 9, 2008. The current Commission has consistently endeavored to review and revise policies and procedures to improve the operations of the Commission. All Commission investigators and supervisors responsible for overseeing the investigators' activities, with the exception of Executive Director Jack Torrance, are classified civil servants who attained permanent status prior to May 9, 2008.

As a result of Senate Bill 175 (2009), the Commission will become the Used Motor Vehicle Commission which will no longer regulate recreational vehicles. Senate Bill 175, which was delivered to Governor Jindal on June 18, 2009, will become effective upon the earlier of Governor Jindal's signature on Senate Bill 175 or August 15, 2009. The Used Motor Vehicle Commission will consist of ten members. Only seven of the current Commission members are qualified to serve on the Used Motor Vehicle Commission.

Due to the anticipated change in the Commission and the decrease in the number of dealers and salesmen which will be regulated by the Used Motor Vehicle Commission, on June 16, 2009 the Commission adopted the enclosed resolution appointing a Transition Committee to "revise procedures, act as the appointing authority, revise the job descriptions for office staff and territories for investigative staff, revise the budget for the fiscal year 2009-2010, approve contracts, transition pending matters related to recreational products to the Motor Vehicle Commission and take such other actions may necessary for the operation of the Used Commission pending the appointment of individuals to the three (3) vacant positions." The resolution is attached as Exhibit "C."

The Transition Committee is scheduled to meet on June 25, 2009. Having reviewed the recommendations of your office, the Transition Committee will begin work on the following:

1. Reviewing policies relative to the use of Commission vehicles for possible clarification and revision;
2. Establishing regular work hours for all Commission employees and to notify all Commission employees of the regular work hours;
3. Providing each employee of the Commission with a copy of his or her job description and a copy of the Policy and Procedures Manual and obtaining a signed acknowledgement for the receipt of said documents;
4. Preparing information to be posted on the Commission's website and disseminated to all employees regarding enforcement of curb stoning laws; and
5. Reviewing the Commission's records to determine whether disciplinary action should be taken and/or claims for restitution for unearned income should be made.

On June 16, 2009, Jack Torrance advised the Commission that decals had been placed on the Commission's vehicles except the pool vehicle, which will be used for surveillance. Also on June 16, 2009, the Commission directed Mr. Torrance to apply for public license plates for the Commission's vehicles other than the pool vehicle. A court reporter was present at the meeting; however, the transcript of the June 16, 2009 meeting is not yet available.

In my capacity as Chairman, I directed Mr. Torrance to advise all employees possessing badges and/or apparel with insignia similar to State Police badges to immediately discontinue using the badges and/or apparel and to return the badges and/or apparel to the Commission office no later than June 30, 2009.

The Commission and Transition Committee intend to fully cooperate with your office and remain committed to establishing policies which ensure a greater level of accountability for all Commission employees.

Sincerely,

LOUISIANA RECREATIONAL AND USED
MOTOR VEHICLE COMMISSION


By: Addison "Jeff" Hilliard, Chairman

Sheri Morris

From: Sheri Morris
Sent: Friday, June 19, 2009 11:21 AM
To: 'Eugene Smith'
Subject: RE: Response to Inspector General's Report

Per your request, this e-mail correspondence will be attached to the Commission's response.

From: Eugene Smith [mailto:arcadiamayor@bellsouth.net]
Sent: Friday, June 19, 2009 10:03 AM
To: Sheri Morris
Subject: Re: Response to Inspector General's Report

Will you please attach this to your response. Eugene Smith

----- Original Message -----

From: Sheri Morris
To: arcadiamayor@bellsouth.net
Sent: Thursday, June 18, 2009 10:25 PM
Subject: Response to Inspector General's Report

Dear Commissioner Smith:

In light of the information you provided, I reviewed SB 175 to determine whether the current Commission was abolished or whether the name of the agency was changed. Additionally, I reviewed the Digest to determine how the Legislature's staff interpreted SB 175.

The Digest to Senate Bill 175 which provides in pertinent part: "[p]roposed law changes the name of the La. Recreational and Used Motor Vehicle Commission to the La. Used Motor Vehicle Commission" is consistent with the statement in the response.

Certainly Governor Jindal could appoint new Commissioners at any time since the entire Commission serves at the pleasure of the Governor. It will be necessary for Governor Jindal to appoint at least three new used car dealers to the Commission in order to fill the three new positions which will be vacant on the effective date of the bill. Since it usually takes some time for individuals interested in the appointed positions to complete the paperwork and go through the screening process, the three new positions could be vacant for some time.

During that time, it will be necessary to obtain an audit and to transition the recreational dealer records and pending matters to the Motor Vehicle Commission and to make adjustments to the budget necessary due to the anticipated decrease in revenues in addition to other matters which may not be able to wait until the full Commission is seated.

Once the full Commission is seated, the Used Motor Vehicle Commission will be able to make any necessary revisions to actions taken by the former Commission and/or the Transition Committee. The Transition Committee consists of all members of the current commission which are eligible to continue to serve on the Commission.

Since your response is the only one I received regarding the proposed draft, I offer the following options:

- 1.) I can add a sentence to the Commission's response indicating that you wish to provide the attached additional statements in connection with the response and will attach a copy of your June 18, 2009 e-mail; or
- 2.) You can file your own response and I can add a statement indicating that the Commission's response is filed only on behalf of Commissioners who do not file individual responses.

Perhaps you have a suggestion which I did not think of, if so please call me to discuss. Please let me know how you would like for me to proceed, as all responses are due tomorrow. I have a meeting downtown at the courthouse at 10:00 a.m. and was planning on hand delivering the response to the I.G.'s office following my meeting.

Very truly yours,

Sheri M. Morris

Roedel, Parsons, Koch, Blache, Balhoff & McCollister, A L.C.
8440 Jefferson Highway, Suite 301
Baton Rouge, Louisiana 70809-7652
225/929-7033 - Telephone
225/229-0803 - Cell phone
225/928-4925 - Telecopier

ATTENTION: PRIVILEGED AND CONFIDENTIAL, ATTORNEY WORK PRODUCT

This electronic message transmission contains information from the law firm of Roedel, Parsons, Koch, Blache, Balhoff & McCollister that may be confidential or privileged. The information is intended to be for the exclusive use of the individual or entity named above.

If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please delete the message and notify the sender by telephone (225) 929-7033 or by electronic mail immediately.

From: arcadiamayor@bellsouth.net [mailto:arcadiamayor@bellsouth.net]

Sent: Thursday, June 18, 2009 7:40 AM

To: Sheri Morris

Subject:

Sheri,

In response to your e-mail of June 17, 2009 I wish to make the following statements:

- SB175 will create the Used Motor Vehicle Commission and Gov. Jindal will appoint new Commissioners.
- We do not yet know who these Commissioners will be.
- At that time, the new organization will want to organize themselves and make their own rules and regulations--not operate under some hastily made rules made by a Transition Team formed by the present Chairman of the Recreation and Used Motor Vehicle Commission.
- I do not feel that the current Board or Transition Board should dictate to the new Commissioners who will be appointed by the Governor what their duties and responsibilities will be.
- I also feel that the current Chairman of the Board and a small group of Commissioners have, from the time of their appointment, tried to usurp the authority of the Executive Director. No Board is supposed to take over the day to day operations of any Commission.

The thing I would like to know is: Why would a newly formed Commission need the assistance of a Transition Team?
By what authority did the Chairman of the Recreational and Used Motor Vehicle
Commission form a Transition Team?

Let's let the new Commissioners address whatever problems that may exist.

Sincerely,

Eugene Smith
Commissioner

Sheri Morris

From: JeffHilliard@millersrv.com
Sent: Wednesday, June 17, 2009 4:35 PM
To: Sheri Morris
Subject: Fwd: IG's report

Begin forwarded message:

From: "John Torrance" <JTorrance@lrumvc.louisiana.gov>
Date: June 15, 2009 7:52:31 AM CDT
To: <JeffHilliard@millersrv.com>
Subject: RE: IG's report

Jeff,

I do have objections to your discussing the IG's report before the full Board until we have had a chance to respond.

John M. "Jack" Torrance
Executive Director

-----Original Message-----

From: JeffHilliard@millersrv.com [<mailto:JeffHilliard@millersrv.com>]
Sent: Friday, June 12, 2009 2:26 PM
To: John Torrance
Cc: Steve Berry; Kevin Calmes; Joan Hudson; Ron Duplessis; Joey LaMartina; George Floyd; Gayle Materne; John Poteet; Curtis Stewart; Eugene Smith; Tony Stroop; Henry Smith; Phil Snyder; Sherry Morris; Robert Hallack
Subject: IG's report

Dear Jack,

I want to assure you that in no way do I intend to release any information about the IG report to the public. I spoke with the representatives of the IG's office at the meeting asking about disseminating the report to the rest of the commission members. They said it is both understandable and acceptable to discuss the IG report with the full commission in Executive Session. This will keep all information private, but allow the Commission to determine if it needs to submit a response as well.

Please let me know if you still have objections to us discussing the report in this manner.

Sincerely,

Jeff Hilliard

Sheri Morris

From: JeffHilliard@millersrv.com
Sent: Wednesday, June 17, 2009 4:35 PM
To: Sheri Morris
Subject: Fwd: Agenda Item 4
Attachments: Inspector General Law Section 220.25.pdf; ATT00001.htm

Begin forwarded message:

From: "Kim Baron" <kimbaron@lrumvc.louisiana.gov>
Date: June 12, 2009 10:50:54 AM CDT
To: "JeffHilliard@millersrv.com" <jeffhilliard@millersrv.com>
Cc: "Steve Berry" <seboat@hotmail.com>, <Kevin@BIKERU.com>, "Joan" <joan@arboflou.com>, "Ron Duplessis" <ronduplessis@hotmail.com>, "Joey LaMartina" <joeycpa@bellsouth.net>, <Floyd2252003@yahoo.com>, <Materne@TheTransportationRevolution.com>, "John Poteet" <johnpoteet@msn.com>, <curtisstewart@mac.com>, <arcadiamayor@bellsouth.net>, <tony@crosstrailers.com>, <smithsalvageking@aol.com>, "Phil Snyder" <phil@gc-honda.com>
Subject: Agenda Item 4

This email is from Jack Torrance:

Jeff,

I just received a copy of the agenda for Tuesday, June 16, 2009, meeting. I am disappointed that you have listed the "Inspector General's Report" to be discussed. I talked to a lawyer about this and was told that the Inspector General's report is incomplete and, more importantly, confidential. The law gives me until June 19, 2009, to file a response, which will then become a part of the report.

I am advising you that I strongly object to your proposed actions. If you decide to discuss this item anyway, I will take appropriate actions to seek damages.

Perhaps you should take a look at Section 220.25 of the Inspector General's law. I will send you a copy of that law.

Jack Torrance

Kim Baron
Administrative Supervisor 2
3132 Valley Creek Drive
Baton Rouge, LA 70808
(225) 925-3866
(225) 929-7438 - fax
kimbaron@lrumvc.louisiana.gov

1 ~~to~~ M. The inspector general shall do all things necessary to carry out the
2 functions set forth in this Part.

3 §220.25. Confidentiality of certain records

4 Except for the reports of investigations released as provided in R.S.
5 49:220.24(C)(6), the records prepared or obtained by the inspector general in
6 connection with investigations conducted by the inspector general shall be deemed
7 confidential and protected from disclosure pursuant to R.S. 44:3 and 44.5. No
8 privilege established by law shall be deemed waived on any record obtained by the
9 inspector general in connection with the performance of the duties established in this
10 Part. Any record or information obtained by the inspector general which is
11 confidential pursuant to any other provision of law shall remain confidential, and it
12 shall be a misdemeanor punishable by a fine of not more than two thousand dollars
13 or imprisonment for not more than one year, or both, for the inspector general or any
14 of his employees, ~~or any other public official, corporation, or individual,~~ to make
15 public any such information or record. Nothing herein shall be interpreted to prevent
16 public access to public records during the course of an inspector general
17 investigation. The custodian of any public record shall provide that record to any
18 person having the right to examine public records. If the only copy of the public
19 record is in the hands of the inspector general, the custodian of that record shall so
20 certify and the requestor may examine and copy the record at the office of the
21 inspector general.

22 Section 4. R.S. 51:911.26(A)(1) is hereby amended and reenacted to read as follows:

23 §911.26. Louisiana Manufactured Housing Commission

24 A.(1) The Louisiana Manufactured Housing Commission is hereby created
25 ~~within the office of the governor.~~ The commission shall be composed of seven
26 members, with at least one member appointed from each Public Service Commission
27 district, all appointed by the governor with the consent of the Senate as provided in
28 this Section.

29

* * *

RESOLUTION OF
THE LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE COMMISSION

WHEREAS, Senate Bill No. 175 by Senators Michot and Walsworth was approved by the both the Louisiana Senate ("Senate") and by the House of Representatives ("House") and will soon be forwarded to Governor Bobby Jindal for signature;

WHEREAS, in the event Governor Jindal signs Senate Bill No. 175, in accordance with Section 4 of Senate Bill No. 175 the amendments to Chapter 4-C of Part I of Title 32 will become effective upon Governor Jindal's signature;

WHEREAS, upon signature the Louisiana Recreational and Used Motor Vehicle Commission ("Recreational and Used Commission") which is currently composed of fourteen members will become the Louisiana Used Motor Vehicle Commission ("Used Commission") to be composed of ten (10) members of which five (5) members shall be "licensed used motor vehicle dealers, selected from each public service commission district";

WHEREAS, there are currently only two (2) licensed used motor vehicle dealers on the Recreational and Used Commission which will create three (3) vacancies within the ten (10) seats on the Used Commission; and

WHEREAS, upon the creation of the Used Commission there will be a need to provide for a Transition Committee;

WHEREAS, ^{seven} ~~six (6)~~ of the current members of the Recreational and Used Commission will continue to serve as members of the Used Commission;

THEREFORE, BE IT RESOLVED, there shall be created a Transition Committee to be composed of the members of the Recreational and Used Commission who will serve on the Used Commission;

BE IT FURTHER RESOLVED, the Transition Committee shall revise procedures, act as the appointing authority, revise the job descriptions for office staff and territories for investigative staff, revise the budget for the fiscal year 2009-2010, approve contracts, transition pending matters related to recreational products to the Motor Vehicle Commission and take such other actions may necessary for the operation of the Used Commission pending the appointment of individuals to the three (3) vacant positions;

BET IT FURTHER RESOLVED, that the Transition Committee shall at its first meeting elect from among its members a Chair who shall be authorized to execute such documents as necessary for the operation of the Used Motor Vehicle Commission pending the appointment of individuals to the three (3) vacant used car dealer positions; and

BE IT FURTHER RESOLVED, that all previous resolutions delegating authority to carry out the duties of the Commission designated in this Resolution are hereby rescinded.

The foregoing resolution was adopted on the 16 day of June 2009.



Jeff Hilliard, Chairman
Recreational and Used Motor Vehicle Commission

Case No. 1080021

Alex Bertrand

Alex Bertrand is the investigator for the southwestern part of the State of Louisiana. During the days of physical and electronic surveillance, Mr. Bertrand reported on his timesheets that he worked 48 hours. The times he was observed engaged in work related activities and the one hour per day credited for work from home amounted to 23.75 hours. The value of the remaining 24.25 hours, based upon Mr. Bertrand's rate of pay, amounts to \$473.

Do Not Concur: Due to the fact that the information this report does not give in regards to any dates or time for the time sheets your investigators are referring to, it is impossible to give you a answer to your accusations.

Alex W. Bertrand at no time ever was told that he was limited to work only one hour per day at his home office. There are no rule, regulation or policy and procedure from the Louisiana Recreational and Used Motor Vehicle Commission witch limits one (1) hour per day to work from the Compliance Investigators home / office. There are no memo or direct Administrative order directing the Compliance Investigators to work one (1) hour per day from the Compliance Investigators home office.

In July, 2008, Civil Service reclassified the 11 field Investigators to Compliance Investigators. Alex W. Bertrand received the reclassification form from Civil Service indicating the change. The Human Resource section of the Louisiana Recreational and Used Motor Vehicle Commission has never furnished the Compliance Investigators the job description or job duties of the Compliance Investigator. Your office has our personnel files witch can verify what I am saying.

In my past twenty three years of full time service with the State of Louisiana, I have worked out of my home / office. I have never been limited to a one hour per day to do home / office work. Alex W. Bertrand has worked every hour that he put on his time sheets.

Alex W. Bertrand

CONFIDENTIAL DRAFT
This report is not a public document
until issued by the State Inspector General.

Surveillance of Mr. Bertrand began on a day when he departed his home in Crowley, LA at approximately 11:15 AM. He drove his state vehicle at speeds in excess of 100 miles per hour on Interstate 10 between Crowley and Sulphur, LA. He stopped for eight minutes at a business in Sulphur and drove back past Crowley to Carencro where he drove through a used car lot that appeared to be abandoned. He later stopped at a used car lot in Ville Platte where he spoke with someone for approximately ten minutes. He then drove back to Crowley and shopped at two grocery stores before returning to his residence.

2 of 7 page(s)

Mr. Bertrand recorded on his work activity reports that the stops he made in Sulphur and Ville Platte were to perform physical inspections of new dealer applicants. Mr. Bertrand completed three visits in approximately 19 minutes, excluding travel time. The actual time between his departure from and his return to Crowley was 4.5 hours, but he claimed eight hours on his timesheet.

Do Not Concur: Again the date of this surveillance is not given. I found the records for the inspections and complaint I worked on Thursday, March 5, 2009. Completed inspection forms and complaint report #2009-104, were fax and internet service to the Louisiana Recreational and Used Motor Vehicle Commission office for the locations of Big Boys Toys, 2120 E. Napolian St., Sulphur, LA., Jason's Auto Sales, 138 Ira, St., Carencro, LA. And Tezzeno Used Auto Sales, 3047 Opelousas, Rd., Ville Platte, LA. Map Quest indicates that to travel the three locations and return to my office going the legal speed, it takes 4 hours and 21 minutes. Alex W. Bertrand had no traffic violations or accident on Thursday, March 5, 2009. It takes approximately 10 minutes to 30 minutes for a inspection to be conducted if all is in compliance and the dealer has no questions. The used car lot reported abandoned was in fact a complaint that Alex W. Bertrand had address four days earlier an gave a 5 Day Notice of Revocation to the owner for not having a business sign posted or structure to conduct business in. The owner called Thursday, March 5, 2009 in the morning and stated that he had brought his business in compliance by posting his business sign and placing a structure to conduct business. The owner asked if it would be necessary for him to be present for the inspection, because he had other business to conduct that afternoon. I told him he did not have to be present. The business was in compliance and I called the owner when I arrived back at my office to inform him. I went into two grocery stores looking for the Quick Quarter and Dandy Dime magazines which we check for unlicensed dealers who put ad's for sale in them.

The morning hours were worked by calls made and received, forms typed up, checking for work detailed on web site from the Louisiana Recreational & Used Motor Vehicle Commission and CAVU reporting system. Finding directions to travel to new inspection or complaint locations. All of the work area for Alex W. Bertrand is not long distance from his home / office telephone. I use my home / office telephone because the speaker phone feature allows me to write as I speak to the LRUMVC office, Consumers or Dealers. I worked 8 full hours, Thursday, March 5, 2009.

Alex W. Bertrand

On four subsequent days of electronic surveillance, Mr. Bertrand departed his home in his state vehicle for 3.5, 4.5, 2.5, and 1.25 hours and claimed to have worked full eight hour days. Many of the stops that he made during those days had no clear public purpose, including a day when the only trip he made was to a Mexican restaurant in Crowley, a day that he recorded no vehicle mileage. We allowed 2.5 hours of compensable time on that day to account for the remote possibility that the lunch was business related. It appears that Mr. Bertrand submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed.

Do Not Concur: Again these four subsequent days of electronic surveillance do not give any dates for me to locate records to give you a answer. I have never had a lunch period over a hour unless it was business related. On the day I had lunch at the Mexican Restaurant I received information on 4 wheelers being stolen and parts being sold without having a dealer license. Det. Fruge, of the Acadia Parish Sheriffs' Department also contact me on this matter at a later date.

Concur in Part: Apparently, I worked on reports and follow-up on cases on this day. I worked in my home office that day and by mistake did not put the small amount of mileage used to travel to the restaurant and back to my office on my vehicle log that day. There was no intent to deceive anything or anyone it was just human error.



Between January 2008 and March 2009, Mr. Bertrand reported 299 days of travel on his weekly work sheets and vehicle mileage logs. On 102 of those days, or 34% of the total, he reported travel only to Crowley. He could provide no explanation as to why he spent such a disproportionate amount of time in his own town instead of in other parts of his eight assigned parishes and the three parishes he often covers for another investigator.

Do Not Concur: Between, January 2008 and March 2009, I completed 59 Consumer complaints, 109 Physical Inspections, 783 Courtesy visits, 35 Send Back Letter visits, 204 Warning Tickets and the Dealer contact made from the un-license renewal list. This was conducted in my eight assigned parishes and the three parishes for the other investigator you mentioned. All of my parishes were worked thoroughly . No job assignment or call has not been answered. I checked with the Supervisor and Director and no memo or directive was ever given to the limiting work in each parish. All work is finalized in Crowley, LA. home / office. As a Compliance Investigator 3, I have never receive my job description or duties from the Louisiana Recreational Used Motor Vehicle Commission, Human Resource section.

Ally W. Bertrand

Mr. Bertrand stated to us that he spends twenty of the forty hours in a week doing paperwork and administrative duties from his home. His supervisor, Mr. Hulin, stated that investigators should spend no more than eight hours per week working from their homes. Mr. Bertrand was unable to provide a reasonable explanation of the public purpose he achieves by working so many hours from home.

— — —

Do Not Concur: When asked about the amount of time worked from my home/office, I was unsure of the time frame. I have never been given a time frame for home / office work as a Compliance Investigator 3. There is no possible way that a one hour limit to conducting office work per day is possible. All field work, received assignments, assigned complaints, non-assigned complaints, send back letters, physical inspections, audits, un-licensed dealer renewal contact list, daily reports, vehicle log, attendance & leave slip and monthly reports have to be finalized from the home / office. Calls and Fax sent and received for preliminary investigations, follow-up investigations and final reports are conducted from the home/ office. The search for unlicensed dealers thru calls received from informants, CAVU reporting system, advertisement or internet, are conducted at the home / office.

Ally W. Bertrand

Mr. Bertrand stated that he produces one page reports to document the resolution of his cases. He was asked to provide copies of the reports from his five most recent cases; he provided six. The first was dated January 13, 2009 and the last was dated March 25, 2009. None of the reports filled an entire page.

Mr. Bertrand's actions may have violated Louisiana law.

CONFIDENTIAL DRAFT
This report is not a public document

Do Not Concur: When Alex W. Bertrand was interrogated by Tom Boulton, I was asked if I could get into the CAVU reporting system to retrieve complaint reports. I told them that once the reports were finalized and sent that only the office could retrieve the reports. I was told by Tom Boulton that reports were sent in with only two sentence closing. I told them that I had access to my non-assigned consumer complaint cases only. My non-assigned and assigned cases have paragraphs on the final reports. Also the necessary paperwork and photographs collected as evidence to come to a conclusion in the investigation are attached to the final reports. Tom Boulton requested 5 non-assigned cases. I received 8 non-assigned consumer complaint cases and 15 assigned consumer complaint cases from January through April, 2009. I received 33 new Inspections request from January through April 2009.

Alex W. Bertrand

SUMMARY

Case No. 1080021

7 of 7 page(s)

Due to the fact that all of the Louisiana Recreational and Used Motor Vehicle Commission, Field Investigators were reclassified in July , 2008, to Compliance Investigator 3 and that the Human Resource Personnel did not notify any of the Compliance Investigators regarding to their job description or job duties. This comes under the Civil Service rules and regulations. This is to protect the State of Louisiana and the State employee. If your Inspector General Investigators would have checked the Compliance Investigator 3 personnel files they had, they would have discovered that no Acknowledgment form for the new Compliance Investigator 3 were signed by any Compliance Investigator. That form indicating that the new Compliance Investigator 3 has read and understands his job description and job duties. The assigned duties may or may not have been preformed to the new Compliance Investigator 3, job description or job duties but all of the work assignments were completed by the Compliance Investigators.

In reference to your Inspector General Investigators allowing one hour per day for office work, it is my understanding that I work for the Louisiana Recreational and Used Motor Vehicle Commission under a Director and Supervisor who oversee the day to day operations of the state agency. Both the Director and Supervisor have indicated to me that there is no time limitation for office work. My office has allowed the Compliance Investigators to use flex time. Your, Inspector General Investigators with their physical and electronic surveillance can't report on something they can't see behind closed doors. Where were your Inspector General Investigators when I conducted office work before eight o'clock in the mornings. This practice was done all year long. This can be verified through CAVO reporting system and fax's received at the Louisiana Recreational and Used Motor Vehicle Commission office. Compensatory time was not requested for the many dedicated hour I worked.

I have been a dedicated Criminal and Compliance Investigator for the State of Louisiana for the past 18.5 years and was a Executive Director of a state agency for 3.5 years. In my years of conduction investigations I have never released a report that did not give times and dates of my investigation like this report.

In conclusion it is my opinion that this investigation was requested by one or two Louisiana Recreational and Used Motor Vehicle Commissioners to discredit the Director and have him replaced.

Respectfully Submitted,



Alex W. Bertrand



BOBBY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Recreational and Used Motor Vehicle Commission



JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

June 18, 2009

Mr. Stephen B. Steer, Jr.
State inspector General
Office of State Inspector General
Post Office Box 94095
Baton Rouge, LA 70801-9095

RE: Case No. 1080021

Dear Mr. Street:

In response to your report of June 5, 2009, I am pleased to provide you with my response as follows.

On December 29, 2008 I am being accused of not stopping at Foreign Car Sales. This was a visual drive by that did not require me to personally stop at the location, but to ensure that the dealer was in the process of cleaning his lot and removing all vehicles located at his facility due the fact that he is no longer in business.

In response to the allegations regarding K & K Auto Sales, I did physically go to the lot as shown by my dealer inspection form on December 24, 2008. I had to do a GPS reading which requires me to physically be at the location in order to get an accurate reading. As far as not putting the city of Watson on my Vehicle Log Sheet for December, 24, 2008, this was possibly due to human error. On 12/29/2008, I passed by this dealership to verify that the dealer had installed his sign as specified on the inspection form completed on December 24, 2008.

I am unable to confirm or deny the results and conclusions of the draft report in reference to Medallion Imports and Crown Auto Sales because I do not recall what type of business I may have had to tend to concerning these dealers.

On December, 30, 2008, while having my personal vehicle inspected, I used my one hour lunch break. I also tended to Commission business by phone while waiting for this to be completed. Between the hours of 3 and 4:30 P.M., I utilized this time at my home for Paperwork, complaints, phone calls, and other Commission business.

Recreational and Used Motor Vehicle Commission
3132 Valley Creek Drive • Baton Rouge, Louisiana 70808
Phone 225-925-3870 • Fax 225-925-3869 • www.lrumvc.louisiana.gov

On February 20, 2009, I concur with the draft report. I left my home at 9:00 A. M. after doing possible calls and paperwork. After 12:00 P.M. I brought my state vehicle to do mandatory vehicle maintenance required by the Office of Risk Management, which is audited to make sure that the Commission is complying with their regulations. Since this was going to be a timely process, the service center brought me to my home where I utilized my time doing Commission related work instead of wasting time waiting on the state vehicle to be finished with all the maintenance work.

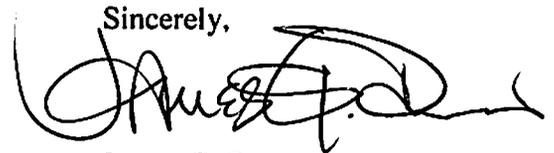
As far as not traveling to West Feliciana Parish, approximately every other weekend I travel thru this parish on my personal time due to the fact that my family owns property at Lake Rosemond, which is located North of St. Francisville which passes directly by Team Tatum. I am able to observe the dealership, which at the time was the only dealership located in West Feliciana Parish. I have received no complaints on this dealership; therefore I was not regularly traveling there being it was the only dealership. At the present time, I have received a few more dealers in this area so now I travel in this area to perform needed work.

I am unable to confirm or deny the results or conclusions of the draft report in reference to doing yard work, driving to Livingston Parish to pick up children from school, and doing other personal errands due to there were no dates or times provided.

It has also come to my attention that the IG investigators were not able to look at any complaints, audits, or cases that I have created, or dealerships I have violated or brought before the Commission for hearings and fines. Between the years 2007 to 2009, I have been assigned 339 cases and have closed 324 of them. I also would like to add that I teach the educational seminar and I am responsible for setting up and conducting the classes which all used car dealers are required to attend.

I would like to thank you for the opportunity to respond to your draft report. If you have any questions, please feel free to contact me at 405-4877.

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Davis", written over a white background.

James G. Davis

LOUISIANA USED MOTOR VEHICLE AND PARTS COMMISSION
 3132 Valley Creek Drive
 Baton Rouge, LA 70808
 (225) 925-3870 FAX (225) 925-3869

NEW DEALER INSPECTION FORM

DEALER NAME K&K Auto Sales
 PHYSICAL ADDRESS 3509 Old LA Hwy 16
 CITY Denham Springs, LA

The dealer listed has been physically inspected for compliance with the Commission's laws, rules and regulations of the following:

- 1) Adequate office facility.
- 2) Required business sign.
- 3) Required business phone.
- 4) Dealer must attend educational seminar within (60) days.

RECEIVED
 DEC 29 2008
 LRUMVC

Approved Rejected

Reason for rejection and/or Comments:

AMANDA GPS: N 30° 34. 564
W. 090° 51. 205
APPROVED when dealer
brings or e-mails sign

[Signature]
 Investigator

12/24/08
 Date

[Signature]
 Dealer's Signature

RMV-2

DAILY VEHICLE LOG

STATE OF MARYLAND
DIVISION OF ADMINISTRATION

Serial Number: 211797927792 Agency Number: 02241010 Patch 17 License Plate: 1E1076 Property Eq: 28000002 Mo: 12 Yr: 08

FA: MS Make: CHEVROLET Model: IMPALA Year: DO NOT INCLUDE DURANCE COSTS.

Date	Beginning Odometer: 40494		Gallons of Fuel	Fuel Cost	Major & Repair (Detail on Reverse Side)	Other Costs (Detail on Reverse Side)	Days	Miles	Location where taken beyond all points visited (unless it is not bona fide property of the State, when the vehicle, plant, or other equipment is used, etc.)	
	Trip Ending Reading	Trip Mileage								
12-1	40537	43							Baltimore	
12-2	40570	33							Baltimore	
12-3	40590	20							Baltimore	
12-4	40610	20							Baltimore	
12-5	40634	24							Baltimore	
12-8	40665	31	15.8	24.78					Baltimore	
12-9	40693	28							Baltimore	
12-10	40756	63							Baltimore, Washington, Boston	
12-11	40789	33							Baltimore	
12-12	40799	10							Baltimore	
12-15	40818	19							Baltimore	
12-16	40830	12							Baltimore	
12-17	40851	21							Baltimore	
12-18	40880	29							Baltimore	
12-19	40904	24							Baltimore	
12-20	40903	1	14.2	21.62					Baltimore	
12-21	40951	46							Baltimore	
12-23	40999	48							Baltimore	
12-24	41052	53							Baltimore	
12-29	41125	73							Baltimore, Washington, Balt.	
12-30	41141	16							Baltimore	
12-31	41198	57	14.2	19.74					Baltimore, Washington, Balt.	
Fuel Reading: 41198										
MONTHLY TOTALS		704	43.9	66.14					Less Cost of (applicable)	TOTAL FUEL COST FOR MONTH \$ 66.14

The above record reflects an accurate representation of the use of this motor vehicle, as submitted by the operator, and is subject to audit by each agency listed herein or by the State Comptroller of Public Accounts, and to the Department of Transportation, for the purpose of determining the proper allocation of costs to the various agencies and the State.

Signature of Operator: [Signature]
 Authorized Signature: [Signature]
 Title: [Blank]

WEEKLY-WORK-SHEET

WEEK BEGINNING 12-29

WEEK ENDING 12-31

INVESTIGATOR Gary Davis

Monday (12-29)	Tuesday (12-30)	Wednesday (12-31)	Thursday (—)	Friday (—)
Work Hrs. <u>8</u>	Work Hrs. <u>8</u>	Work Hrs. <u>8</u>	Work Hrs. _____	Work Hrs. _____
Leave Hrs. _____	Leave Hrs. _____	Leave Hrs. _____	Leave Hrs. _____	Leave Hrs. _____
<u>Baton Rouge, Watson</u> Destination Contacts	<u>Baton Rouge</u> Destination Contacts	<u>Baton Rouge, Louisiana</u> Destination Contacts	Destination Contacts	Destination Contacts
<u>K & K Auto Sales</u>	<u>ROAD SIDE SALES</u>	<u>LIBERTY AUTO SALES</u>		
<u>Cherishin Sports & Imp.</u>	<u>Quality Wholesale</u>	<u>Bobs Auto Sales</u>		
<u>ZZ Motors, LLC</u>	<u>Central Auto Sales</u>	<u>Equipey Auto Sales</u>		
<u>CREEM Auto Sales</u>	<u>Baton Rouge Auto</u>			
<u>Mr. Million Imports</u>	<u>RPM Sports</u>			
<u>Foreign Car Sales</u>	<u>Phillips & Sons</u>			

Case by Investigator and Date Range

List Case Number, Respondent, Alleged Issue, Date Open and Date Closed by date range

Filtered By

- Investigators = Gary Davls
- 01/01/2007 to 06/18/2009

6/18/2009 at 12:00:13 PM

Complaint #	Respondent	Alleged Issue	Resolution	Date Opened	Date Closed
2008-316	7 Grand Used Auto Sales	Mechanical Problems		05/30/2008	08/10/2008
2009-208	7 Grand Used Auto Sales	Consumer Complaint		04/09/2009	05/01/2009
2009-160	A-1 Autoplex, LLC	Refund Down Payment/Deposit		03/20/2009	03/28/2009
2008-295	A-1 Autoplex, LLC	Non Delivery of Title		05/15/2008	06/20/2008
2008-395	A-1 Autoplex, LLC	Reimbursement for repairs, etc.		06/26/2008	07/31/2008
2008-659	A-1 Autoplex, LLC	Non Delivery of Title		09/08/2008	09/19/2008
2008-691	A-1 Autoplex, LLC	Refund Down Payment/Deposit		10/03/2008	10/07/2008
2008-704	A-1 Autoplex, LLC	Refund Down Payment/Deposit		10/08/2008	10/14/2008
2006-148	A-1 Autoplex, LLC	Refund		03/10/2006	08/20/2008
2007-13	A-1 Autoplex, LLC	Consumer Complaint		01/23/2007	01/26/2007
2007-226	A-1 Autoplex, LLC	Non Delivery of Title		03/30/2007	04/05/2007
2007-111	A-1 Autoplex, LLC	Refund		03/07/2007	03/21/2007
2007-496	A-1 Autoplex, LLC	Need License Plate/ Registration		07/10/2007	07/13/2007
2007-537	A-1 Autoplex, LLC	Refund		08/01/2007	08/27/2007
2008-32	A-1 Autoplex, LLC	Return down payment		01/24/2008	02/08/2008
2008-259	A-1 Autoplex, LLC	Refund		04/30/2008	08/11/2008
2009-282	A-1 Autoplex, LLC	Consumer Complaint		05/01/2009	05/06/2009
2008-763	A-1 Autoplex, LLC	Refund		11/20/2008	11/25/2008
2007-138	Acadian Used Cars, Inc.	Refund		03/14/2007	03/21/2007
2007-148	Acadian Used Cars, Inc.	Mechanical Problems		03/15/2007	03/21/2007
2009-209	Acadian Used Cars, Inc.	Warranty issues		04/09/2009	05/01/2009
2009-36	Ace's Rent to Own Auto Sales, LLC	Correct Paperwork		01/30/2009	02/06/2009
2008-214	Ace's Rent to Own Auto Sales, LLC	Refund		04/03/2008	05/20/2008
2007-34	Achee Auto	Non Delivery of Title		02/07/2007	02/18/2007
2008-171	Affordable Auto Wholesalers, Inc.	Refund		03/14/2008	04/23/2008
2009-54	Affordable Auto Wholesalers, Inc.	Refund		02/03/2009	02/05/2009
2009-248	Affordable Auto Wholesalers, Inc.	Refund		04/27/2009	05/05/2009
2009-248	Affordable Auto Wholesalers, Inc.	Replace vehicle		04/27/2009	05/05/2009
2009-303	Affordable Auto Wholesalers, Inc.	Refund Down Payment/Deposit		05/13/2009	05/15/2009
2008-453	Affordable Imports	Non Delivery of Title		07/08/2008	08/12/2008
2007-313	Affordable Investment Used Cars Inc	Refund		05/14/2007	05/22/2007
2007-133	Affordable Investment Used Cars Inc	Non Delivery of Title		03/14/2007	03/16/2007
2009-158	Airline Auto Brokers, LLC	Refund		03/20/2009	03/30/2009
2009-122	Airline Auto Brokers, LLC	Check returned NSF		03/02/2009	04/03/2009
2008-690	Airline Auto Brokers, LLC	Take Vehicle Back		10/03/2008	10/13/2008
2008-577	Alberto's Auto Repair	Unlicensed To Sell		07/31/2008	08/06/2008
2007-592	Armstrong Motors Auto Sales, LLC	Refund		08/23/2007	10/04/2007
2008-496	Auto Alley	Unlicensed Dismantler		07/17/2008	08/08/2008
2008-179	Auto Brokers of Louisiana, LLC	Non Delivery of Title		03/17/2008	03/17/2008
2008-83	Auto Brokers of Louisiana, LLC	Non Delivery of Title		02/21/2008	03/18/2008
2008-95	Auto Brokers of Louisiana, LLC	Non Delivery of Title		02/27/2008	03/19/2008

2008-283	Auto Brokers of Louisiana, LLC	Non Delivery of Title		05/13/2008	05/13/2008
2009-371	Auto Credit	Non Delivery of Title		06/11/2009	
2009-371	Auto Credit	Need License Plate/ Registration		06/11/2009	
2007-315	Auto Tech Auto Sales, Inc.	Non Delivery of Title		05/14/2007	05/16/2007
2009-148	Automotive Consultants of Baton Rouge, LLC	Refund		03/12/2009	04/03/2009
2009-148	Automotive Consultants of Baton Rouge, LLC	Replace vehicle		03/12/2009	04/03/2009
2008-654	Automotive Consultants of Baton Rouge, LLC	Return my vehicle		08/28/2008	09/29/2008
2008-473	Autoplex Unlimited	Consumer Complaint		07/17/2008	07/22/2008
2008-96	Autoworx 1st, LLC	Consumer Complaint		02/27/2008	06/30/2008
2008-822	Autoworx 1st, LLC	Correct Paperwork		01/09/2009	01/14/2009
2009-167	Autoworx 1st, LLC	Refund		03/23/2009	06/04/2009
2007-687	Baton Rouge Autoplex	Take Vehicle Back		09/27/2007	10/04/2007
2007-798	Baton Rouge Sports & Imports, Inc.	Non Delivery of Title		12/17/2007	02/07/2008
2008-16	Baton Rouge Sports & Imports, Inc.	Refund		01/16/2008	02/08/2008
2008-167	Baton Rouge Sports & Imports, Inc.	Non Delivery of Title		03/14/2008	03/31/2008
2007-436	Baton Rouge Sports & Imports, Inc.	Non Delivery of Title		06/25/2007	06/25/2007
2007-19	Baton Rouge Sports & Imports, Inc.	Need License Plate/ Registration		01/25/2007	01/26/2007
2008-569	Baton Rouge Sports & Imports, Inc.	Mechanical Problems		07/30/2008	08/06/2008
2008-139	Ben's Imports	Non Delivery of Title		03/07/2008	05/20/2008
2008-189	Ben's Imports	Non Delivery of Title		03/24/2008	04/11/2008
2007-528	Ben's Imports	Consumer Complaint		07/25/2007	07/26/2007
2007-47	Best Import	Duplicate Title		02/19/2007	01/22/2007
2007-610	Best Price Auto Sales	Non Delivery of Title		08/28/2007	10/15/2007
2008-88	Big Bucks Toys & Trucks	Refund		02/26/2008	05/20/2008
2008-331	Blue Ribbon Motors, Inc.	Mechanical Problems		06/05/2008	06/19/2008
2008-695	Boardwalk Motor Cars, LLC	Refund		10/03/2008	11/21/2008
2009-113	Boardwalk Motor Cars, LLC	Release of Lien		02/27/2009	03/28/2009
2009-127	Boardwalk Motor Cars, LLC	Non Delivery of Title		03/03/2009	03/18/2009
2008-810	Boardwalk Motor Cars, LLC	Refund		12/19/2008	05/12/2009
2009-17	Boardwalk Motor Cars, LLC	Consumer Complaint		01/21/2009	02/06/2009
2008-156	Boardwalk Motor Cars, LLC	Refund		03/13/2008	05/30/2008
2008-449	Brett Gauthier's Auto Sales, Inc.	Correct Paperwork		07/08/2008	07/31/2008
2008-574	Brett Gauthier's Auto Sales, Inc.	Salvage or Reconstructed Vehicle		07/31/2008	09/18/2008
2007-356	Bryant Automotive	Refund		05/29/2007	06/13/2007
2007-624	Bryant Automotive	Need License Plate/ Registration		09/05/2007	09/18/2007
2008-472	C R S Wholesale	Non Delivery of Title		07/17/2008	07/29/2008
2007-396	C R S Wholesale	Mechanical Problems		06/07/2007	06/12/2007
2008-561	Capitol Auto Sales	Consumer Complaint		07/29/2008	08/16/2008
2008-427	Capitol City Auto Sales & Collision Center, LLC	Refund		07/01/2008	08/06/2008
2008-41	Capitol City Auto Sales & Collision Center, LLC	Non Delivery of Title		01/25/2008	02/08/2008
2007-612	Cars for Cash	Unlicensed To Sell		08/28/2007	10/04/2007
2007-527	Choice Autos, Inc.	Civil		07/25/2007	07/25/2007
2008-282	Christian Auto Sales, Inc.	Pay late fees, penalties and interest		05/13/2008	05/15/2008
2008-786	Christian Auto Sales, Inc.	Refund		12/08/2008	12/20/2008
2009-235	Christian Auto Sales, Inc.	Non Delivery of Title		04/24/2009	05/01/2009
2009-235	Christian Auto Sales, Inc.	Need License Plate/ Registration		04/24/2009	05/01/2009
2009-368	Christian Auto Sales, Inc.	Refund		06/11/2009	
2008-758	Consumer's Auto Sales	Need License Plate/ Registration		11/17/2008	11/21/2008
2008-579	Crown Auto Sales	Refund		07/31/2008	08/16/2008
2008-210	Custom Auto Used Cars	Refund		04/01/2008	06/20/2008

2007-648	Custom Auto Used Cars	Unlicensed Salesperson		09/17/2007	09/20/2007
2007-310	D. J.'s Used Cars	Refund		05/11/2007	06/12/2007
2008-418	DADS	Refund		06/30/2008	07/31/2008
2008-87	David's Used Cars, Inc.	Non Delivery of Title		02/25/2008	03/07/2008
2007-228	Denham Springs Notary	Unlicensed To Sell		04/02/2007	04/05/2007
2007-139	Diamond Motors of Walker, LLC	Refund		03/14/2007	03/22/2007
2008-175	Diamond Motors of Walker, LLC	Non Delivery of Title		03/17/2008	03/26/2008
2008-555	Diamond Motors of Walker, LLC	Reimbursement for repairs, etc.		07/28/2008	08/06/2008
2009-131	Diamond Motors of Walker, LLC	Refund		03/03/2009	03/18/2009
2009-212	Dixieland Auto Sales, Inc.	Refund Down Payment/Deposit		04/14/2009	04/17/2009
2009-161	Dixieland Autoplex, Inc	Reimbursement for repairs, etc.		03/20/2009	03/28/2009
2008-238	Dixieland Autoplex, Inc.	Non Delivery of Title		04/17/2008	05/15/2008
2008-424	Dixieland Autoplex, Inc.	Refund		06/30/2008	07/10/2008
2009-125	Double K Auto Sales	Take Vehicle Back		03/03/2009	03/18/2009
2008-560	Duece's Auto Sales	Non Delivery of Title		07/29/2008	08/06/2008
2008-274	Duece's Auto Sales	Refund		05/06/2008	05/20/2008
2008-405	Duece's Auto Sales	Refund		06/26/2008	07/01/2008
2008-537	Duece's Auto Sales	Mechanical Problems		07/25/2008	08/06/2008
2008-202	Duece's Auto Sales	Non Delivery of Title		03/28/2008	04/24/2008
2008-132	Duece's Auto Sales	Replace vehicle		03/06/2008	04/11/2008
2008-65	Duece's Auto Sales	Mechanical Problems		02/07/2008	02/25/2008
2008-261	Duece's Auto Sales	Non Delivery of Title		05/01/2008	06/19/2008
2009-352	Duece's Auto Sales	Non Delivery of Title		06/03/2009	06/04/2009
2009-376	Duece's Auto Sales	Refund Down Payment/Deposit		06/12/2009	
2007-719	Dueces Auto Sales	Non Delivery of Title		10/16/2007	10/29/2007
2007-134	Dueces Auto Sales	Refund		03/14/2007	03/21/2007
2007-2	Dueces Auto Sales	Refund		01/15/2007	01/17/2007
2008-499	Dugas Trading Post Wrecker	Unlicensed Dismantler		07/18/2008	08/06/2008
2007-651	Eagle Eye Auto Sales, LLC	Non Delivery of Title		09/19/2007	10/04/2007
2008-212	Easy Buy Auto Sales LLC	Warranty issues		04/03/2008	04/24/2008
2009-149	Elite Wholesale Auto, Inc.	Consumer Complaint		03/12/2009	04/17/2009
2009-211	Ely Auto Brokerage, LLC	Refund		04/14/2009	05/03/2009
2009-211	Ely Auto Brokerage, LLC	Reimbursement for repairs, etc.		04/14/2009	05/03/2009
2008-450	Ely Auto Brokerage, LLC	Audit		07/08/2008	07/10/2008
2008-290	Ely Auto Brokerage, LLC	Need License Plate/ Registration		05/14/2008	06/19/2008
2007-259	Ely Auto Brokerage, LLC	Non Delivery of Title		04/20/2007	04/24/2007
2007-759	Ely Auto Brokerage, LLC	Need License Plate/ Registration		11/26/2007	11/28/2007
2007-817	Ely Auto Brokerage, LLC	Non Delivery of Title		01/03/2008	11/14/2008
2008-226	Ely Auto Brokerage, LLC	Need License Plate/ Registration		04/17/2008	05/15/2008
2009-284	Ely Auto Brokerage, LLC	Non Delivery of Title		05/01/2009	05/09/2009
2009-169	Expert Auto Parts and Service	Non Delivery of Title		03/23/2009	04/15/2009
2008-804	Expert Auto Sales & Service	Need License Plate/ Registration		12/19/2008	12/29/2008
2008-663	Expert Auto Sales & Service	Consumer Complaint		09/09/2008	09/20/2008
2008-656	Expert Auto Sales & Service	Refund Down Payment/Deposit		08/28/2008	09/24/2008
2008-140	Expert Auto Sales & Service	Refund		03/07/2008	04/11/2008
2007-701	Expert Auto Sales & Service	Repossession		10/04/2007	10/05/2007
2007-223	Expert Auto Sales & Service	Refund		03/30/2007	04/12/2007
2009-272	Expert Auto Sales & Service	Mechanical Problems		05/01/2009	05/09/2009
2009-272	Expert Auto Sales & Service	Warranty issues		05/01/2009	05/09/2009
2009-280	Expert Auto Sales & Service	Non Delivery of Title		05/01/2009	06/04/2009
2009-393	Expert Auto Sales & Service	Consumer Complaint		06/18/2009	
2008-262	Factory Engine Exchange	Unlicensed To Sell		05/01/2008	05/08/2008
2007-294	Family RV Center	Unlicensed To Sell		05/03/2007	05/07/2007
2007-295	Family RV Factory Outlet Center	Unlicensed To Sell		05/03/2007	05/11/2007
2007-324	Frederick's Auto Buying Service	Need License Plate/ Registration		05/15/2007	05/16/2007

2008-90	Granier, LLC	Salvage or Reconstructed Vehicle	02/26/2008	02/27/2008
2008-466	Guidry Auto Sales	Refund	07/14/2008	08/06/2008
2007-330	Guidry Auto Sales	Unlicensed Location	05/15/2007	06/04/2007
2007-786	Hart to Heart Sales	Unlicensed To Sell	12/10/2007	12/18/2007
2008-231	Hog Branch Cycles	Refund	04/17/2008	05/15/2008
2007-676	Hooper Road Car Care & Sales	Non Delivery of Title	09/26/2007	10/04/2007
2008-220	Import One, Inc.	Refund	04/08/2008	04/24/2008
2009-31	Import One, Inc.	Consumer Complaint	01/28/2009	02/11/2009
2008-397	Import One, Inc.	Warranty issues	06/26/2008	07/10/2008
2009-385	Import One, Inc.	Reimbursement for repairs, etc.	06/15/2009	
2008-743	J C's Auto Sales	Mechanical Problems	11/07/2008	11/21/2008
2008-257	J C's Auto Sales	Take Vehicle Back	04/23/2008	06/30/2008
2007-344	J C's Auto Sales	Non Delivery of Title	05/16/2007	05/16/2007
2007-245	J C's Auto Sales	Take Vehicle Back	04/11/2007	04/17/2007
2008-500	JAH Enterprises	Unlicensed Dismantler	07/18/2008	08/06/2008
2007-750	Jason Smith	Non Delivery of Title	11/14/2007	02/19/2008
2008-271	Jimmy's Auto Sales	Refund	05/06/2008	05/12/2008
2009-33	Jimmy's Auto Sales	Non Delivery of Title	01/30/2009	02/27/2009
2009-171	Jimmy's Auto Sales	Consumer Complaint	03/23/2009	04/03/2009
2006-695	Jimmy's Auto Sales	Non Delivery of Title	11/16/2006	02/09/2007
2007-693	Jimmy's Auto Sales	Non Delivery of Title	09/27/2007	10/04/2007
2007-621	John Roux	Non Delivery of Title	09/04/2007	09/07/2007
2008-357	Just Add Gas, Inc.	Refund	06/13/2008	07/07/2008
2008-617	Just Add Gas, Inc.	Refund	08/19/2008	08/28/2008
2008-775	Just Add Gas, Inc.	Consumer Complaint	11/26/2008	12/10/2008
2008-3	Just Add Gas, Inc.	Refund	01/08/2008	02/07/2008
2007-129	Just Add Gas, Inc.	Refund	03/13/2007	04/17/2007
2008-759	Just Add Gas, Inc.	Mechanical Problems	11/17/2008	11/21/2008
2009-291	Just Shining Used Cars	Refund	05/06/2009	05/07/2009
2007-587	Just Shining Used Cars	Duplicate Title	08/22/2007	09/13/2007
2007-734	Just Shining Used Cars	Non Delivery of Title	10/30/2007	12/13/2007
2008-386	Just Shining Used Cars	Correct Paperwork	06/25/2008	07/01/2008
2008-264	Just Shining Used Cars	Non Delivery of Title	05/02/2008	07/01/2008
2009-239	K & K Auto Sales	Refund	04/24/2009	05/07/2009
2007-546	L & M Auto Sales	Non Delivery of Title	08/06/2007	08/15/2007
2007-762	Lafayette Auto Auction	Non Delivery of Title	11/26/2007	12/03/2007
2009-336	Liberty Auto Sales, LLC	Selling product from an unlicensed manufacture and/or distributor	06/01/2009	
2008-248	Louisiana Imports	Refund	04/21/2008	05/15/2008
2008-260	Louisiana's 1st Choice Auto Auction	Non Delivery of Title	05/01/2008	05/07/2008
2007-642	LV Import Center, Inc.	Need License Plate/ Registration	09/11/2007	09/18/2007
2008-224	Lynstar Mobile	Non Delivery of Title	04/16/2008	04/18/2008
2007-558	Lynstar Mobile	Refund	08/14/2007	09/20/2007
2007-474	Lynstar Mobile	Salvage or Reconstructed Vehicle	07/02/2007	09/19/2007
2007-103	Lynstar Mobile	Refund	03/07/2007	03/21/2007
2008-778	M & D Enterprises	Non Delivery of Title	11/26/2008	03/18/2009
2009-29	M & D Enterprises	Refund	01/28/2009	02/06/2009
2009-93	M & D Enterprises	Correct Paperwork	02/13/2009	03/18/2009
2008-785	Mark Bueche's Auto World, LLC	Non Delivery of Title	12/08/2008	02/06/2009
2007-557	Mark Bueches Auto Rouge	Mechanical Problems	08/14/2007	09/13/2007
2007-800	Mark Bueches Auto Rouge	Mechanical Problems	12/17/2007	12/18/2007
2008-48	Mark's Auto	Mechanical Problems	01/29/2008	02/12/2008
2008-696	Mark's Auto	Non Delivery of Title	10/03/2008	10/19/2008
2008-703	Mark's Auto	Salvage or Reconstructed Vehicle	10/08/2008	10/16/2008
2007-60	Marvin's Auto Sales	Non Delivery of Title	02/21/2007	03/31/2007
2007-29	Marvin's Auto Sales	Non Delivery of Title	02/06/2007	03/21/2007
2008-554	McCray's Auto Sales	Non Delivery of Title	07/28/2008	08/06/2008
2008-252	Medallion Imports, Inc.	Unassigned Case	04/22/2008	06/13/2008
2007-489	Mercy Auto Sales	Refund	07/09/2007	07/19/2007
2008-621	Mercy Auto Sales	Need License Plate/ Registration	08/19/2008	08/21/2008

2008-354	Mid City Used Cars, Inc.	Warranty issues	06/13/2008	06/25/2008
2008-72	Mid City Used Cars, Inc.	Refund	02/12/2008	05/08/2008
2007-187	Millenium Auto Sales	Pay late fees, penalties and interest	03/21/2007	03/22/2007
2008-341	Millenium Auto Sales	Refund	06/11/2008	07/01/2008
2007-112	Mo's Motorsports	Not Collecting Sales Tax	03/07/2007	04/03/2007
2007-554	Mr. C's Auto, LLC	Unlicensed Salesperson	08/10/2007	10/03/2007
2007-67	National Auto Sales	Correct Paperwork	03/05/2007	03/12/2007
2008-14	Nick's Auto Sales, LLC	Non Delivery of Title	01/16/2008	02/07/2008
2008-69	Oakview Wholesale Cars, Inc.	Non Delivery of Title	02/12/2008	02/20/2008
2008-454	Oakview Wholesale Cars, Inc.	Refund	07/08/2008	07/31/2008
2009-107	Oakview Wholesale Cars, Inc.	Consumer Complaint	02/25/2009	03/30/2009
2007-257	On Site Autos	Refund	04/20/2007	04/26/2007
2007-341	Patt Enterprises	Refund	05/15/2007	05/17/2007
2007-269	Payless Car Sales	Mechanical Problems	05/01/2007	05/05/2007
2007-405	Payless Car Sales	Refund	06/11/2007	06/25/2007
2009-215	Payless Car Sales	Need License Plate/ Registration	04/14/2009	05/05/2009
2008-451	Payless Car Sales	Consumer Complaint	07/08/2008	07/10/2008
2008-756	Payless Car Sales	Consumer Complaint	11/17/2008	11/20/2008
2009-324	Payless Car Sales	Misrepresentation of a vehicle	05/26/2009	06/04/2009
2009-147	Port City Auto Sales, Inc	Mechanical Problems	03/12/2009	03/28/2009
2008-82	Port City Auto Sales, Inc	Refund	02/20/2008	03/07/2008
2008-677	Prestige Wholesale Imports	Consumer Complaint	09/20/2008	09/24/2008
2008-618	Rarick's Trading Co., LLC	Non Delivery of Title	08/19/2008	08/21/2008
2009-202	Rarick's Trading Co., LLC	Odometer Fraud	04/08/2009	05/01/2009
2008-536	Rarick's Trading Co., LLC	Warranty issues	07/25/2008	08/06/2008
2009-392	Reliable Motors, Inc.	Refund	06/17/2009	
2009-195	Reliable Motors, Inc.	Non Delivery of Title	04/06/2009	04/15/2009
2009-195	Reliable Motors, Inc.	Mechanical Problems	04/06/2009	04/15/2009
2008-811	Reliable Motors, Inc.	Non Delivery of Title	12/19/2008	01/15/2009
2008-812	Reliable Motors, Inc.	Non Delivery of Title	12/19/2008	01/15/2009
2007-822	Reliable Motors, Inc.	Non Delivery of Title	01/04/2008	02/07/2008
2007-680	Reliable Motors, Inc.	Need License Plate/ Registration	09/27/2007	10/04/2007
2007-430	Reliable Motors, Inc.	Refund	06/22/2007	06/25/2007
2007-659	Reliable Motors, Inc.	Mechanical Problems	09/21/2007	10/16/2007
2007-159	Reliable Motors, Inc.	Refund	03/16/2007	03/22/2007
2007-31	Reliable Motors, Inc.	Non Delivery of Title	02/06/2007	02/14/2007
2007-308	Reliable Motors, Inc.	Reimbursement for repairs, etc.	05/11/2007	05/22/2007
2007-113	Rick's Motorsports	Not Collecting Sales Tax	03/07/2007	03/22/2007
2009-369	Rick's Motorsports	Refund	06/11/2009	
2007-52	Road Runner Towing & Recovery	Unlicensed To Sell	02/21/2007	01/26/2007
2008-497	Road Runner Towing & Recovery	Unlicensed Dismantler	07/18/2008	08/06/2008
2009-156	Saia Auto Consultants, LLC	Non Delivery of Title	03/20/2009	05/01/2009
2009-123	Scott's Enterprise, LLC	Refund	03/02/2009	04/15/2009
2009-199	Scott's Enterprise, LLC	Need License Plate/ Registration	04/07/2009	05/01/2009
2008-808	Scott's Enterprise, LLC	Reimbursement for repairs, etc.	12/19/2008	01/15/2009
2008-736	Scott's Enterprise, LLC	Non Delivery of Title	11/03/2008	01/15/2009
2009-108	Scott's Enterprise, LLC	Need License Plate/ Registration	02/25/2009	03/18/2009
2009-109	Scott's Enterprise, LLC	Consumer Complaint	02/25/2009	03/18/2009
2009-106	Scott's Enterprise, LLC	Consumer Complaint	02/23/2009	04/15/2009
2009-57	Scott's Enterprise, LLC	Need License Plate/ Registration	02/03/2009	02/06/2009
2007-518	Select Motors	Non Delivery of Title	07/24/2007	07/25/2007
2009-196	Select One	Mechanical Problems	04/06/2009	04/15/2009
2009-236	Signature Autoplex	Refund Down Payment/Deposit	04/24/2009	05/01/2009
2009-144	Signature Autoplex	Refund Down Payment/Deposit	03/10/2009	04/15/2009
2009-84	Signature Autoplex	Reimbursement for repairs, etc.	02/09/2009	02/09/2009
2008-614	Signature Autoplex	Non Delivery of Title	08/19/2008	09/23/2008
2008-668	Signature Autoplex	Consumer Complaint	09/15/2008	09/19/2008
2008-711	Signature Autoplex	Consumer Complaint	10/13/2008	10/21/2008

2008-76	Signature Autoplex	Non Delivery of Title	02/19/2008	03/07/2008
2007-766	Signature Autoplex	Mechanical Problems	11/26/2007	11/28/2007
2007-770	Signature Autoplex	Unlicensed To Sell	11/26/2007	11/28/2007
2008-245	Signature Autoplex	Non Delivery of Title	04/21/2008	05/15/2008
2007-27	Signature Autoplex	Refund	02/06/2007	02/14/2007
2007-230	Signature Autoplex	Refund	04/02/2007	04/17/2007
2007-235	Signature Autoplex	Non Delivery of Title	04/05/2007	04/05/2007
2007-160	Signature Autoplex	Need License Plate/ Registration	03/16/2007	03/26/2007
2007-647	Signature Autoplex	Refund	09/17/2007	10/04/2007
2008-591	Signature Autoplex	Mechanical Problems	08/12/2008	08/28/2008
2008-332	Society of St. Vincent de Paul	Need License Plate/ Registration	06/06/2008	07/31/2008
2007-137	Southeast Motors, Inc.	Duplicate Title	03/14/2007	03/22/2007
2008-10	Southern City Auto Sales	Need License Plate/ Registration	01/09/2008	02/07/2008
2008-498	SSX LC - Thomas Yard	Unlicensed Dismantler	07/18/2008	08/06/2008
2007-455	Star Autoplex	Unlicensed Location	06/26/2007	07/02/2007
2007-443	Star Motors, Inc.	Mechanical Problems	06/25/2007	07/02/2007
2007-467	Steve Andries Used Cars	Refund	07/02/2007	07/19/2007
2007-538	Steve Andries Used Cars	Refund	08/01/2007	08/09/2007
2007-61	Steve Andries Used Cars	Refund	02/21/2007	08/21/2007
2007-14	Steve Andries Used Cars	Mechanical Problems	01/23/2007	08/21/2007
2007-236	Steve Andries Used Cars	Refund	04/05/2007	08/21/2007
2008-58	Steve Andries Used Cars	Refund	02/01/2008	03/26/2008
2008-1	Steve Andries Used Cars	Refund	01/08/2008	03/07/2008
2008-693	Steve Andries Used Cars	Non Delivery of Title	10/03/2008	10/13/2008
2008-671	Steve Andries Used Cars	Refund Down Payment/Deposit	09/20/2008	09/26/2008
2008-578	Steve Andries Used Cars	Non Delivery of Title	07/31/2008	08/07/2008
2008-352	Steve Andries Used Cars	Refund	06/12/2008	08/06/2008
2008-66	Team Tatum Autoplex	Refund	02/12/2008	02/20/2008
2008-782	The Pep Boys Store #208	Non Delivery of Title	12/02/2008	01/14/2009
2008-12	Tiger Jag's Auto Details & Auto Sales, LLC	Refund	01/09/2008	02/07/2008
2007-268	Tiger Jag's Auto Details & Auto Sales, LLC	Non Delivery of Title	04/30/2007	05/05/2007
2007-267	Tiger Jag's Auto Details & Auto Sales, LLC	Non Delivery of Title	04/30/2007	05/05/2007
2007-615	Tiger Jag's Auto Details & Auto Sales, LLC	Warranty issues	09/04/2007	09/20/2007
2007-523	Tiger Jag's Auto Details & Auto Sales, LLC	Refund	07/24/2007	07/25/2007
2007-218	Tony's Auto Sales, Inc.	Refund	03/30/2007	04/03/2007
2008-42	Tony's Auto Sales, Inc.	Refund	01/25/2008	02/20/2008
2009-8	Tony's Auto Sales, Inc.	Refund	01/21/2009	02/06/2009
2008-330	Tracker Boat Center	Warranty issues	06/05/2008	06/24/2008
2008-586	Truck & Trailer World	Correct Paperwork	08/05/2008	08/16/2008
2009-275	Ultimate Autoplex, LLC	Reimbursement for repairs, etc.	05/01/2009	05/07/2009
2007-657	Unknown	Curbstoning	09/21/2007	10/04/2007
2008-142	Unknown	Operating Without a License	03/10/2008	03/26/2008
2007-180	Unknown	Unlicensed To Sell	03/19/2007	03/26/2007
2007-333	Unknown	Curbstoning	05/15/2007	05/16/2007
2007-332	Unknown	Curbstoning	05/15/2007	05/16/2007
2007-334	Unknown	Curbstoning	05/15/2007	05/16/2007
2007-335	Unknown	Curbstoning	05/15/2007	05/16/2007
2007-336	Unknown	Curbstoning	05/15/2007	05/16/2007
2007-331	Unknown	Curbstoning	05/15/2007	05/15/2007
2007-95	V's Wholesale	Temporary Tags/Dealer Tags	03/07/2007	09/13/2007
2007-422	V's Wholesale	Temporary Tags/Dealer Tags	06/21/2007	08/07/2007
2009-175	Value Import, Inc.	Non Delivery of Title	03/23/2009	04/15/2009
2009-182	Wallin's Autoplex, Inc.	Non Delivery of Title	03/23/2009	05/07/2009
2009-145	Wallin's Autoplex, Inc.	Consumer Complaint	03/12/2009	05/12/2009
2008-816	Wallin's Autoplex, Inc.	Need License Plate/ Registration	12/19/2008	12/29/2008
2008-779	Wallin's Autoplex, Inc.	Need License Plate/ Registration	12/01/2008	12/10/2008
2009-90	Wallin's Autoplex, Inc.	Non Delivery of Title	02/13/2009	02/27/2009

2009-48	Wallin's Autoplex, Inc.	Refund		02/02/2009	02/10/2009
2009-53	Wallin's Autoplex, Inc.	Non Delivery of Title		02/03/2009	02/27/2009
2008-658	Wallin's Autoplex, Inc.	Need License Plate/ Registration		09/08/2008	09/23/2008
2009-326	Wallin's Autoplex, Inc.	Warranty issues		05/26/2009	05/29/2009
2008-628	Westgate Used Cars	Non Delivery of Title		08/20/2008	01/14/2009
2009-40	White Oak Auto Sales	Non Delivery of Title		01/30/2009	02/27/2009
2009-46	White Oak Auto Sales	Non Delivery of Title		02/02/2009	02/02/2009
2009-92	White Oak Auto Sales	Non Delivery of Title		02/13/2009	03/04/2009
2009-63	White Oak Auto Sales	Non Delivery of Title		02/05/2009	02/27/2009
2009-114	White Oak Auto Sales	Non Delivery of Title		02/27/2009	03/30/2009
2009-121	White Oak Auto Sales	Non Delivery of Title		03/02/2009	04/09/2009
2009-205	White Oak Auto Sales	Non Delivery of Title		04/09/2009	04/09/2009
2007-449	White Oak Auto Sales	Mechanical Problems		06/26/2007	07/24/2007
2007-63	White Oak Auto Sales	Mechanical Problems		02/21/2007	03/06/2007
2007-54	White Oak Auto Sales	Refund		02/21/2007	02/23/2007
2008-138	White Oak Auto Sales	Non Delivery of Title		03/07/2008	04/11/2008
2007-704	Wholesale Luxury Motorcars, LLC	Unlicensed Salesperson		10/08/2007	10/17/2007
2007-763	Wholesale Luxury Motorcars, LLC	Refund		11/26/2007	02/07/2008
2007-404	World of Wheels, Inc.	Mechanical Problems		06/11/2007	06/14/2007
339 Items Found					

Donald W. Freeman

June 19, 2009

Stephen B. Street, State Inspector General
Office of the Inspector General
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

Re: Case # 1080021

Dear Mr. Street,

In response to State Inspectors General's report, I found most, if not all of their findings unfounded, erroneous & without merit. I am not guilty of any violations that were documented in the above Case report. Rather, information/findings used in the I.G.'s report on our Procedures & Policy was based on an outdated Civil Service Job Description for the previous job title which nobody signed having acknowledged ever received. At the request of my supervisor, I have on numerous occasions assisted at least three other investigators in their area with their complaints and covered their area while they were on leave or have a heavy caseload.

Going to the auctions near me was an opportunity to see the dealers from various parishes that are in my district. My presence at the auction was to visit with dealers from my area to inquire about any problems they had or resolve any complaint issues. This was not a problem with my superiors. My wife, also an investigator would do the same with hers. On my weekly I would only record the contact once; whereas, I have spoken to the dealer or complainant on more than one occasion that day. On paragraph 5 it states, "He stated that no one ever informed him to work eight hours per day, that he did not know the "8" on his timesheet represented eight hours, and that he did not know he was required to work eight hours in order to claim eight hours on his timesheet". That sentence in the report is ridiculous and a lie. My home is my designated office. I have signed a form authorizing me to store my state issued vehicle at my house for this very reason. I have a designated room set up to conduct my administrative duties. I routinely monitor the CAVU system for inspection, site visits required and complaints and communicate via phone. I often receive documents faxed by my dealers and complainants regarding the cases I work at my house in my office.

This was a very one-sided investigation. The investigators did not once look into the work that I have done involving cases, audits, cases I have created, violations I have brought before the board, fines from these hearings, inspections, revocation notices issued, etc.. This they even admitted they didn't do.



Donnie W. Freeman
Compliance Investigator 3
Recreational & Used Motor Vehicle Commission

Sharon V. Freeman

June 19, 2009

Stephen B. Street, State Inspector General
Office of the Inspector General
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

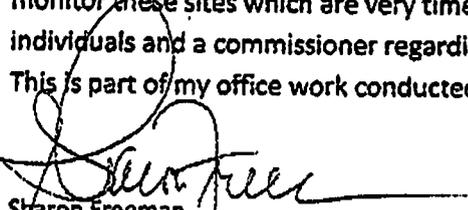
Re: Case # 1080021

Dear Mr. Street,

I am NOT guilty of the charges brought before me. As an Investigator helping the public consumers, I work flex time. The investigators did not once look into the work that I have done involving cases, audits, cases I have created, violations I have brought before the board, fines from these hearings, inspections, revocation notices issued, etc.. This they even admitted they didn't do this. I have assisted other investigators with their investigations and audits. I have never received a job description or any policies on how to conduct my day. With that said, what have I violated? I have always worked in my district, seen my dealers, and closed my complaints. I have done what the LRUMVC, Executive Director and my Supervisor expects of me.

There are erroneous conclusions regarding the report on me. My home is my designated office. I have signed a form authorizing me to store my state issued vehicle at my house for this very reason. I have a designated room set up to conduct my administrative duties. I routinely monitor the CAVU system for inspection, site visits required and complaints and communicate via phone. I often receive documents faxed by my dealer and complainants regarding the cases I work at my house in my office. I have to call my husband on my state issued phone because it involves commission related business. There are many times where CAVU information is relayed, communication regarding complaints, etc. We are also allowed 30 minute lunch and two fifteen minute breaks in the day, which majority of the time is in my car on the road.

I am the investigator who on a routine basis does internet searches for unlicensed individuals and businesses. I routinely search eBay Motors, Craig's List, Auto Trader, etc. I regularly monitor these sites which are very time consuming. I have received complaints from individuals and a commissioner regarding internet sales and advertisements from RV dealers. This is part of my office work conducted.


Sharon Freeman
Compliance Investigator 3
Recreational & Used Motor Vehicle Commission

June 19, 2009

Stephen B. Street, Inspector General
Office of the Inspector General
P.O. Box 94095
Baton Rouge, Louisiana 70804-9095

RE: Case #1080021

Dear Mr. Street,

At the time of this report, I am allocated three parishes for my district to handle consumer complaints, inspections, etc. that is not related to my duties as a supervisor. The three parishes consist of over 600 dealers. The importance of supervision is the accuracy, speed, attitude with the subordinates involving the completion of the consumer complaints. These files are obtained in our CAVU system, which the IG investigators had not included in their investigation or report. The board of Commissioners looks mainly at these reports and cases at the monthly Commission meeting as far as closure and percentage of completion. These reports are compiled by me from the examination of each case on each investigator. Cases are given approval or not by me as the supervisor, and then the field related activities are reported to the Commission at the monthly meeting.

As far as the weekly forms we used to record our activity, they are not state issued forms. They are created by this office with Jack and my final approval. The forms are Word documents and are either typed in the computer or handwritten at the discretion of the investigator. I already review the weekly reports every four months, which is recommended in the Recommendation section of the report (#2). In paragraph 5 of "Failure to Properly Supervise Employees", it is stated "*He stated that he does follow up with complaints to verify that investigators satisfactorily address complaints*". This is completely FALSE. My primary duty is to ensure that all cases are completely investigated and completed in a timely manner. If the complaint is not completely investigated, I have the case reassigned to the investigator until it is to my satisfaction.

In paragraph 6, regarding the time spent at home for administrative activities, I was referring to just the weekly report that is in question. This does not include working on CAVU with the cases, inspections, site visits, etc., communication via phone to dealers and complainants. I check the investigators caseload daily and if the investigators are not making daily remarks with their cases, I contact them to inquire about the case and remind them to document case information on CAVU. All investigators are trained to conduct audits; however, if a case is complicated, I assist them with the completion of the audit.



Larry Hulin
Compliance Investigator 5
Recreational & Used Motor Vehicle Commission

June 17, 2009

Stephen B. Street, Jr.
State Inspector General
Post Office Box 94095
Baton Rouge, LA 70804-9095

Re: Case No. 1080021
Ray Monk

Dear Mr. Street:

“Ray Monk is the Commission Investigator for Upper Jefferson, Orleans, St. Bernard, and now Plaquemines Parishes. He has been with the Commission since 2005. During three random days of surveillance, Mr. Monk reported on his timesheets that he worked 25 hours. Based upon his statements and observed activities, Mr. Monk was credited with 7.5 hours of work time, which includes one hour per day for work performed from home. The value of the remaining 17.5 hours, based upon his rate of pay, amounts to \$321.”

Do Not Concur: There is no way possible I can do my job and only be allowed to work one hour per day from my office. I have never heard of this nor have I seen a memo from my agency stating this is a policy. I have on average at any given time eight (8) to twelve (12) cases that I am working. Sometimes it was less and sometimes it was over twenty (20). If I'm not at my office I can't print new cases, do an audit, fax/receive documents or update/close pending cases. That doesn't include physical inspections, non assigned cases, dealers we may need to keep a random check on due to findings from an audit/hearing and unlicensed dealers that are monitored.

“During the three days of surveillance, Mr. Monk was observed away from his home tending to Commission related business only once. He departed his home twice to drive his child to school and once to shop at a Sears store. His state issued vehicle was parked at his residence the remainder of the time.”

“On the first day of surveillance, Mr. Monk departed his home at 10:51 AM and drove to a Sears store near his home where he shopped for a short time before returning home at 11:21 AM. He remained home until 1:50 PM, at which time he drove to the east side of New Orleans. He stopped at what appeared to be a small junk yard for four minutes before returning directly to his own neighborhood. He reported working nine hours that day, which included an hour of overtime.”

Concur In Part: I went to Sears Parts and Repair Center (6400 Airline Dr. Metairie LA 70121) to pick up a part that was ordered and they informed me it had arrived. They close at 5:00 PM and I didn't think I would be back in time (from the two dealers that I had to visit that afternoon) to get the part before they closed. I'm sending a copy of the invoice from Sears which actually

shows the transaction occurred at 12:03 PM. What isn't mentioned is that I took my personal vehicle. I was away from my office for approximately thirty (30) minutes. I used that time as my lunch break. I left in the state vehicle at approximately 1345 hrs. (1:45 PM) heading to New Orleans. I did an inspection for Direct Auto Remarketing, LLC (2821 New Orleans Street New Orleans, LA 70122). I'm sending a copy of the inspection form. After that inspection, I may have returned to my office to fax the inspection form to the main office. After that, at approximately 1600 hrs. (4:00 PM), I went (with the state vehicle) to ASAP Auto Sales (2115 Williams Blvd. Kenner, LA 70062) to work on a case. I returned to my office at approximately 1730 hrs. (5:30 PM). Several more phone calls were made and computer work was done, but I only claimed one hour of comp time (since we DO NOT get overtime). I recall the OIG investigators mentioning that I was followed to Sears, but I don't recall them mentioning the date. The surveillance picture shows March 2, 2009. Why didn't the OIG investigators compare that date with the vehicle log which clearly shows I logged 36 miles and the destination was in Kenner and New Orleans. They said I just went to a location in New Orleans for four minutes.

"On the other two surveillance days, Mr. Monk departed his residence at approximately 8:00 AM in his state vehicle to drive his child to school. After driving the child to school, he returned home and stayed there for the remainder of the day. During an interview with OIG investigators, Mr. Monk stated that he did not know the Commission had a policy prohibiting the use of state vehicles for personal reasons and did not know there was a problem in doing so."

"On the final two days of surveillance, Mr. Monk did not appear outside his residence by 3:00 PM, after driving the child to school. He reported nine completed phone calls and no travel on one of the days. The work report for the final day listed four phone calls and a trip to the eastern side of New Orleans, which he claimed occurred after 3:00 PM, when surveillance was terminated. Mr. Monk was unable to provide an explanation as to how so few phone calls and site visits could justify his claim to be compensated for two complete eight hour days. Neither could he provide sufficient work product to support his claim for compensation. It appears that Mr. Monk submitted timesheets and work reports in support of his claim for compensation which contained false representations of the amount of work actually performed."

"Mr. Monk's actions may have violated Louisiana law."

Concur In Part: The only date the OIG investigators mentioned and made constant emphasis on was March 10, 2009. On that day I did bring my child to school in the state vehicle because my vehicle was broken down. In the future I will inform my supervisor of a desperate situation. The OIG investigators made constant accusations that I falsified my vehicle log that day. On that day I did an inspection at Don Hingle's Body Shop, Inc. (3718 Downman Rd. New Orleans, LA 70126) and I went to Copart (14600 Old Gentilly Rd. New Orleans, LA 70129). On my vehicle log it shows I traveled 68 miles and my destination was New Orleans.

COMMENTS: On two (2) of these three (3) days I was able to provide an answer for. The

third day was/is not disclosed so I do not have an answer for. Our agency has been under attack from several Commissioners since the election. These same Commissioners are the former Chairman Ron Duplessis, the Chairman Addison "Jeff" Hilliard, and Vanessa Joan Hudson. Furthermore, The agenda for the Commission hearing that was held on Tuesday June 16, 2009 shows the Inspector General's Report was going to be discussed and this report is not a public document. These people have a personal vendetta against us and I feel my rights as a state employee may have been violated.

Ray J. Hill 6/17/09

SEARS HOME CENTRAL PARTS AND REPAIR CENTER 12:03 03/02/09
 6700 AIRLINE DR
 METAIRIE LA 70121

TRANS UNIT PEG ASSOC
 9402 08136 900 213221

QTY	PRICE	EXTENSION
01 20 473 30328040	SELT 1pl. 2 7.98	5.98
SUBTOTAL		5.98
TAX		.52
CASH REC		7.00
CHANGE		.50
TOTAL		8.50

WE HOPE THAT YOU ARE COMPLETELY SATISFIED WITH YOUR PURCHASE. IF FOR ANY REASON YOU ARE NOT SATISFIED, SIMPLY RETURN YOUR PURCHASE WITH YOUR RECEIPT WITHIN 90 DAYS OF YOUR PURCHASE, 30 DAYS FOR HOME ELECTRONICS, FOR A FULL REFUND OR EXCHANGE. IF YOU ARE NOT SATISFIED WITH YOUR PURCHASE AFTER THESE TIME PERIODS, PLEASE LET US KNOW. YOUR SATISFACTION IS IMPORTANT TO SEARS.

PURCHASED BY

SALES CHECK 081369009402
 THANK YOU FOR SHOPPING AT SEARS
 PLEASE RETAIN THIS RECEIPT

AMERICA'S REPAIR SPECIALISTS
 PAYMENT TYPE: CASH



BOBBY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Recreational and Used Motor Vehicle Commission



JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

NEW DEALER INSPECTION FORM

DEALER NAME Direct Auto Remarketing, LLC
 PHYSICAL ADDRESS 2821 New Orleans St.
 CITY New Orleans, LA 70122

The dealer listed has been physically inspected for compliance with the Commission's laws, rules and regulations of the following:

- 1) Adequate office facility.
- 2) Required business sign.
- 3) Required business phone.
- 4) Dealer must attend educational seminar within (60) days.

Approved Rejected

Reason for rejection and/or Comments: _____

[Signature] 3/2/09 [Signature]
 Investigator Date Dealer's Signature



BOSSY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR
Recreational and Used Motor Vehicle Commission



JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

NEW DEALER INSPECTION FORM

DEALER NAME

Don Hingle's Body Shop, Inc.

PHYSICAL ADDRESS

3718 Downman Rd.

CITY

New Orleans LA 70126

The dealer listed has been physically inspected for compliance with the Commission's laws, rules and regulations of the following:

- 1) Adequate office facility.
- 2) Required business sign.
- 3) Required business phone.
- 4) Dealer must attend educational seminar within (60) days.

Approved Rejected

Reason for rejection and/or Comments: _____

[Signature] 3/10/09 *[Signature]*
Investigator Date Dealer's Signature



BOBBY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Recreational and Used Motor Vehicle Commission

JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

AGENDA FOR REGULAR COMMISSION MEETING OF THE LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE COMMISSION

Tuesday, June 16, 2009

9:00 A.M.

- I. Pledge of Allegiance
- II. Roll Call
- III. Public Comments
- IV. Items for Discussion and Action
 1. Minutes of Regular Commission Meeting May 19, 2009
 2. Financial Report
 3. Legal Matters
 - a. Robert Hallack's, Invoice
 - b. Sheri Morris', Invoice
 - c. Sundance Boats
 - d. Legal update
 1. Open Meetings Violation
 2. Westgate Used Cars
 3. Prospect Motors (Ford Motor Credit)
 4. Premier Boat Zone v. Crowline
 5. Atchafalaya RV v. Double Tree RV
 4. Inspector General's Report - may be discussed in executive session
 5. Legislation
 - a. SB175
 - b. HB173
 6. Salvage Committee Report
 7. Marine Committee - Jenmar Status

Recreational and Used Motor Vehicle Commission
3132 Valley Creek Drive • Baton Rouge, Louisiana 70808
Phone 225-925-3870 • Fax 225-925-3869 • www.lrumvc.louisiana.gov

- 8. Additional Committee Reports
- 9. Office Activities
- 10. Field Activities
 - a. Verify Vehicle Decals and Public Plates
- V. Adjourn
- VI. Next Meeting - July 21, 2009



BOBBY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Recreational and Used Motor Vehicle Commission



JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

June 17, 2009

Mr. Stephen B. Street, Jr.
State Inspector General
Office of State Inspector General
Post Office Box 94095
Baton Rouge, LA 70804-9095

RE: Case No. 1080021

Dear Mr. Street:

In Response to your correspondence of June 5, 2009, I am pleased to provide you with my response to the draft report in the above-referenced case. For ease of reference and clarity, I will address each section using the same subject captions as are provided in the draft report.

I. Commission Investigators' Work Hours

As an initial matter, the draft report only allows one hour per day, i.e., five hours per week, for work performed by Commission Investigators at home. Apparently, this limit was imposed pursuant to the comment by Mr. Larry Hulin "that the investigators should require no more than eight hours per week to perform administrative and report writing requirements inside their homes." Draft report, p. 14. The "Credited Work Hours" for each Investigator should therefore be increased by a minimum of three hours per week, to account for the amount of time estimated by Mr. Hulin for at-home work performance.

While I am unable to either confirm or deny the results or conclusions of the draft report, this lack of information and supervision is the direct result of action of the Commission imposing limits upon my ability to supervise these employees and insure that they are providing the work for which they are being paid. On June 17, 2009, the Louisiana Recreational and Used Motor Vehicle Commission ("Commission") adopted the Resolution attached hereto marked "A". This Resolution:

- ◆ designates the Commission Chairman, Ron Duplessis, as "the appointing authority with full authority to supervise and employ personnel of the Commission including the authority to take necessary action and execute documentation to hire, promote, grant step increases, approve disciplinary action and any other action involving employment of personnel of the

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III.2 Personal Use of State Vehicles

Every employee of the Commission who is assigned a state vehicle has been informed regarding the limits of allowable use of that vehicle, and the Commission Policy and Procedure #60 with respect thereto. Any violation of the allowable use of a state vehicle and/or of Commission Policy and Procedure #60 is therefore a knowing violation by the person committing the violation, contrary to the specific instructions and policies they were provided.

A. Statement of Concurrence

Because I have been barred by formal Commission action from directly supervising field investigators, I have no knowledge or information regarding the findings of the draft report with respect to personal use of state vehicles by Commission Investigators. For that reason, I have no basis upon which to concur, concur in part, or not concur with the findings of the draft report, although I likewise have no basis upon which to dispute the findings.

I do, however, strenuously dispute the assertion by the Investigators that they were not made aware of applicable state regulations and Commission Policy and Procedure #60 with respect to allowable use of state vehicles.

B. Corrective Action Plan

All Field Investigators, and any other Commission employee who is provided with a state vehicle, should be provided with a copy of Commission Policy and Procedure #60, any applicable state regulations with respect to the authorized use of a state vehicle, and any applicable state laws with respect thereto. Such employees should be required to sign a statement confirming that they received such information and that they understand same. A meeting should be scheduled with all employees at the earliest possible convenience, and at least annually thereafter, to inform, instruct, and remind such employees of these restrictions and answer any questions with respect thereto.

IV. Improper Enforcement of Curb Stoning Laws

Every Field Investigator has been instructed and trained regarding the proper enforcement of Curb Stoning Laws. Any violation of the proper procedures for enforcing thereof is a knowing violation by the person committing the violation.

A. Statement of Concurrence

Because I have been barred by formal Commission action from directly supervising Field Investigators, I have no knowledge or information regarding the findings of the draft report with respect to the alleged improper enforcement of Curb Stoning Laws by Commission Investigators. For that reason, I have no basis upon which to concur, concur in part, or not concur with the findings of the draft report, although I likewise have no basis upon which

Commission;”

- ◆ authorizes the Chairman, Ron Duplessis, “to approve all time and attendance records and take any personnel actions necessary with respect to payroll”;
- ◆ expressly rescinds all prior resolutions “delegating authority to supervise or employ personnel or carry out the duties of the Commission designated in this Resolution.”¹

Accordingly, the responsibility of the Executive Director with respect to supervision of personnel, approval of time and attendance records, personnel action with respect to payroll, and the approval of expenditure related to personnel, were removed from my authority by the Resolution of the Commission, and invested with its Chairman, Mr. Ron Duplessis. I was, therefore, without authority to perform the very supervisory acts which are being criticized in the draft report. This criticism, at least with respect to this period of time, should appropriately be directed to Mr. Duplessis.

Shortly after the adoption of the Resolution discuss above, on November 18, 2008, the Commission adopted a superceding Resolution, attached hereto marked as Exhibit “B”. This Resolution:

- ◆ designates the Commission’s Chairman Jeff Hillard, the Personnel Committee Chairman, Phillip Snyder, and the Commission’s Vice Chairperson, Joan Hudson, “as the appointing authority with full authority to supervise and employ classified civil servants including the authority to take any necessary action and execute documentation to hire, promote, grant pay increases, take disciplinary action other than termination of an employee and any other actions related to the employment of classified personnel of the Commission;”
- ◆ provides for meetings to act upon “any matter involving the supervision or employment of classified personnel”, requires reports on “all personnel matters which require approval including but not limited to time and attendance, requests for annual leave, sick leave, any request for an employee to work overtime and any pending disciplinary actions”, a review of “current personnel policies and procedures” and a report on any “recommendations to revisions to current policies and the adoption of additional policies”, and a review of “all job descriptions and areas of responsibility for each employee”, along with a report of “any recommendations for revisions” to same;
- ◆ authorized “ any member of the appointing authority acting alone...to

¹Exhibit “A”

to dispute these findings.

I do however, strenuously dispute the assertion by the Investigators that they were not made aware of the proper procedures for enforcement of Curb Stoning Laws.

B. Corrective Action Plan

The Commission should draft specific guidelines for Field Investigators with respect to the proper procedures for enforcement of Curb Stoning Laws. All Field Investigators should be provided with a copy of these guidelines, and required to sign a statement confirming that they received such information and that they understand the same. A meeting should be scheduled with all Field Investigators at the earliest possible convenience, and at least annually thereafter, to inform, instruct, and remind such employees of these guidelines and answer any questions with respect thereto.

V. Unauthorized Badges

I have not been made aware prior to the issuance of this draft report that the shape and appearance of Commission badges were a problem or were prohibited by any statute. The design of these badges was approved by prior Commissioners, and have been in continued use during my service. To my knowledge, there have been no complaints or other issues regarding the appearance of these badges during my employment by the Commission, prior to the draft report.

A. Statement of Concurrence

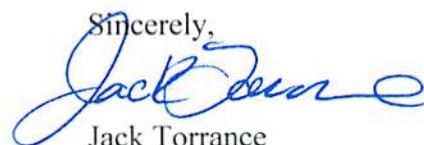
Apparently, the shape and appearance of the Commission badges may not have been properly authorized by prior Commissioners. I have no information upon which to base a denial of the proposed findings of the draft report.

B. Corrective Action Plan

The Commission should be asked to authorize the design of a new badge for Commission employees at the next regular Commission meeting.

Thank you for presenting me with the opportunity to provide written response to the draft report in this matter. Please feel free to contact me if you have any questions with regard to any of the information provided herein, if you have any questions, or if you would like to discuss this matter further or request any additional information. I look forward to the resolution of this matter in the near future.

Sincerely,

A handwritten signature in blue ink that reads "Jack Torrance". The signature is fluid and cursive, with the first name "Jack" being particularly prominent.

Jack Torrance



**Ron Duplessis' resolution to give himself
Appointing Authority – superseded by Jeff
Hilliard's resolution.**

**RESOLUTION OF
THE LOUISIANA RECREATIONAL AND
USED MOTOR VEHICLE COMMISSION**

WHEREAS, La. R.S. 32:783(D)(1) authorizes the Louisiana Recreational and Used Motor Vehicle Commission ("Commission") to employ such clerical, technical, legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties under law;

WHEREAS, the Commission has interpreted La. R.S. 32:783(D)(1) as authorizing the fourteen member Commission to employ personnel including unclassified civil servants and classified civil servants as authorized by the Louisiana Department of Civil Service;

WHEREAS, the Commission recognizes that it is necessary to handle various personnel matters on a more frequent basis than the Commission is able to meet;

WHEREAS, the Commission deems it necessary for the efficient operation of the Commission to designate a single individual as the appointing for the Commission;

THEREFORE, be it Resolved, that the Commission hereby designates its Chairman, Ron Duplessis, as the appointing authority with full authority to supervise and employ personnel of the Commission including the authority to take the necessary action and execute documentation to hire, promote, grant step increases, approve disciplinary action and any other action involving employment of personnel of the Commission;

Be it further Resolved, that Ron Duplessis, Chairman is authorized to approve all time and attendance records and take any personnel actions deemed necessary with respect to payroll, in accordance with the rules and regulations adopted by the Department of Civil Service;

Be it further Resolved, that Ron Duplessis, Chairman, is authorized to approve all expenditures relating to personnel of the Commission including but not limited to requests for reimbursement for travel and per diem of Commission members provided that any approval required by other agency or action of the Commission has been obtained;

Be it further Resolved, that all actions taken by Ron Duplessis, Chairman with regard to the employment or supervision of personnel of the Commission prior to the adoption of this Resolution are hereby ratified, if such ratification is deemed necessary by any agency or individual;

Be it further Resolved, that all previous resolutions delegating authority to supervise or employ personnel or carry out the duties of the Commission designated in this Resolution are hereby rescinded;

Ron Duplessis, Chairman



**Jeff Hilliard's resolution to give himself
Appointing Authority.**

**RESOLUTION OF
THE LOUISIANA RECREATIONAL AND
USED MOTOR VEHICLE COMMISSION**

WHEREAS, La. R.S. 32:783(D)(1) authorizes the executive director to be “in charge of the commission’s office” and to “devote such time as necessary to fulfill the duties thereof”;

WHEREAS, La. R.S. 32:783(D)(3) authorizes the Louisiana Recreational and Used Motor Vehicle Commission (“Commission”) to employ such clerical, technical, legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties under law;

WHEREAS, the Commission employs classified and unclassified civil servants as authorized by the Louisiana Department of Civil Service;

WHEREAS, the Commission is composed of fourteen (14) members who reside throughout the state of Louisiana and who meet on a monthly basis;

WHEREAS, the Commission recognizes that it is necessary to handle various personnel matters on a more frequent basis than the Commission meets;

WHEREAS, the Commission deems it necessary for the efficient operation of the Commission to designate a smaller group of individuals to communicate with the Executive Director on a frequent basis regarding personnel matters and to act as the appointing authority for the Commission;

THEREFORE, BE IT RESOLVED, the Commission hereby designates its Chairman, Jeff Hilliard, Personnel Committee Chairman Phillip Snyder and Vice-Chair Joan Hudson as the appointing authority with full authority to supervise and employ classified civil servants including the authority to take any necessary action and execute documentation to hire, promote, grant pay increases, take disciplinary action other than termination of an employee and any other actions related to the employment of classified personnel of the Commission;

BE IT FURTHER RESOLVED, the appointing authority may meet at such times as designated by Chairman Hilliard to act upon any matter involving the supervision or employment of classified personnel set forth in this Resolution;

BE IT FURTHER RESOLVED, Executive Director, Jack Torrance, shall report on a weekly basis to Chairman Hilliard or any member of the appointing authority designated by Chairman Hilliard, all personnel matters which require approval including but not limited to time and attendance, requests for annual leave, sick leave, any request for an employee to work overtime and any pending disciplinary actions;

BE IT FURTHER RESOLVED, the Personnel Committee shall review all current personnel policies and procedures and report to the Commission any recommendations for revisions to current policies and the adoption of additional policies;

BE IT FURTHER RESOLVED, the Personnel Committee shall review all job descriptions and areas of responsibility for each employee and report to the Commission any recommendations for revisions to said job descriptions or areas of responsibility in accordance with applicable Civil Service Rules;

BE IT FURTHER RESOLVED, any member of the appointing authority acting alone is authorized to approve all time and attendance, requests for annual leave, sick leave, requests for overtime or other records with respect to payroll, in accordance with the rules and regulations adopted by the Department of Civil Service;

BE IT FURTHER RESOLVED, any member of the appointing authority acting alone is authorized to approve all expenditures relating to personnel of the Commission including but not limited to requests for reimbursement for travel provided that any approval required by any other agency or action of the Commission has been obtained;

BE IT FURTHER RESOLVED, a member of the appointing authority designated by Chairman Hilliard shall report all non-confidential personnel matters to the full Commission at the regular meeting of the Commission following said action; and

BE IT FURTHER RESOLVED, all previous resolutions delegating authority to supervise or employ personnel or carry out the duties designated in this Resolution are hereby rescinded.

The foregoing resolution was adopted on the 18th day of November 2008.

Jeff Hilliard, Chairman

**Minutes of the November 18, 3008 Commission
Meeting
Giving Jeff Hilliard Appointing Authority
(pgs. 54-149)**

LOUISIANA RECREATIONAL AND
USED MOTOR VEHICLE COMMISSION

STATE OF LOUISIANA

REGULAR MEETING

NOVEMBER 18, 2008

BEGINNING AT 9:05 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
DINA BANKSTON, CSR, RPR

DINA BANKSTON HAYES, CSR, RPR

APPEARANCES:

CHAIRMAN:

MR. JEFF HILLIARD

COMMISSIONERS PRESENT

MR. HENRY SMITH

MR. STEVE BERRY

MR. EUGENE SMITH

MS. VANESSA HUDSON

MR. PHILLIP SNYDER

MS. GAYLE MATERNE

MR. RON DUPLESSIS

MR. CURTIS STEWART

MR. TONY STROUP

MR. JOHN POTEET

MR. JOEY LAMARTINA

REPRESENTING RECREATIONAL AND USED MOTOR VEHICLE COMMISSION:

MR. ROBERT W. HALLACK
ATTORNEY-AT-LAW
13007 JUSTICE AVENUE
BATON ROUGE, LOUISIANA 70816
MS. SHERI MORRIS
ATTORNEY-AT-LAW
8440 JEFFERSON HIGHWAY, SUITE 301
BATON ROUGE, LOUISIANA 70809

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PROCEEDINGS
MR. HILLIARD:
I CALL THE MEETING TO ORDER
AND WE WILL HAVE ONE OF OUR NEW MEMBERS, MR.
STROUP, LEAD US IN THE PLEDGE.
(PLEDGE OF ALLEGIANCE)
MR. HILLIARD:
ROLL CALL, PLEASE.
MS. BARON:
JEFF HILLIARD?
MR. HILLIARD:
HERE.
MS. BARON:
STEVE BERRY?
MR. BERRY:
HERE.
MS. BARON:
KEVIN CALMES?
MR. CALMES:
(NO RESPONSE.)
MS. BARON:
RON DUPLESSIS?
MR. DUPLESSIS:
HERE.

ALSO PRESENT:

MS. LYNETTE BINNING
MR. JACK TORRANCE
MS. KIM BARON
MR. LARRY HULIN
MR. GARY DAVIS
MR. BUTCH WRIGHT

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MS. BARON:
GEORGE FLOYD?
MR. FLOYD:
(NO RESPONSE.)
MS. BARON:
VANESSA HUDSON?
MS. HUDSON:
HERE.
MS. BARON:
GAYLE
MATERNE?
MS. MATERNE:
HERE.
MS. BARON:
EUGENE SMITH?
MR. EUGENE SMITH:
HERE.
MS. BARON:
HENRY SMITH?
MR. HENRY SMITH:
HERE.
MS. BARON:
PHILLIP SNYDER?
MR. SNYDER:
HERE.

1 MS. BARON:
 2 CURTIS STEWART?
 3 MR. STEWART:
 4 HERE.
 5 MS. BARON:
 6 JOEY LAMARTINA?
 7 MR. LAMARTINA:
 8 HERE.
 9 MS. BARON:
 10 JOHN POTEET?
 11 MR. POTEET:
 12 HERE.
 13 MS. BARON:
 14 AND TONY STROUP?
 15 MR. STROUP:
 16 HERE.
 17 MS. BARON:
 18 WE HAVE A QUORUM.
 19 MR. HILLIARD:
 20 WE HAVE A QUORUM.
 21 MS. BARON:
 22 YES.
 23 MR. HILLIARD:
 24 FOR THE FIRST TIME, WE
 25 ACTUALLY HAVE A FULL COMMISSION SEATED. WE

1 ARE MISSING RIGHT NOW GEORGE AND KEVIN, BUT
 2 FOR THE FIRST TIME WE HAVE OUR NEWEST TWO
 3 MEMBERS AND JOEY WAS AT THE FINANCE COMMITTEE
 4 MEETING LAST WEEK AND WAS SWORN IN THERE.
 5 MS. MORRIS, IF YOU WOULD
 6 SWEAR IN OUR TWO NEW MEMBERS?
 7 MS. MORRIS:
 8 OKAY.
 9 I WOULD ASK MR. STROUP
 10 AND MR. POTEET TO STAND AND RAISE YOUR RIGHT
 11 HAND.
 12 REPEAT AFTER ME, "I", STATE
 13 YOUR NAME --
 14 MR. POTEET:
 15 I, JOHN POTEET --
 16 MR. STROUP:
 17 I, TONY STROUP --
 18 MS. MORRIS:
 19 -- "DO SOLEMNLY SWEAR OR
 20 AFFIRM" --
 21 MR. POTEET:
 22 -- DO SOLEMNLY SWEAR OR
 23 AFFIRM --
 24 MR. STROUP:
 25 -- DO SOLEMNLY SWEAR OR

1 AFFIRM --
 2 MS. MORRIS:
 3 -- "THAT I WILL SUPPORT
 4 THE CONSTITUTION AND LAWS OF THE UNITED
 5 STATES" --
 6 MR. POTEET:
 7 -- THAT I WILL SUPPORT THE
 8 CONSTITUTION AND LAWS OF THE UNITED STATES --
 9 MR. STROUP:
 10 -- THAT I WILL SUPPORT THE
 11 CONSTITUTION AND LAWS OF THE UNITED STATES --
 12 MS. MORRIS:
 13 -- "AND THE CONSTITUTION AND
 14 LAWS OF THIS STATE" --
 15 MR. POTEET:
 16 -- AND THE CONSTITUTION AND
 17 LAWS OF THIS STATE --
 18 MR. STROUP:
 19 -- AND THE CONSTITUTION AND
 20 LAWS OF THIS STATE --
 21 MS. MORRIS:
 22 -- "THAT I WILL FAITHFULLY
 23 AND IMPARTIALLY" --
 24 MR. POTEET:
 25 -- THAT I WILL FAITHFULLY

1 AND IMPARTIALLY --
 2 MR. STROUP:
 3 -- THAT I WILL FAITHFULLY
 4 AND IMPARTIALLY --
 5 MS. MORRIS:
 6 -- "DISCHARGE OR PERFORM" --
 7 MR. POTEET:
 8 -- DISCHARGE OR PERFORM --
 9 MR. STROUP:
 10 -- DISCHARGE OR PERFORM --
 11 MS. MORRIS:
 12 -- "ALL OF THE DUTIES
 13 INCUMBENT ON ME" --
 14 MR. POTEET:
 15 -- ALL OF THE DUTIES
 16 INCUMBENT ON ME --
 17 MR. STROUP:
 18 -- ALL OF THE DUTIES
 19 INCUMBENT ON ME --
 20 MS. MORRIS:
 21 -- "AS A MEMBER OF THE
 22 LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE
 23 COMMISSION" --
 24 MR. POTEET:
 25 -- AS A MEMBER OF THE

1 LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE
 2 COMMISSION --
 3 MR. STROUP:
 4 -- AS A MEMBER OF THE
 5 LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE
 6 COMMISSION --
 7 MS. MORRIS:
 8 -- "ACCORDING TO THE BEST OF
 9 MY ABILITY AND UNDERSTANDING" --
 10 MR. POTEET:
 11 -- ACCORDING TO THE BEST OF
 12 MY ABILITY AND UNDERSTANDING --
 13 MR. STROUP:
 14 -- ACCORDING TO THE BEST OF
 15 MY ABILITY AND UNDERSTANDING --
 16 MS. MORRIS:
 17 -- "SO HELP ME GOD".
 18 MR. POTEET:
 19 -- SO HELP ME GOD.
 20 MR. STROUP:
 21 -- SO HELP ME GOD.
 22 MS. MORRIS:
 23 CONGRATULATIONS.
 24 MR. POTEET:
 25 THANK YOU.

1 MR. STROUP:
 2 THANK YOU.
 3 MR. HILLIARD:
 4 KIM, DO WE HAVE ANY PUBLIC
 5 COMMENTS TODAY?
 6 (NO RESPONSE.)
 7 MR. HILLIARD:
 8 GOOD MORNING. THE FIRST
 9 ITEM IS MINUTES FROM LAST MONTH. EVERYBODY
 10 SHOULD HAVE RECEIVED THEM.
 11 HAS EVERYBODY HAD A CHANCE
 12 TO LOOK THROUGH THEM?
 13 MS. HUDSON:
 14 MR. CHAIRMAN, I WOULD LIKE
 15 TO MAKE A MOTION WE ACCEPT THE MINUTES OF LAST
 16 MONTH AS WRITTEN.
 17 MR. HENRY SMITH:
 18 SECOND.
 19 MR. HILLIARD:
 20 MOTION AND SECOND.
 21 ANY OBJECTION?
 22 (NO RESPONSE.)
 23 MR. HILLIARD:
 24 THE MINUTES ARE APPROVED.
 25 ON THE FINANCIAL REPORT, WE

1 HAD A MEETING LAST THURSDAY -- TWO THURSDAYS
 2 AGO.
 3 MR. BERRY:
 4 TWO THURSDAYS AGO.
 5 MR. HILLIARD:
 6 TWO THURSDAYS AGO AND WE
 7 WENT OVER THE PROPOSED BUDGET THAT YOU WILL
 8 FIND IN YOUR HANDOUT. AT THIS POINT, WE HAVE
 9 TAKEN THE INCOME FIGURES FROM LAST YEAR AS WELL
 10 AS OUR EXPECTED EXPENSES AND WE HAVE GONE
 11 THROUGH LINE BY LINE AND COME UP WITH A NEW
 12 PROPOSED BUDGET. THIS TAKES INTO ACCOUNT THE
 13 ADDITIONAL INCOME WE RECEIVED LAST YEAR AS WELL
 14 TAKING INTO ACCOUNT EXPENSES THAT ARE EXPECTED
 15 AND PRUDENT.
 16 PROJECTING THOSE OUT, WE
 17 HAVE AN INCREASE. WE ESTIMATED ENFORCEMENT
 18 ACTIONS. AT THE TIME, WE WERE ACTUALLY WITHIN
 19 TWO OR THREE THOUSAND DOLLARS OF WHAT OUR
 20 ESTIMATE WAS WE HAVE ALREADY COLLECTED THIS
 21 YEAR. SO, OBVIOUSLY, WE ARE -- HITTING FINES A
 22 LITTLE HARDER THAN THEY HAVE IN THE PAST. SO,
 23 WE ARE ESTIMATING THAT INCREASING.
 24 WE WENT THROUGH THE REST OF
 25 THE NUMBERS. WE LOWERED THE INTEREST ON THE

1 CD. THAT HAD BEEN HIGHER. WE ARE NOT SURE
 2 EXACTLY HOW -- WE LOOKED AT EXPENSES AS FAR AS
 3 SALARIES AND EVERYTHING ELSE AND WE RECONCILED
 4 THOSE NUMBERS WITH THE LOSS OF LOIS AND THE
 5 LOSS OF MIKE RUSSELL AND WE HAD ONE EMPLOYEE
 6 RESIGN. SO, THESE ARE THE CORRECT NUMBERS FOR
 7 THE CURRENT STAFF WE HAVE.
 8 USING THAT ACCOUNTING
 9 MANAGEMENT, THE LEGAL EXPENSES AND ALL OF THAT.
 10 WE HAVE THEM ESTIMATED OUT, WE INCREASED THE
 11 LEGAL EXPENSES, BECAUSE THERE WERE SOME
 12 EXPENSES INCURRED THIS FISCAL YEAR FROM --
 13 ACTUALLY, FROM LAST FISCAL YEAR. AS OF RIGHT
 14 NOW, WE WENT AHEAD AND HAD TO ACCOUNT FOR ALL
 15 OF THOSE IN THIS FISCAL YEAR.
 16 SO, WE WENT THROUGH
 17 EVERYTHING ELSE AND LOOKING AT IT, IT SHOWS
 18 THAT WE ARE VERY, VERY CLOSE TO BEING -- AT
 19 THIS POINT, IT IS BASICALLY A BASICALLY A BREAK
 20 EVEN BUDGET, ONE POINT FIVE-ONE-SIX ESTIMATED
 21 INCOME AND ONE POINT FIVE-ONE-THREE ESTIMATED
 22 EXPENSES.
 23 NOW, WE ARE GOING TO
 24 CONTINUE TO MONITOR THIS MONTH BY MONTH AND GO
 25 THROUGH IT, BUT WE DO NEED TO LOOK THROUGH THE

1 BUDGET AND MAKE A RECOMMENDATION TO AMEND OUR
 2 BUDGET TO THIS NEW BUDGET.
 3 SO, EVERYBODY TAKE A CHANCE
 4 TO LOOK THROUGH IT, SEE IF THERE ARE ANY
 5 QUESTIONS OR DISCUSSIONS THAT WE NEED LYNETTE
 6 TO ANSWER, AND THEN, WE WILL AMEND THIS AND WE
 7 WILL LET LYNETTE GIVE HER REGULAR FINANCE
 8 REPORT AT THAT TIME.
 9 MR. DUPLESSIS:
 10 SHE IS TRYING TO GET YOUR
 11 ATTENTION.
 12 MR. HILLIARD:
 13 YOU HAVE TWO SHEETS IN HERE?
 14 MR. TORRANCE:
 15 ONE IS '09.
 16 MS. BINNING:
 17 YOU SAID FIVE-ONE-FOUR.
 18 MR. HILLIARD:
 19 OKAY.
 20 MR. BERRY:
 21 ONE POINT FIVE-ONE-THREE.
 22 MS. BINNING:
 23 YOU SAID FIVE-ONE-THREE.
 24 WERE YOU LOOKING AT THE
 25 2008, 2009?

1 MR. HILLIARD:
 2 MAYBE THAT'S WHAT I WAS
 3 DOING.
 4 MS. BINNING:
 5 THERE ARE TWO BUDGETS IN
 6 YOUR PACKET. ONE OF THEM IS THE PROPOSED
 7 AMENDMENT FOR 2008, 2009.
 8 MR. HILLIARD:
 9 OKAY, AND THE OTHER IS THE
 10 ACTUAL BUDGET FOR '09 AND 2010.
 11 MS. BINNING:
 12 CORRECT.
 13 MR. HILLIARD:
 14 THAT'S WHAT I WAS GETTING
 15 THE NUMBER OFF OF.
 16 MS. BINNING:
 17 CORRECT.
 18 MR. HILLIARD:
 19 I DIDN'T REALIZE WE WERE
 20 DOING THAT.
 21 ARE WE DOING THAT TODAY OR
 22 ARE WE JUST LOOKING AT IT TODAY FOR THE NEXT
 23 MEETING?
 24 MS. BINNING:
 25 2009/2010 IS JUST TO GIVE TO

1 Y'ALL, SO Y'ALL WILL HAVE TIME TO LOOK OVER IT
 2 BEFORE YOU VOTE ON IT POSSIBLY NEXT MONTH.
 3 MR. HILLIARD:
 4 SO, THERE'S TWO IN YOUR
 5 PACKET. IF YOU WILL LOOK AT IT, YOU CAN SEE
 6 THE SECOND COLUMN ON THE RIGHT WILL EITHER SAY
 7 '08/'09 OR '09/2010.
 8 MS. HUDSON:
 9 THE ONE THAT ON THE BOTTOM
 10 RIGHT SAYS ZERO, PUT THAT AWAY.
 11 MR. HILLIARD:
 12 RIGHT.
 13 THE ONE ON THE BOTTOM RIGHT
 14 CORNER OF THE TOP PAGE THAT SAYS ZERO, THAT IS
 15 JUST FOR US TO LOOK AT. WE WILL VOTE ON THAT
 16 NEXT MEETING.
 17 THE ONE THAT HAS A
 18 NEGATIVE ONE THOUSAND ONE-THIRTY-FOUR ON THE
 19 BOTTOM RIGHTHAND CORNER IS THE ONE WE ARE
 20 SUPPOSED TO BE LOOKING AT NOW AND IT IS ONE
 21 POINT FIVE-ONE-SIX AND ONE POINT FIVE-ONE-FOUR.
 22 MS. HUDSON:
 23 MS. LYNETTE, --
 24 MS. BINNING:
 25 MA'AM?

1 MS. HUDSON:
 2 -- ON THE CONTRACTOR PAGE
 3 WHERE -- WHICH IS -- I CAN'T SEE MY PAGE --
 4 BC-9 --
 5 MS. BINNING:
 6 YES.
 7 MS. HUDSON:
 8 -- THE COMPUTER
 9 PROGRAMMER, KEITH HORTON, WOULD THAT BUDGET
 10 ALSO INCLUDE HIM PREPARING OR FINISHING OUR
 11 ONLINE RENEWALS?
 12 MS. BINNING:
 13 THERE'S NOT MUCH LEFT
 14 FOR HIM TO DO ON THAT. IT IS JUST WAITING
 15 ON THE PEOPLE AT LOUISIANA GATEWAY TO
 16 CORRECT WHATEVER THE PROBLEM IS THERE, BUT,
 17 YES, THAT IS READY TO IMPLEMENT AS SOON AS
 18 THEY CORRECT WHATEVER THE PROBLEM IS.
 19 MS. HUDSON:
 20 OKAY. THANK YOU.
 21 MS. BINNING:
 22 UH-HUH.
 23 MR. DUPLESSIS:
 24 THAT IS TAKING FOREVER.
 25 WHAT IS THE HOLD UP THERE?

1 MS. BINNING:
 2 I REALLY DON'T UNDERSTAND
 3 WHAT THE PROBLEM IS. I EVEN SENT E-MAILS TO
 4 THE PEOPLE AT THE DIVISION OF ADMINISTRATION
 5 WHO IMPLEMENT LOUISIANA GATEWAY. I SENT
 6 THEM LETTING THEM KNOW, "LOOK, WE ARE READY
 7 TO DO THIS" AND C.A.V.U. -- THEY ARE WORKING
 8 WITH C.A.V.U AND THEIR TESTING, YOU KNOW, FOR
 9 SOME REASON, IT DIDN'T WORK WHEN WE TESTED IT
 10 AND THEY ARE TESTING BACK AND FORTH BETWEEN
 11 THOSE TWO TO SEE WHAT THE PROBLEM IS. IT IS
 12 JUST THE INITIAL CONFIGURING APPARENTLY HAS A
 13 PROBLEM IN IT THAT THEY DO AT LOUISIANA
 14 GATEWAY.
 15 MS. HUDSON:
 16 MS. MORRIS, SINCE YOU ARE
 17 FAMILIAR WITH HOW THAT PROCESS WORKS, COULD YOU
 18 FOLLOW UP WITH THEM TO SEE IF WE CAN GET THIS
 19 IMPLEMENTED BY THE END OF THE YEAR?
 20 MS. MORRIS:
 21 SURE.
 22 MR. HILLIARD:
 23 ANY QUESTIONS?
 24 MR. HENRY SMITH:
 25 MR. CHAIRMAN, WE WOULD NEED

1 MR. HENRY SMITH:
 2 MR. CHAIRMAN, I WOULD LIKE
 3 TO MAKE A MOTION THAT WE ACCEPT THE PROPOSED
 4 BUDGET AMENDMENT AS PRESENTED.
 5 MR. EUGENE SMITH:
 6 I SECOND THAT MOTION.
 7 MR. HILLIARD:
 8 THERE IS A MOTION AND A
 9 SECOND.
 10 ANY MORE DISCUSSION?
 11 (NO RESPONSE.)
 12 MR. HILLIARD:
 13 OBJECTIONS?
 14 (NO RESPONSE.)
 15 MR. HILLIARD:
 16 THE MOTION CARRIES.
 17 SO, WE HAVE A NEW AMENDED
 18 BUDGET.
 19 MS. LYNETTE, DO YOU WANT TO
 20 GO AHEAD WITH THE REST OF THE BUDGET?
 21 MS. BINNING:
 22 YES, SIR.
 23 MR. HILLIARD:
 24 IF YOU WILL NOTICE, THERE
 25 IS A NEW FORMAT TO OUR FINANCIAL REPORT. IF

1 A VOTE TO APPROVE THIS --
 2 MR. HILLIARD:
 3 YES, SIR.
 4 MR. HENRY SMITH:
 5 -- IS THAT CORRECT?
 6 MR. HILLIARD:
 7 WE NEED A MOTION AND A VOTE
 8 TO APPROVE IT.
 9 JUST -- TOO, WHEN WE
 10 LOOKED AT THE DETAIL OF THE PROFESSIONAL
 11 SERVICES CONTRACT, ROBERT HALLACK AND SHERI
 12 MORRIS' AMOUNT, BECAUSE SHERI HAD SOME -- SHE
 13 HAD -- THE CONTRACT HAD NOT BEEN FINALIZED
 14 AND SIGNED. SO, WE COULD NOT PAY HER FOR THE
 15 FIRST THREE MONTHS OF LAST FISCAL YEAR. THAT
 16 AMOUNT EXTRA WAS ADDED IN HERE. BOTH OF THE
 17 AMOUNTS FOR -- WE ESTIMATED AN EVEN AMOUNT
 18 OF FORTY THOUSAND PER EACH ATTORNEY AND THEY
 19 TOOK THE EXTRA AMOUNT WE HAD AND JUST SPLIT
 20 IT BETWEEN THE TWO, SINCE IT WAS THE EASIER
 21 WAY TO DO AS OPPOSED TO TRYING TO FIGURE IT
 22 OUT EXACTLY. SO, IF YOU LOOK ON THAT LAST --
 23 ON BC-9. THOSE ARE ACTUALLY BOTH ESTIMATED
 24 FOR THIS YEAR'S EXPENSES OF FORTY THOUSAND
 25 EACH.

1 EVERYBODY WILL PULL OUT THIS SHEET.
 2 MS. BINNING:
 3 FOR THE MONTH ENDING
 4 OCTOBER 31ST, 2008, WE HAD A TOTAL REVENUE
 5 OF FOUR HUNDRED THREE THOUSAND EIGHT HUNDRED
 6 SEVENTEEN DOLLARS AND FIFTY-FIVE CENTS. WE
 7 HAD TOTAL EXPENDITURES OF ONE HUNDRED
 8 SIXTY-THREE THOUSAND SIX HUNDRED SEVENTY-FOUR
 9 DOLLARS AND TWENTY-FIVE CENTS, FOR A DIFFERENCE
 10 OF TWO HUNDRED AND FORTY THOUSAND ONE-FORTY-
 11 THREE-THIRTY.
 12 ON PAGES 1 AND 2 IS THE NEW
 13 FORMATTED FINANCIAL STATEMENT THAT YOU
 14 REQUESTED. I WOULD LIKE TO POINT OUT THAT ON
 15 PAGE 1, I LEFT SOME EXTRA ROOM AT THE BOTTOM OF
 16 THE PAGE, BECAUSE I'M GOING TO TRY TO IMPLEMENT
 17 SEPARATING EACH CATEGORY OF LICENSE FEES INTO
 18 INITIALS AND RENEWALS. SO, WE WILL SEE HOW
 19 THAT WORKS.
 20 MR. HILLIARD:
 21 WILL YOU BE ABLE TO DO THAT
 22 WITH THE HISTORICAL DATA, TOO?
 23 MS. BINNING:
 24 NOT FOR THE HISTORICAL
 25 DATA --

1 MR. HILLIARD:
 2 OKAY.
 3 MS. BINNING:
 4 - AND FOR COMPARISON
 5 PURPOSES, I HOPE THAT'S NOT GOING TO BE A
 6 PROBLEM, BUT I'M GOING TO GIVE IT A WHIRL.
 7 MR. HILLIARD:
 8 AT LEAST KEEP THE DATA
 9 -- I MEAN, AT LEAST MAKE SURE THE DATA IS
 10 PUT IN THE SYSTEM, SO THAT EVEN IF YOU DON'T
 11 PUT IT IN THE CURRENT REPORT, AS LONG AS
 12 THE DATA IS THERE, SO NEXT YEAR WHEN WE GET
 13 AROUND TO --
 14 MS. BINNING:
 15 YES, SIR.
 16 MR. HILLIARD:
 17 - START TO LOOK AT IT.
 18 MS. BINNING:
 19 WE HAVE SPENT A TOTAL OF
 20 SIX HUNDRED AND TEN THOUSAND FIVE HUNDRED
 21 SEVENTY-SIX DOLLARS AND ONE CENT OF OUR BUDGET
 22 YEAR TO DATE, AND THEN, WE HAVE THREE HUNDRED
 23 NINETY-SEVEN THOUSAND NINE HUNDRED SEVENTY
 24 DOLLARS IN CERTIFICATES OF DEPOSIT.
 25 ON OUR REVENUE AND

1 MS. BINNING:
 2 PAGE 2?
 3 MR. HILLIARD:
 4 CORRECT, YES, PAGE 2, AT
 5 THE --
 6 MS. BINNING:
 7 THAT IS YEAR TO DATE YOU
 8 ARE LOOKING AT. YOU HAVE TO LOOK AT THE OTHER
 9 TWO, ONE-SIXTY-THREE-ONE-THIRTY-ONE.
 10 MR. BERRY:
 11 FOR THE MONTH.
 12 MR. HILLIARD:
 13 OH, I'M SORRY, FOR THE
 14 MONTH.
 15 MR. STROUP:
 16 FOR THE MONTH.
 17 MR. HILLIARD:
 18 I'M SORRY, I THOUGHT YOU
 19 WERE TALKING ABOUT FOR THE -- I'M SORRY..
 20 MR. BERRY:
 21 FOR THE MONTH, WHAT WAS
 22 SPENT.
 23 MS. BINNING:
 24 THE REASON WE HAVE SPENT A
 25 LITTLE MORE THIS MONTH, ON PAGE 10, YOU WILL A

1 EXPENDITURE COMPARISON ON PAGE 8, WE HAVE
 2 COMPARED THIS MONTH'S REVENUES -- THE OCTOBER
 3 OF 2008 REVENUES TO OCTOBER OF 2007 REVENUES.
 4 WE HAVE RECEIVED TWENTY-TWO THOUSAND FIVE
 5 HUNDRED TWO DOLLARS AND NINETY-THREE CENTS MORE
 6 THAN WE DID LAST YEAR. ALSO, WE HAVE SPENT
 7 THIRTY-TWO THOUSAND SIX HUNDRED THIRTY-THREE
 8 DOLLARS AND FIFTEEN CENTS MORE THAN WE DID IN
 9 2007.
 10 WE HAVE ACCOUNTS RECEIVABLE
 11 FROM OUR HEARING FINES OF FORTY-FIVE THOUSAND
 12 EIGHT HUNDRED NINE DOLLARS AND SEVENTY-SEVEN
 13 CENTS.
 14 MR. HILLIARD:
 15 I'M SORRY, LYNETTE, YOU ARE
 16 SAYING WE SPENT MORE YEAR TO DATE THAN WE DID
 17 LAST YEAR?
 18 MS. BINNING:
 19 YES, SIR. I'M GETTING TO
 20 THAT. RIGHT NOW.
 21 MR. HILLIARD:
 22 NO, BUT WHEN I LOOK AT THE
 23 -- WHEN I LOOK ON OUR PAGE 2, IT SHOWS ACTUALLY
 24 SPENDING TWO THOUSAND DOLLARS LESS THAN WE DID
 25 LAST YEAR, YEAR TO DATE, 6/10 TO 6/12.

1 MEMO THAT I DO THAT TELLS WHAT THE OUTSTANDING
 2 EXPENDITURES ARE AND IN TRAVEL, WE PAID TWO
 3 MONTHS OF MILEAGE TO THE EXECUTIVE DIRECTOR,
 4 BUT THE BIGGEST THING THAT THREW THIS MONTH OFF
 5 WAS OUR ANNUAL AGENCY INSURANCE PREMIUM WAS
 6 DUE, WHICH WAS THIRTY-NINE THOUSAND AND SOME
 7 ODD DOLLARS.
 8 WE ALSO RECEIVED --
 9 MR. HILLIARD:
 10 WHEN WAS THAT PAID LAST YEAR
 11 -- IS IT PAID THE SAME MONTH EVERY YEAR?
 12 MS. BINNING:
 13 NOT NECESSARILY. I THINK
 14 IT WAS PAID AT THE BEGINNING OF OCTOBER, THIS
 15 MONTH.
 16 WE ALSO HAD TO REFILL THE
 17 POSTAGE METER. UTILITIES WAS BETTER DUE TO THE
 18 COOLER WEATHER. ALSO, ANOTHER POINT WAS OUR
 19 AUTO SUPPLIES WAS DOWN BECAUSE OF THE DECREASED
 20 GAS PRICES AND ALMOST EVERYTHING ELSE WAS
 21 NORMAL.
 22 MR. HILLIARD:
 23 THE TELEPHONE HAS DECREASED
 24 ALSO. THEY CANCELLED THREE PHONES, IS THAT
 25 RIGHT, TWO FAX MACHINE LINES AND ONE PHONE

1 LINE?
 2 MS. BINNING:
 3 ACTUALLY, TWO FAX MACHINE
 4 LINES, TWO PHONE LINES, TWO CELL PHONE LINES.
 5 MR. BERRY:
 6 AND THE INSURANCE PREMIUM
 7 LAST YEAR WAS PAID PRIOR TO OCTOBER.
 8 MS. BINNING:
 9 THAT'S ALL I HAVE TO REPORT.
 10 IF THERE ARE ANY QUESTIONS,
 11 I WILL BE HAPPY TO ANSWER THEM.
 12 MR. LAMARTINA:
 13 THE INSURANCE, WHAT
 14 PERIOD DOES IT COVER, THE THIRTY-NINE
 15 THOUSAND?
 16 MR. BERRY:
 17 THE YEAR.
 18 MS. BINNING:
 19 IT'S ANNUAL, ONE YEAR.
 20 MR. HILLIARD:
 21 BUT, IT IS ONE YEAR
 22 FROM -- DO YOU KNOW WHEN THE START AND END DATE
 23 IS?
 24 MS. BINNING:
 25 I'M NOT SURE. I THINK IT

1 MR. LAMARTINA:
 2 THAT'S THE WHOLE THING.
 3 I WOULD PROBABLY PUT IT AS
 4 PREPAID ON THE BALANCE SHEET, AND THEN, JUST
 5 TAKE AND AMORTIZE THE EXPENSE OF ONE-TWELFTH
 6 EACH MONTH. THAT WOULD PROBABLY DO AS A
 7 PRESENTATION ON THAT.
 8 MR. HILLIARD:
 9 ONE OF THE THINGS THAT I
 10 HAVE TRIED TO DO ON THE BUDGET IN WORKING WITH
 11 LYNETTE AND THE REASON WE CHANGED TO THIS IS SO
 12 WE COULD HAVE A BETTER IDEA EACH MONTH HOW WE
 13 ARE DOING COMPARED TO LAST YEAR -- AND ON THIS
 14 PAGE, HOW WE ARE DOING EACH MONTH COMPARED TO
 15 WHAT OUR BUDGET IS.
 16 MY THINKING TO SEE ON THIS
 17 IS KIND OF DOING A SIMILAR FORMAT TO WHAT WE
 18 DID ON THE FIRST TWO PAGES WHERE WE HAVE WHAT
 19 OUR BUDGETED EXPENSES WOULD BE FOR THE MONTH,
 20 WHAT -- OUR BUDGETED INCOME AND EXPENSES, WHAT
 21 OUR ACTUAL, AND THEN, YOU KNOW, HOW THAT WOULD
 22 WORK OUT.
 23 I ALSO DID SOMETHING --
 24 LYNETTE PROVIDED ME WITH THREE YEARS WORTH OF
 25 OUR LICENSE FEE INCOME. THIS IS STRICTLY

1 IS SEPTEMBER 1ST, BUT I CAN CHECK THAT FOR
 2 YOU, BUT IT IS USUALLY PAID EITHER SEPTEMBER OR
 3 OCTOBER MOST YEARS.
 4 MR. HILLIARD:
 5 ON THE BUDGET BALANCE
 6 PAGE, PAGES 3 AND 4, JOE, IS THERE A BETTER
 7 WAY TO LOOK AT THIS? I MEAN, SHOULD WE HAVE --
 8 HOW SHOULD WE LOOK AT HOW WE ARE GOING AS FAR
 9 AS REACHING -- AND FOR THE COMMISSIONERS WHO
 10 HAVEN'T MET JOEY YET, HE IS ALSO A CPA. SO,
 11 WE HAVE SOMEBODY THAT WE CAN DEFER SOME OF
 12 THESE QUESTIONS TO.
 13 MR. LAMARTINA:
 14 WELL, THAT'S A GOOD START
 15 OF WHAT YOU WERE TRYING TO GET TO, BUT MY
 16 QUESTION ON INSURANCE PERHAPS IS -- LYNETTE
 17 IS FAMILIAR ENOUGH. I WOULD HAVE BOOKED IT
 18 AS PREPAID AND JUST AMORTIZE IT ON A MONTH
 19 TO MONTH BASIS INSTEAD OF HITTING IT ALL IN
 20 ONE MONTH IS ALL I'M SAYING. IF YOU JUST BOOK
 21 IT THAT WAY AND EACH MONTH TAKE ONE-TWELFTH.
 22 I'M NOT SURE IF THIS --
 23 IS THAT A DOWN PAYMENT OR IS THE WHOLE THING?
 24 MR. HILLIARD:
 25 THAT IS THE WHOLE THING.

1 LICENSE FEES. IT IS NOT ADDITIONAL INCOME AND
 2 STUFF, BUT IF YOU WILL PASS THESE AROUND AND
 3 MAKE SURE LYNETTE GETS ONE AS WELL. THIS
 4 JUST BREAKS DOWN THE PERCENTAGE OF OUR
 5 LICENSE FEES COLLECTED FOR EACH OF THE THREE
 6 PREVIOUS YEARS AND THE AVERAGE WE COLLECTED
 7 EACH MONTH.
 8 SO, FOR EXAMPLE, THROUGH THE
 9 END OF OCTOBER, WE HAVE COLLECTED --
 10 (OFF-THE-RECORD DISCUSSION.)
 11 MR. HILLIARD:
 12 DO WE NEED MORE? I THOUGHT
 13 I HAD ENOUGH.
 14 YES, IF YOU LOOK ON THE
 15 SHEET THAT WAS HANDED OUT, THROUGH OCTOBER,
 16 IF YOU LOOK ALL THE WAY TO THE RIGHT, THE
 17 THREE YEAR AVERAGE, WE SHOULD HAVE COLLECTED
 18 THIRTY-TWO POINT FOUR PERCENT OF THE LICENSE
 19 FEE REVENUE WE HAVE COLLECTED. OKAY.
 20 SO, WE TAKE OUR BUDGET
 21 THAT WE JUST APPROVED AND LOOK AT OUR LICENSE
 22 FEES, WE ARE ESTIMATING A TOTAL PROJECTED
 23 LICENSE FEES OF ONE POINT FOUR-THREE-FIVE
 24 MILLION, ONE-FOUR-THREE-FIVE -- THAT DIDN'T
 25 WORK.

1 BASED ON THAT AVERAGE --
2 (OFF-THE-RECORD DISCUSSION.)

3 MR. HILLIARD:

4 IT IS SHOWING THAT OUR
5 ESTIMATED REVENUE AT THIS POINT WOULD BE FOUR
6 HUNDRED AND SIXTY-FIVE THOUSAND AND WE ARE AT
7 FIVE HUNDRED AND NINETY-SIX, BASED UPON THE
8 THREE YEAR AVERAGE. NOW, PART OF WHAT ACCOUNTS
9 FOR THAT, IF YOU NOTICE, ON PAGE 1 OF THE
10 FINANCIAL REPORT, WE ARE A HUNDRED THOUSAND
11 DOLLARS MORE THAN WE WERE AT THIS TIME LAST
12 YEAR.

13 PART OF IT IS, WHEN THEY
14 SENT OUT NOTICES, WE ALSO HAD THE PENDING
15 LAYOFF AND THEY DID LET THE DEALERS KNOW THAT
16 WE WERE ABOUT TO HAVE A LAYOFF, SO YOU NEED TO
17 GET THIS DONE SOON. SO, I DO THINK WE ARE
18 HAVING -- I DO THINK THEY WERE HAVING A LITTLE
19 BIT OF A SURGE EARLIER THAN WE NORMALLY DO AND
20 THAT SHOULD BALANCE OUT OVER THE NEXT TWO OR
21 THREE MONTHS, BUT THIS REPORT WILL ALLOW US TO
22 LOOK AND SEE, YOU KNOW, BY THE END OF JANUARY
23 -- IF WE HAVEN'T GOTTEN THE MONEY BY THE END OF
24 JANUARY, YOU ARE NOT GOING TO GET IT.

25 I MEAN, YOU HAVE GOT EIGHTY-

1 FIVE PERCENT OF YOUR INCOME IN BY THE END OF
2 JANUARY AND IF WE HAVEN'T -- YOU KNOW, THAT
3 WAY, WE COULD LOOK EACH MONTH AND KNOW, BASED
4 ON HISTORICAL DATA, HOW MUCH OF OUR LICENSE
5 FEES HAVE COME IN AND WHAT OUR -- YOU KNOW,
6 WHAT WE CAN EXPECT ON AVERAGE BASED ON THE REST
7 OF THE YEAR.

8 THIS -- WHAT I WOULD LIKE TO
9 SEE, AND PLEASE FEEL FREE TO VOICE OPINIONS ON
10 THIS, FOR OUR BUDGET THING IS TO KIND OF TAKE
11 THIS INTO EFFECT -- AND I DON'T KNOW HOW
12 EXACTLY WE CAN INCORPORATE THAT IN HERE,
13 BECAUSE YOU HAVE ALL THE LICENSEES BROKEN DOWN,
14 UNLESS YOU JUST USE A PERCENTAGE FOR THE
15 BUDGET, BUT USE THESE NUMBERS TO INDICATE WHAT
16 OUR PERCENTAGE OF LICENSE FEES COLLECTED SHOULD
17 BE, HOW MUCH WE HAVE ACTUALLY COLLECTED.

18 SO, WE DO THE SAME TWO
19 LINES. WE DO IT ON THE 1ST, ACTUAL THIS MONTH,
20 ACTUAL YEAR TO DATE, AND THEN, BUDGETED THIS
21 MONTH, BUDGETED YEAR TO DATE. THAT WAY, WE CAN
22 LOOK AT THE SAME COMPARISON BOTH THIS YEAR OVER
23 LAST YEAR AND THIS YEAR OVER WHAT OUR EXPECTED
24 BUDGET IS.

25 DOES THAT MAKE SENSE TO

1 EVERYBODY?

2 (NOD HEADS AFFIRMATIVELY.)

3 MR. HILLIARD:

4 I THINK THAT WILL HELP US
5 HAVE A BETTER IDEA OF WHAT IS GOING ON, SO WE
6 DON'T WIND UP, YOU KNOW, FURTHER DOWN THE YEAR
7 AND -- RIGHT NOW, YOU LOOK AT OUR FINANCIAL
8 SITUATION AND, SHOOT, WE'VE GOT TONS OF MONEY,
9 BUT WE HAVE TO HAVE TONS OF MONEY, NOW. IF WE
10 DON'T HAVE IT NOW, WE ARE GOING TO GET IT.

11 ANY QUESTIONS?

12 MS. HUDSON:

13 I HAVE A COMMENT. YOU
14 DID A LOT OF WORK HERE. IT LOOKS REALLY
15 GOOD AND I APPRECIATE YOUR WORK, BECAUSE I
16 KNOW IT TOOK A LOT OF TIME TO BREAK ALL OF
17 THIS DOWN BY CATEGORY AND BY MONTH, ESPECIALLY
18 GOING BACK TO '05, '06. IT IS REAL EASY
19 FOR ME TO READ THIS. SO, I APPRECIATE YOUR
20 WORK ON THIS. WE ALL KNOW YOU DON'T GET
21 PAID.

22 MR. HILLIARD:

23 WELL, LYNETTE PROVIDES THE
24 INFORMATION. I JUST HAD TO GET IT IN THE RIGHT
25 -- ONCE I GOT IT ON A SPREADSHEET, IT WAS EASY

1 TO MOVE EVERYTHING AROUND TO GET IT IN THE
2 RIGHT FORMAT.

3 THANK YOU VERY MUCH. I JUST
4 WANTED TO SEE MYSELF HOW WE WERE DOING BASED
5 UPON AVERAGES AND, YOU KNOW, THIS GIVES A THREE
6 YEAR AVERAGE AND WE WILL CONTINUE TO ADD TO
7 THAT AS WELL AND GET A BETTER PICTURE OF HOW
8 THINGS ARE GOING.

9 IF THERE ARE NO OTHER
10 QUESTIONS ON THE FINANCIAL STATEMENT, I NEED A
11 MOTION.

12 MS. MATERNE:

13 I'LL MAKE A MOTION TO ACCEPT
14 THE BUDGET.

15 MR. HILLIARD:

16 SECOND?

17 MR. BERRY:

18 SECOND.

19 MR. HILLIARD:

20 ANY OBJECTIONS?

21 (NO RESPONSE.)

22 MR. HILLIARD:

23 THE MOTION CARRIES.

24 WE ARE NOT ACTUALLY --

25 LYNETTE, DID YOU ACTUALLY PLAN ON GOING OVER

1 THE -- I'M ASSUMING THE 2009, 2010 BUDGET IS
 2 THE SAME NUMBERS AS WE HAD IN '08 AND '09?
 3 MS. BINNING:
 4 BASICALLY, IT IS THE SAME,
 5 THE SAME REVENUE FIGURES THAT WE FIGURED.
 6 MR. HILLIARD:
 7 THE SALARIES DIFFERENCE IS
 8 NOT BASED ON TERMINATION?
 9 MS. BINNING:
 10 NO. WE DON'T HAVE THE
 11 TERMINATION. WE DON'T HAVE THE SALARY FOR THE
 12 THREE EMPLOYEES OR THE STUDENT, BUT I DID
 13 INCORPORATE THE MERIT INCREASES INTO THAT AND I
 14 WAS ABLE TO PUT -- BECAUSE OF THAT, I WAS ABLE
 15 TO PUT THE PURCHASE OF TWO VEHICLES IN THERE TO
 16 REPLACE OUR OLDER FLEET.
 17 MR. HILLIARD:
 18 THAT IS IN ACQUISITIONS --
 19 THE THIRTY-FOUR THOUSAND DOLLARS --
 20 MS. BINNING:
 21 YES.
 22 MR. HILLIARD:
 23 -- IS IN ACQUISITIONS?
 24 MS. BINNING:
 25 YES.

1 MR. HILLIARD:
 2 SO, IF YOU WILL TAKE TIME TO
 3 LOOK OVER THIS BEFORE NEXT MEETING AND WE WILL
 4 DISCUSS IT AND VOTE ON IT AT THE NEXT MEETING.
 5 WE HAVE TO -- WE VOTED ON THE BUDGET. THAT
 6 DOESN'T START UNTIL JULY OF NEXT YEAR. I DON'T
 7 KNOW HOW ACCURATE WE CAN BE, BUT THAT IS HOW WE
 8 ENDED UP AMENDING --
 9 MS. BARON:
 10 DO YOU WANT ME TO PUT
 11 ANOTHER COPY IN THE PACKET OR IS EVERYBODY
 12 GOING TO KEEP UP WITH THE ONE THEY HAVE?
 13 MR. HILLIARD:
 14 I WOULD RATHER EVERYBODY
 15 KEEP UP WITH THEM AND BRING THEM BACK --
 16 MS. BARON:
 17 OKAY.
 18 MR. HILLIARD:
 19 -- AND IF SOMEBODY NEEDS TO
 20 MAKE COPIES, THEN WE WILL DO IT. I WOULD
 21 RATHER SAVE THE COPIES.
 22 MS. BARON:
 23 OKAY.
 24 MR. HILLIARD:
 25 LEGAL MATTERS --

1 MS. BINNING:
 2 I COULD ALSO E-MAIL THESE TO
 3 YOU IF YOU WOULD LIKE.
 4 MR. HILLIARD:
 5 WHY DON'T YOU DO THAT AS
 6 WELL, JUST E-MAIL A COPY OF THE PROPOSED BUDGET
 7 TO EVERYBODY, SO THEY WILL HAVE IT AVAILABLE.
 8 OKAY.
 9 LEGAL MATTERS, MS. MORRIS,
 10 ANY PROGRESS ON THE OPEN MEETINGS VIOLATION
 11 CASE?
 12 MS. MORRIS:
 13 IT IS STILL PENDING
 14 BEFORE THE FIRST CIRCUIT. IT SHOULD BE SET
 15 FOR A HEARING, I WOULD EXPECT, EARLY NEXT
 16 YEAR.
 17 MR. HILLIARD:
 18 ANY QUESTIONS OR DISCUSSION
 19 ABOUT THAT?
 20 (NO RESPONSE.)
 21 MR. HILLIARD:
 22 MOVING ON TO MR. HALLACK'S
 23 INVOICE.
 24 MR. HENRY SMITH:
 25 MR. CHAIRMAN, AFTER

1 REVIEWING MR. HALLACK'S INVOICE, I MAKE A
 2 MOTION THAT WE ACCEPT IT AS SUBMITTED.
 3 MR. HILLIARD:
 4 THERE IS A MOTION.
 5 SECOND?
 6 MS. HUDSON:
 7 SECOND.
 8 MR. HILLIARD:
 9 ANY OPPOSITION?
 10 (NO RESPONSE.)
 11 MR. HILLIARD:
 12 NO OBJECTION, THE MOTION
 13 CARRIES.
 14 THE NEXT ONE -- COMMENT?
 15 MS. HUDSON:
 16 MR. HALLACK, I HAVE A
 17 COMMENT REGARDING YOUR INVOICING. YOU PROBABLY
 18 DON'T HAVE A COPY OF MS. MORRIS' INVOICE.
 19 MR. HALLACK:
 20 YES, I DO.
 21 MS. HUDSON:
 22 YOU DO.
 23 DO YOU SEE THE LAST PAGE
 24 WHERE SHE HAD AMOUNT OF THE ORIGINAL CONTRACT.
 25 BILLED TO DATE, REMAINING BALANCE?

1 MR. HALLACK:
 2 YES.
 3 MS. HUDSON:
 4 IF YOU COULD, COULD YOU
 5 MAYBE ADD THAT PAGE TO YOUR CONTRACT?
 6 MR. HALLACK:
 7 OKAY. I SURE WILL.
 8 MS. HUDSON:
 9 THAT WOULD BE GREAT. THANK
 10 YOU.
 11 MR. HILLIARD:
 12 NOW, MOVING ON TO MS.
 13 MORRIS' INVOICE.
 14 MS. MORRIS:
 15 MOST AGENCIES REQUIRE A
 16 BALANCE SHEET. I JUST DID IT THE WAY I DID IT
 17 FOR MY OTHER AGENCIES.
 18 I GUESS MY QUESTION WOULD
 19 BE, NOW THAT YOU HAVE AMENDED YOUR BUDGET TO BE
 20 LOWER THAN THE CONTRACT, DO YOU WANT TO USE THE
 21 BUDGET NUMBER RATHER THAN THE CONTRACT NUMBER?
 22 MS. HUDSON:
 23 CONTRACT NUMBER.
 24 MR. HILLIARD:
 25 YES. I WOULD SAY STILL USE

1 SO, THAT IS JUST SOMETHING
 2 WE NEED TO DECIDE HOW WE WANT TO HANDLE IT. I
 3 THINK THAT FORTY THOUSAND IS PROBABLY REALISTIC
 4 UNLESS THERE ARE UNFORESEEN LEGAL EXPENSES THAT
 5 WE CAN'T SEE AT THIS TIME. HOPEFULLY, FORTY
 6 THOUSAND IS HIGH. HOPEFULLY, WE CAN GET IT
 7 LESS THAN THAT, BUT I THINK THAT THAT'S
 8 PROBABLY A REALISTIC NUMBER LOOKING AT SOME
 9 PREVIOUS INFORMATION.
 10 MR. BERRY:
 11 WE PROBABLY NEED TO HAVE THE
 12 CONTRACT AGREE WITH THE AMOUNT WE HAVE IN THE
 13 BUDGET, IF I UNDERSTAND THE INCUMBRANCE
 14 PROCEDURE.
 15 MR. HILLIARD:
 16 IF WE DO THAT, IT GOES BACK
 17 TO WHERE -- YOU KNOW, EITHER WE CAN -- IF YOU
 18 LOOK AT THE PROPOSED BUDGET, THAT'S SOMETHING
 19 WE CAN TAKE INTO EFFECT AND WE WANT TO COUNT
 20 THAT MONEY IN OUR PROPOSED BUDGET IF --
 21 BASICALLY, IT WOULD MEAN SACRIFICING THE CARS.
 22 NOW, WE CAN MAKE THAT
 23 DECISION, ONE, COMING IN --
 24 MR. BERRY:
 25 YES. EITHER FORTY THOUSAND

1 THE CONTRACT NUMBER AND WE WILL KEEP AN EYE ON
 2 THAT, ON OUR INITIAL REPORT AS TO WHAT THE
 3 ACTUAL ESTIMATING IS. THE QUESTION DID COME UP
 4 AND MS. MORRIS AND I DISCUSSED THAT IN THE
 5 BUDGETARY MEETING. I THINK OFFICIALLY WE ARE
 6 SUPPOSED TO HAVE BUDGETED THE AMOUNT OF THE
 7 FULL CONTRACT.
 8 MS. MORRIS:
 9 WHEN YOU SUBMIT A CONTRACT
 10 TO THE DIVISION OF ADMINISTRATION FOR APPROVAL,
 11 YOU CERTIFY THAT YOU HAVE FUNDS SUFFICIENT TO
 12 PAY THE AMOUNT OF THE CONTRACT, AND THEN, SOME
 13 AGENCIES ENCUMBER THOSE FUNDS, SO THAT YOU MAKE
 14 SURE THAT BEFORE THE END OF THE YEAR, YOU DONT
 15 RUN OUT OF MONEY TO COVER THE CONTRACT.
 16 MR. HILLIARD:
 17 THAT IS ONE THING TO KIND OF
 18 CONSIDER IS TO KEEP AN EYE ON IT AND WE
 19 ACTUALLY HAVE TWENTY THOUSAND DOLLARS -- THIS
 20 YEAR, IT IS DIFFERENT, BECAUSE IT WAS A LITTLE
 21 BIT MORE, BUT GENERALLY, BASED ON THE BUDGET,
 22 WE HAVE ESTIMATED FORTY THOUSAND DOLLARS EACH.
 23 WE WOULD ACTUALLY HAVE AN ADDITIONAL LIABILITY
 24 OF TWENTY THOUSAND DOLLARS EACH THAT COULD GO
 25 UP TO THEIR MAXIMUM CONTRACT.

1 ON BOTH OR -- VERSUS SIXTY THOUSAND DOLLARS.
 2 MR. HILLIARD:
 3 RIGHT. COMING INTO THE --
 4 YOU KNOW, BY THE TIME THIS NEXT BUDGET ACTUALLY
 5 GOES INTO EFFECT, WE WILL HAVE GONE THROUGH THE
 6 LEGISLATIVE SESSION AND KNOW IF WE HAVE A FEE
 7 INCREASE, AND THEN, IF NOT, IF WE WANT TO KEEP
 8 THAT IN THE BUDGET, THEN THE WAY WE CAN DO IT
 9 AND WE CAN WAIT UNTIL CLOSER TO THE END OF THE
 10 ACTUAL YEAR BEFORE WE PURCHASE THE VEHICLES AND
 11 SAY, "WE HAVE THIS MUCH SURPLUS IN OUR CONTRACT
 12 FOR LEGAL EXPENSES AND INSTEAD WE ARE GOING TO
 13 PURCHASE VEHICLES."
 14 MS. MORRIS:
 15 ACTUALLY, OUR CONTRACT
 16 WILL END WITH THE FISCAL YEAR. SO, YOU WILL
 17 HAVE TO, IN MAY OR JUNE, SUBMIT NEW CONTRACTS
 18 AND IF YOUR BUDGET DOESN'T HAVE SIXTY
 19 THOUSAND IN IT, YOU WOULDN'T CERTIFY THAT YOU
 20 HAVE --
 21 MR. HILLIARD:
 22 I THINK MR. HALLACK HAS A
 23 THREE YEAR CONTRACT, THOUGH.
 24 MR. HALLACK:
 25 YES, BUT IT EXPIRES 2009.

1 MR. HILLIARD:
2 WELL, WE WILL GET TO THAT
3 DISCUSSION AS WE GET -- AND THINK ABOUT THAT,
4 HOW YOU WANT TO HANDLE THAT ON THE NEXT BUDGET.
5 WE DO NEED TO -- YOU KNOW, I DO THINK WE NEED
6 TO DO WHAT WE ARE SUPPOSED TO. WE NEED TO
7 AMEND THEIR CONTRACTS TO FORTY OR -- AND I
8 WOULD ALWAYS HAVE THE CONTRACT FOR SIXTY -- AND
9 I THINK WE CAN AMEND THE CONTRACT, TOO.

10 MS. MORRIS:
11 YES. IF YOU GOT TO THE
12 CONTRACT LIMIT AND YOU HAVE LITIGATION PENDING
13 AND YOU HAVE TO INCUR LEGAL EXPENSES, YOU COULD
14 AT THAT TIME, REQUEST AN AMENDMENT, BUT AT THAT
15 TIME, YOU ALSO HAVE TO CERTIFY TO THE DIVISION
16 THAT YOU HAVE THE FUNDS TO PAY THE CONTRACT.

17 MR. HILLIARD:
18 WE WILL THINK OF THOSE TWO
19 ISSUES BEFORE DISCUSSING THEM AT THE NEXT
20 MEETING WHEN WE VOTE ON THE BUDGET.

21 MOVING BACK TO MS. MORRIS'
22 BILL.

23 MS. HUDSON:
24 MR. CHAIRMAN, I MAKE A
25 MOTION THAT WE ACCEPT MS. MORRIS' BILL AS

1 PAGE 1 OF THE INCOME OF THE FINANCIAL
2 STATEMENT? WE COLLECTED TWELVE THOUSAND
3 SIX HUNDRED LAST MONTH SHOWING THE TOTAL
4 COLLECTED THIS YEAR OF THIRTY-THREE THOUSAND
5 ONE-THIRTY-TWO.

6 MS. BINNING:
7 YES.

8 MS. HUDSON:
9 ALSO, I MEAN, MR. HALLACK
10 OBVIOUSLY, YOU ARE INVOLVED IN THAT PROCESS,
11 TOO. I'M SORRY, I DIDN'T MEAN TO MAKE THAT ONE
12 SIDED.

13 MR. HALLACK:
14 THAT'S OKAY.

15 MR. HENRY SMITH:
16 THAT WAS GOING TO BE MY NEXT
17 QUESTION.

18 MS. HUDSON:
19 ONE OF THEM IS THE DEFENSE
20 AND THE OTHER ONE IS THE PROSECUTOR.

21 MR. HILLIARD:
22 THE PROSECUTOR -- YES. HE
23 IS THE ONE THAT COLLECTED --

24 MR. HALLACK:
25 KIM ACTUALLY COLLECTED IT.

1 PREPARED AND PAY IT AND I WOULD ALSO LIKE TO
2 MAKE A COMMENT WITH THAT MOTION, THAT THE
3 AMOUNT OF MONEY THAT WE HAVE PAID HER TO DATE,
4 SHE HAS COLLECTED -- WHAT WAS IT, SHERI, TEN
5 THOUSAND AND FIVE?

6 MR. HILLIARD:
7 THEY COLLECTED --

8 MS. MORRIS:
9 MORE THAN THAT.

10 MR. HILLIARD:
11 -- TWENTY-TWO THOUSAND.

12 MS. HUDSON:
13 TWENTY-TWO.

14 MR. HILLIARD:
15 YES. WE COLLECTED ACTUALLY
16 TWENTY -- LYNETTE, DO YOU HAVE THAT NUMBER
17 RIGHT THERE?

18 MS. MORRIS:
19 WE HAD EIGHTEEN THOUSAND FOR
20 ONE HEARING DATE.

21 MR. HILLIARD:
22 YES.
23 WE HAVE COLLECTED IN
24 ACTUAL NUMBER, YEAR TO DATE, IN FINES --
25 IS THIS CORRECT, THIRTY-THREE THOUSAND, ON

1 MS. HUDSON:
2 IT GOES TO EVERYBODY.

3 MR. HILLIARD:
4 WE HAVE COLLECTED ALMOST AS
5 MUCH AS WE HAVE SPENT.

6 MR. HENRY SMITH:
7 WHAT WAS THE AMOUNT, MR.
8 CHAIRMAN?

9 MR. HILLIARD:
10 IF YOU LOOK ON THE FINANCIAL
11 STATEMENT, ON PAGE 1, IT IS THIRTY-THREE
12 THOUSAND ONE HUNDRED FORTY-TWO DOLLARS AND IF
13 YOU LOOK AT -- WE DO HAVE A MOTION ON THE
14 FLOOR. JUST TO KIND OF PUT IT IN PERSPECTIVE,
15 IF YOU LOOK AT PROFESSIONAL SERVICES, WE SPENT
16 FORTY-THREE THOUSAND DOLLARS SO FAR FOR
17 PROFESSIONAL SERVICES. SO, WE HAVE COLLECTED
18 ALL BUT TEN THOUSAND OF WHAT WE SPENT ON
19 PROFESSIONAL SERVICES, BUT OBVIOUSLY THAT -- I
20 DON'T KNOW THAT WE WILL ALWAYS DO THAT.

21 WE HAVE A MOTION ON THE
22 FLOOR.

23 IS THERE A SECOND?

24 MR. SNYDER:
25 SECOND.

1 MR. HILLIARD:
 2 ANY OBJECTIONS?
 3 (NO RESPONSE.)
 4 MR. HILLIARD:
 5 THE MOTION CARRIES.
 6 MOVING ON TO THE PERSONNEL
 7 REPORT, LIKE I SAID, WE HAD -- TWO THURSDAYS
 8 AGO, WE HAD A BUDGET MEETING, AND THEN, AFTER
 9 THE BUDGET MEETING, WE WENT INTO A PERSONNEL
 10 MEETING. I WILL LET MR. SNYDER KIND OF FILL US
 11 IN ON HOW THE PERSONNEL MEETING WENT AND WE
 12 WILL GET INTO THAT.
 13 MR. SNYDER:
 14 WELL, BASICALLY, AFTER THE
 15 BUDGET MEETING, WE CAME UP WITH A BALANCED --
 16 SOMEWHAT OF A BALANCED BUDGET. WE DECIDED IN
 17 THE PERSONNEL COMMITTEE MEETING THAT WE WOULD
 18 FOREGO ANY LAYOFFS AND THAT'S WHAT WE ARE
 19 RECOMMENDING TO THE COMMISSION.
 20 MR. HILLIARD:
 21 SO, AT THIS TIME, I THINK
 22 ACTUALLY THE MOTION WAS TO LOOK AT IT AGAIN IN
 23 DECEMBER AND LOOK AT IT AGAIN IN JANUARY.
 24 MR. SNYDER:
 25 THAT'S RIGHT.

1 MR. HILLIARD:
 2 AT THIS POINT, YES.
 3 MR. HENRY SMITH:
 4 -- UNTIL REVIEW IN JANUARY.
 5 MS. HUDSON:
 6 DECEMBER AND JANUARY.
 7 MR. HILLIARD:
 8 WITH REVIEW IN DECEMBER AND
 9 ONCE AGAIN IN -- AND I THINK IT IS GOING TO BE
 10 REVIEWED IN JANUARY AS WELL.
 11 SO, THERE IS A MOTION.
 12 MR. BERRY:
 13 SECOND.
 14 MR. EUGENE SMITH:
 15 WHAT IS THE MOTION?
 16 MR. HILLIARD:
 17 THE MOTION IS TO HOLD OFF ON
 18 ANY LAYOFFS AND REVIEW THE FINANCIAL NUMBERS
 19 AGAIN IN DECEMBER AND MAKE SURE WE ARE STILL ON
 20 TARGET.
 21 MR. BERRY:
 22 SECOND.
 23 MR. HILLIARD:
 24 ANY OBJECTIONS?
 25 (NO RESPONSE.)

1 MR. HILLIARD:
 2 WOULD YOU LIKE TO MAKE THAT
 3 MOTION?
 4 MR. SNYDER:
 5 I MOVE THAT WE FOREGO THE
 6 LAYOFFS AND CONTINUE TO LOOK AT THE BUDGET FOR
 7 THE FUTURE POSSIBILITIES.
 8 MR. HILLIARD:
 9 JUST TO CLARIFY IT, I THINK
 10 THE ONLY REASON TO DO THAT IS TO -- WE ARE
 11 GOING TO KEEP LOOKING AT THE FINANCES AND MAKE
 12 SURE. AT THIS POINT, THERE LOOKS TO BE NO
 13 REASON TO HAVE A LAYOFF. WE DON'T PARTICIPATE
 14 HAVING ANY REASON TO HAVE A LAYOFF, BUT BY
 15 SAYING -- RIGHT NOW, WE CAN GO AHEAD AND SAY,
 16 "NO, WE ARE NOT GOING TO DO ANYTHING", THEN
 17 EVERYTHING STOPS AT CIVIL SERVICE AND BY
 18 PUTTING THEM ON HOLD, IT ALLOWS US JUST TO
 19 TRACK THE BUDGET IN DECEMBER AND AGAIN IN
 20 JANUARY AND I THINK WE WILL HAVE A CLEARER
 21 PICTURE -- BY THE JANUARY MEETING, WE WILL HAVE
 22 A CLEARER PICTURE OF HOW EVERYTHING IS GOING.
 23 MR. HENRY SMITH:
 24 SO, THAT ALSO ELIMINATES THE
 25 IDEA OF GOING BACK TO THE THIRTY-TWO HOUR --

1 MR. HILLIARD:
 2 THE MOTION CARRIES.
 3 I ACTUALLY DO NOT HAVE IT ON
 4 THERE. THIS IS MORE INFORMATION THAT NEEDS TO
 5 BE VOTED ON, BUT AFTER THAT LAST MEETING, MS.
 6 MORRIS AND MR. FALCON, THE ATTORNEY FOR THE
 7 EMPLOYEES WHO WERE AFFECTED BY THE PROPOSED
 8 LAYOFF, MR. SNYDER AND MR. BERRY SAT DOWN AND
 9 HAD A FEW MINUTES OF MEETING, AND MR. TORRANCE
 10 AS WELL, AND DECIDED THAT IT WOULD BE A GOOD
 11 IDEA TO GET THE EMPLOYEES WHO HAVE BEEN
 12 AFFECTED TOGETHER AND LET -- HAVE A CHANCE TO
 13 TALK TO THEM WITH THE INTENT TO TRY TO CLEAR
 14 THE AIR AND CLEAR THE ANIMOSITY BETWEEN THE
 15 COMMISSION AND THE STAFF AND MOVE FORWARD.
 16 WE HAD A MEETING SCHEDULED
 17 FRIDAY -- LAST FRIDAY. JACK WAS SICK AND
 18 WASN'T ABLE TO MAKE IT. MS. MORRIS AND I WERE
 19 THERE AS WELL AS ALL OF THE EMPLOYEES AFFECTED
 20 AS WELL.
 21 I THINK IT WAS A VERY GOOD
 22 MEETING. THEY HAVE -- THEIR ADVICE FROM THEIR
 23 ATTORNEY WAS TO -- YOU KNOW, TO PUT THIS BEHIND
 24 YOU AND MOVE ON, STOP WORRYING ABOUT WHO SAID
 25 WHAT. WHO DID WHAT BACK TWO MONTHS AGO, THREE

1 MONTHS AGO, SIX MONTHS AGO AND MOVE FORWARD AND
2 I THINK ALL OF US -- AND I WOULD SAY THE
3 EMPLOYEES TOOK THE FIRST STEP EVEN BEFORE THAT
4 MEETING IN INVITING ALL OF US TO THE LUNCH AND
5 TRYING TO TAKE THAT STEP FOR THANKSGIVING
6 TOWARD MENDING THE DIVIDE.

7 THE BIGGEST THING WE CLEARED
8 -- I THINK WE GOT PRETTY MUCH EVERYTHING OUT ON
9 THE TABLE AND CLEARED IT AND TALKED ABOUT IT, I
10 KNOW THAT EVERYBODY IS STILL NOT PERFECTLY
11 HAPPY, BUT I DO THINK THAT AT THIS POINT, THERE
12 IS AN OPPORTUNITY FOR US TO WORK TOGETHER AND
13 MY BIGGEST COMMENT IS, I WILL GIVE THEM THE
14 BENEFIT OF THE DOUBT AND I WOULD ASK THE
15 COMMISSIONERS TO GIVE THEM THE BENEFIT OF THE
16 DOUBT AND SEE IF WE ARE WILLING TO WORK
17 TOGETHER.

18 A COUPLE OF ISSUES THAT CAME
19 UP, YOU KNOW, ABOUT RESPECTFULNESS, YOU KNOW, I
20 TOLD THEM AS WELL AS THEIR ATTORNEY THAT THEY
21 NEED TO TREAT ALL OF THE COMMISSIONERS
22 RESPECTFULLY, PERIOD, WHETHER YOU LIKE THEM OR
23 YOU AGREE WITH THEM, ANYTHING ELSE, YOU MUST
24 TREAT THE COMMISSIONERS RESPECTFULLY.

25 THERE WAS A COMMENT, "WELL,

1 EVERY PERSON WHO COMES IN THIS OFFICE NEEDS TO
2 BE TREATED THE SAME WAY, EVERY LICENSEE.
3 WHETHER THEIR FATHER, UNCLE OR BROTHER IS A
4 MEMBER OF THE LEGISLATURE, WHETHER THEIR BEST
5 FRIEND WORKS HERE AT THE COMMISSION, WHETHER IT
6 IS ONE OF THE COMMISSIONERS OURSELVES, IF
7 SOMEBODY COMES IN, WHETHER IT IS FOR A
8 COMPLAINT OR FOR LICENSE ISSUES, THEY ALL NEED
9 TO BE TREATED EXACTLY THE SAME WAY.

10 THAT IS -- YOU KNOW, THE
11 GOLD OLD BOY NETWORK REIGNED IN THIS STATE FOR
12 YEARS AND IT WASN'T THIS AGENCY, IT WAS ALL
13 AGENCIES OPERATING ON THAT PROCESS. WELL, THAT
14 -- THE TIMES ARE A CHANGING AND THERE IS A NEW
15 DAY AND WE ARE GOING TO OPERATE THIS COMMISSION
16 ON AN EQUAL BASIS.

17 SO, THAT WAS THE BIGGEST
18 THING. I SAID, "IF YOU WILL DO THOSE TWO
19 THINGS, IF YOU WILL KEEP IT IN BUDGET AND MAKE
20 SURE THAT EVERYBODY IS TREATED FAIRLY AND THERE
21 IS NO BACK DOOR DEALS, YOU DO SOMETHING WRONG,
22 BECAUSE YOU KNOW SOMEBODY ELSE AND YOU CAN GET
23 OFF, I AM GOING TO BE HAPPY. SO, THAT'S THE
24 TWO BIGGEST THINGS THAT I HAD FOR THEM.

25 I THINK THAT THAT IS

1 YOU KNOW, WHAT IF THEY DON'T TREAT US
2 RESPECTFULLY" AND I THINK THE WORDING IS A
3 LITTLE DIFFERENT FROM ONE OF THE EMPLOYEES AND
4 WHAT MR. FALCON SAID IS, "THE DEEPER IT GETS,
5 YOU TAKE IT AND YOU DO YOUR JOB." WHAT I'M
6 ASKING THE COMMISSIONERS IS, GIVE THEM THE
7 BENEFIT OF THE DOUBT. LET'S TRY TO GO FORWARD
8 ON A MORE CIVIL NOTE.

9 WE ARE NOT ALWAYS GOING TO
10 AGREE BETWEEN -- YOU KNOW, AND THE STAFF IS NOT
11 ALWAYS GOING TO LIKE THE DECISIONS WE MAKE, BUT
12 LET'S TRY TO KEEP IT ON A MORE CIVIL BASIS IF
13 WE CAN.

14 I TOLD THEM THE TWO BIGGEST
15 THINGS THAT DRIVE ME, AS FAR AS CHAIRMAN OF
16 THIS COMMISSION, ONE IS FISCAL RESPONSIBILITY.
17 WE WILL NOT OPERATE IN A DEFICIT LIKE WE HAVE
18 IN THE PAST. THAT IS SOMETHING THAT I HAVE
19 COMMITTED TO. WE WILL MOVE FORWARD AND WE WILL
20 TRY TO GET A FEE INCREASE IN THE NEXT
21 LEGISLATIVE SESSION, BUT WE WILL NOT CONTINUE
22 TO OPERATE IN A DEFICIT AND THEY ALL UNDERSTOOD
23 THAT AND AGREED WITH THAT.

24 THE SECOND THING, AND THIS
25 IS SOMETHING I DISCUSSED WITH THEM ALL, IS THAT

1 SOMETHING THAT WE, YOU KNOW, CAN ALL MOVE
2 FORWARD WITH. I DO THINK THAT THEY ALL AGREED
3 -- NOT ALL OF THE EMPLOYEES WERE THERE, BUT I'M
4 SURE THE MESSAGE SPREAD AROUND TO THE REST OF
5 THE EMPLOYEES. THEY TALKED ABOUT IT.

6 WE NEED TO IMPROVE IT. IT
7 HAS BEEN NASTY AND IT HAS BEEN -- YOU KNOW,
8 FROM THE VERY BEGINNING AND BOTH SIDES HAVE
9 SOME DEGREE OF GUILT. LIKE I SAID, WE ARE
10 GOING TO MOVE PAST THAT AND NOT WORRY ABOUT WHO
11 IS RESPONSIBLE, BUT LET'S TRY TO MOVE FORWARD
12 WITH BOTH PARTIES AND SEE IF WE CAN DO ANY
13 BETTER.

14 ANY OTHER COMMENTS THAT YOU
15 HAVE?

16 MS. MORRIS:

17 NO.

18 MR. HILLIARD:

19 THAT PRETTY MUCH SUMMED IT
20 UP?

21 MS. MORRIS:

22 YES.

23 MR. HILLIARD:

24 ANOTHER THING THAT CAME
25 ABOUT IN DISCUSSION WITH MR. FALCON AND WITH

1 CIVIL SERVICE AS WELL IS THAT THEY SAID THAT IT
2 IS IMPERATIVE THAT WE HAVE SOME SORT OF
3 APPOINTING AUTHORITY FOR THE COMMISSION. THEY
4 SAID IT IS -- YOU HAVE TO HAVE SOMETHING WHERE
5 DECISIONS CAN BE MADE ON A MORE TIMELY BASIS
6 AND ALSO WHERE PERSONNEL MATTERS CAN BE HANDLED
7 ON A SMALLER BASIS, SO THAT YOU ARE NOT TRYING
8 TO DISCUSS PERSONNEL MATTERS IN FRONT OF THE
9 HIGHER COMMITTEE, IF THERE ARE DISCIPLINE
10 ISSUES AND STUFF LIKE THAT.

11 MS. MORRIS HAS PROVIDED A
12 PROPOSED APPOINTING AUTHORITY. WE DISCUSSED
13 THAT, A SINGLE PERSON. I PERSONALLY DON'T
14 WANT THAT AUTHORITY AND DON'T LIKE THAT IDEA.
15 WHAT WE HAVE COME UP WITH IS TO USE A THREE
16 PERSON APPOINTING AUTHORITY, MYSELF, THE
17 CHAIRMAN, AND MR. SNYDER, THE CHAIRMAN OF THE
18 PERSONNEL COMMITTEE, AND MS. HUDSON AS THE VICE
19 CHAIRMAN.

20 THAT COMMITTEE WOULD HAVE --
21 DO YOU HAVE THE PROPOSAL?
22 THE -- BEFORE WE EVEN GET
23 INTO -- AS FAR AS THAT, THE PERSONNEL COMMITTEE
24 WOULD ALSO BE INSTRUCTED -- AND THIS IS WHAT I
25 WILL -- TO GO BACK AND LOOK AT ALL OF OUR

1 POLICIES AND PROCEDURES DEALING WITH PERSONNEL
2 MATTERS AND MAKE SURE WE ARE UP TO DATE AND
3 EVERYTHING IS BOTH IN LINE WITH WHAT -- HOW WE
4 WANT THE OFFICE TO RUN AS WELL AS TO MAKE SURE
5 THAT WE ARE IN LINE WITH WHAT THE LAW SAYS AND
6 CIVIL SERVICE SAYS. SO, THAT IS ONE ISSUE THAT
7 NEEDS TO BE HERE AS WELL.

8 SECONDLY, ALSO THAT THEY GO
9 THROUGH THE JOB DESCRIPTIONS AND MAKE SURE
10 EVERYTHING IS CURRENT AND UPDATED. OUR JOB
11 DESCRIPTIONS NEED TO BE BASED ON WHAT WORK
12 ACTUALLY NEEDS TO BE DONE. THERE WERE SOME
13 COMMENTS IN THE PAST THAT MS. HEMPHILL, AT ONE
14 TIME, MIGHT HAVE WRITTEN THE JOB DESCRIPTIONS
15 TO GET RAISES. THEY NEED TO WRITTEN BASED UPON
16 WHAT NEEDS TO BE DONE. SO, THOSE CAN BE LOOKED
17 AT AS WELL. SO, THAT'S TWO OF THE ISSUES WE
18 HAVE COVERED IN HERE AS WELL.

19 THE THIRD PART IS THAT --
20 AND I WOULD LIKE TO ADD ONE THING ON HERE
21 THAT'S NOT IN HERE. THESE MEETINGS WOULD BE
22 WITH THE EXECUTIVE DIRECTOR PRESENT AND
23 INVOLVED IN THE MEETING, BUT, "THE COMMISSION"
24 -- AND I'LL READ THIS PART, "THE COMMISSION"
25 WILL HEREBY DESIGNATE ITS CHAIRMAN, JEFF

1 HILLIARD, OR PERSONNEL COMMITTEE CHAIRMAN,
2 PHILLIP SNYDER, AND VICE CHAIR, JOAN HUDSON, AS
3 THE APPOINTING AUTHORITY WITH FULL AUTHORITY TO
4 SUPERVISE AND EMPLOY CLASSIFIED CIVIL SERVANTS
5 INCLUDING THE AUTHORITY TO TAKE NECESSARY
6 ACTION AND EXECUTE DOCUMENTATION TO HIRE,
7 PROMOTE, GRANT PAY INCREASES, TAKE DISCIPLINARY
8 ACTION OTHER THAN TERMINATION OF AN EMPLOYEE
9 AND ANY OTHER ACTIONS RELATED TO THE EMPLOYMENT
10 OF CLASSIFIED PERSONNEL OF THE COMMISSION."

11 SO, THIS IS NOT DEAL WITH --
12 NOBODY CAN BE FIRED AND ANYTHING LIKE THAT
13 WOULD COME BEFORE THE FULL COMMISSION BEFORE
14 ANYONE WAS FIRED.

15 SECOND, "BE IT RESOLVED, THE
16 APPOINTING AUTHORITY MAY MEET AT SUCH TIMES AS
17 DESIGNATED BY CHAIRMAN HILLIARD TO ACT IN ANY
18 MATTER INVOLVING THE SUPERVISION OF EMPLOYMENT
19 OF CLASSIFIED PERSONNEL AS SET FORTH IN THIS
20 RESOLUTION."

21 "THAT EXECUTIVE DIRECTOR,
22 JACK TORRANCE, SHALL REPORT ON A WEEKLY BASIS
23 TO CHAIRMAN HILLIARD OR ANY MEMBER OF THE
24 APPOINTING AUTHORITY DESIGNATED BY CHAIRMAN
25 HILLIARD, ALL PERSONNEL MATTERS WHICH REQUIRE

1 APPROVAL, INCLUDING BUT NOT LIMITED TO TIME AND
2 ATTENDANCE, REQUESTS FOR ANNUAL LEAVE, SICK
3 LEAVE AND ANY REQUEST OF AN EMPLOYEE TO WORK
4 OVERTIME AND ANY PENDING DISCIPLINARY ACTIONS."

5 ONCE AGAIN, EVERYTHING WOULD
6 BE FUNNELED THROUGH MR. TORRANCE AND, YOU KNOW,
7 HE WOULD BE ORGANIZING EVERYTHING THAT HAS TO
8 BE DONE. THIS WOULD ALLOW A SINGLE MEMBER OF
9 THAT APPOINTING AUTHORITY TO APPROVE
10 TIMESHEETS, LEAVE AND ALL THAT KIND OF STUFF.
11 SO, THIS ALLOWS A WORKING RELATIONSHIP BETWEEN
12 MR. TORRANCE AND ONE OF THE THREE OF US TO DO
13 THAT.

14 IS THERE ANYTHING ELSE I'M
15 LEAVING OUT? THESE GO INTO JOB DESCRIPTIONS,
16 POLICIES AND I THINK THAT IS IT.

17 DISCUSSION?

18 MS. MATERNE:

19 JEFF, YOU HAD MENTIONED THAT
20 YOU WANTED THE PERSONNEL COMMITTEE TO REVIEW
21 THE POLICIES AND PROCEDURES. IS THERE A TIME
22 LINE THAT YOU WANT THAT DONE IN?

23 MR. HILLIARD:

24 I DON'T THINK THERE IS A
25 CRISIS THAT HAS TO BE ADDRESSED THERE. BUT I

1 JUST THINK THAT, YOU KNOW, FOR ONE, WE NEED TO
2 LOOK AT ALL OF OUR POLICIES AND PROCEDURES JUST
3 TO MAKE SURE EVERYTHING IS UP TO DATE. YOU
4 KNOW, THIS IS ONE THING WE HAVE GOTTEN INTO IN
5 THE PAST IS THINGS HAVE -- HISTORICALLY, WE
6 HAVE KIND OF DONE THINGS, BECAUSE, "WELL, THIS
7 IS THE WAY -- YOU KNOW, WE ARE GOING TO DO IT
8 THIS WAY." WE JUST SOMETIMES HAVE TO MAKE SURE
9 THAT, ONE, THERE IS A POLICY THAT ADDRESSES IT
10 AND, TWO, THAT IT IS IN LINE WITH THE LAW.

11 I THINK THAT IS ONE THING WE
12 JUST -- IT HAS ALWAYS -- YOU KNOW, THE WAY WE
13 DID IT MIGHT HAVE WORKED. IT JUST MIGHT NOT
14 HAVE BEEN EXACTLY LEGAL. SO, WE WANT TO MAKE
15 SURE OF THAT.

16 MS. MATERNE:
17 GOING THROUGH THIS AND
18 READING THROUGH IT, IT SEEMS, TOO, THAT THE --
19 IT IS KIND OF JUMBLED TOGETHER. EMPLOYEE
20 POLICIES ARE SANDWICHED IN -- OR DEALER ISSUES
21 ARE SANDWICHED IN BETWEEN EMPLOYEE POLICIES.
22 YOU MIGHT HAVE SOMETHING ABOUT CELL PHONE USE
23 AND THE NEXT THING IS ABOUT HOW YOU HANDLE A
24 SITUATION WITH A DEALER. SO, THIS REALLY LOOKS
25 LIKE IT NEEDS TO BE UPDATED.

1 MR. HILLIARD:
2 AND I DON'T THINK THERE
3 WOULD BE A PROBLEM TO GO BACK AND --
4 MS. MATERNE:
5 SEPARATE POLICIES AND
6 PROCEDURES.
7 MR. HILLIARD:
8 -- LOOK AT PERSONNEL ISSUES
9 AND MAYBE START DESIGNATING, YOU KNOW, A POLICY
10 "P" SOMETHING FORMALLY TO COVER WHATEVER --

11 MS. MORRIS:
12 IT WOULD BE PERSONNEL
13 POLICIES, NUMBER ONE.

14 MR. HILLIARD:
15 RIGHT.
16 MR. EUGENE SMITH:
17 I WOULD LIKE TO ASK A
18 QUESTION. I GUESS JACK WOULD PROBABLY BE ABLE
19 TO ANSWER THIS. OVER THE YEARS, HAVE WE EVER
20 HAD ANY PROBLEMS WITH WHO WAS THE APPOINTING
21 AUTHORITY?

22 MR. TORRANCE:
23 NO, WE HAVEN'T.

24 MR. EUGENE SMITH:
25 THEN, WHY IS IT NOW?

1 THAT'S WHAT I DON'T UNDERSTAND. BECAUSE I
2 TALKED TO SOMEONE AT THE ATTORNEY GENERAL'S
3 OFFICE AND THEY SEEM TO THINK THAT IT IS THE
4 EXECUTIVE DIRECTOR --

5 MR. HILLIARD:
6 NO, IT IS NOT.
7 MR. EUGENE SMITH:
8 -- BECAUSE, IT SAYS "SHALL"

9 AND I WOULD LIKE FOR US TO GET AN OPINION FROM
10 THE ATTORNEY GENERAL AS TO WHO IS THE
11 APPOINTING AUTHORITY AND THAT WOULD BE EASIER
12 FOR US, JUST WRITE A LETTER TO THE ATTORNEY
13 GENERAL'S OFFICE AND ASK THEM WHO THE
14 APPOINTING AUTHORITY IS.

15 MR. HILLIARD:
16 IT IS -- I MEAN, IT IS VERY
17 CLEAR IN THE STATUTE THAT THE APPOINTING
18 AUTHORITY IS --

19 MR. EUGENE SMITH:
20 IT IS NOT CLEAR TO ME.
21 WHEN IT SAYS, "THE EXECUTIVE DIRECTOR SHALL
22 RUN THE COMMISSION", TO ME, THAT LEAVES OUT
23 ALL DOUBT.

24 MR. HILLIARD:
25 IT SPECIFICALLY SAYS, YOU

1 KNOW, "THE COMMISSION SHALL HIRE", NOT THE
2 EXECUTIVE DIRECTOR HIRE.
3 MR. EUGENE SMITH:
4 I'M NOT SAYING THE
5 COMMISSION DON'T COME IN THERE AT ONE POINT,
6 BUT I THINK THAT THE FIRST PART WOULD BE THE
7 EXECUTIVE DIRECTOR, AND THEN, THE COMMISSION
8 WOULD COME IN THERE. I'M NOT SAYING THEY
9 WOULDNT HAVE ANY AUTHORITY.

10 MR. HILLIARD:
11 THE EXACT WORDING IS, "THE
12 EXECUTIVE DIRECTOR SHALL BE IN CHARGE OF THE
13 COMMISSION'S OFFICE AND SHALL DEVOTE TIME AS
14 NECESSARY TO FULFILL THE DUTIES THEREOF" --

15 MR. EUGENE SMITH:
16 THAT'S RIGHT.

17 MR. HILLIARD:
18 -- BUT, IN CHARGE OF THE
19 OFFICE IS THE CHARGE OF RUNNING THE OFFICE. AS
20 FAR AS THE AUTHORITY TO HIRE AND FIRE, THAT IS
21 SPECIFICALLY LISTED AS THE COMMISSION, "THE
22 COMMISSION SHALL EMPLOYEE SUCH CLERICAL,
23 TECHNICAL AND LEGAL HELP TO INSURE AND INCUR
24 SUCH EXPENSES IN MAKING THAT NECESSARY." SO,
25 THOSE ARE TWO SEPARATE CATEGORIES LISTED AS

1 SPECIFICALLY SEPARATE. THE EXECUTIVE DIRECTOR
 2 IS LISTED AS ONE CATEGORY. THE COMMISSION IS
 3 LISTED AS --
 4 MR. EUGENE SMITH:
 5 COULD WE GET AN OPINION FROM
 6 THE ATTORNEY GENERAL ON THIS? IT DOESN'T COST
 7 ANYTHING.
 8 MS. MATERNE:
 9 CAN I JUST INTERJECT
 10 SOMETHING? I CANNOT FIND A COPY OF IT RIGHT
 11 NOW, BUT DOES ANYONE HAVE A COPY OF THE
 12 ORGANIZATIONAL CHART THAT WAS WRITTEN BEFORE WE
 13 EVER CAME ONTO THIS COMMISSION, BECAUSE IT
 14 CLEARLY SHOWS THAT THE COMMISSION IS AT THE TOP
 15 OF THE ORGANIZATIONAL CHART.
 16 MR. EUGENE SMITH:
 17 I UNDERSTAND THAT.
 18 MS. MATERNE:
 19 JACK TORRANCE, OR THE
 20 EXECUTIVE DIRECTOR --
 21 MR. EUGENE SMITH:
 22 HE ANSWERS TO THE
 23 COMMISSION.
 24 MS. MATERNE:
 25 -- HE ANSWERS TO THE

1 I HAVE BEEN HERE, I HAVE NEVER ACTED OUTSIDE
 2 THE SCOPE OF THE COMMISSION. I HAVE ALWAYS HAD
 3 THE AUTHORITY, BUT BEFORE I DID ANYTHING, I
 4 REPORTED TO THE CHAIRMAN, AND THEN, HE REPORTED
 5 TO THE FULL BOARD. IT WAS NEVER DONE LIKE
 6 Y'ALL ARE TRYING TO SAY IT IS. I NEVER TOOK
 7 NOTHING ON MY OWN TO DO ANYTHING AGAINST THE
 8 COMMISSION WITHOUT THE BOARD'S AUTHORITY.
 9 MR. HILLIARD:
 10 I'M NOT SAYING YOU DID.
 11 WHAT I'M SAYING IS THAT THE WAY IT WAS DONE IN
 12 THE PAST, IT WAS UNOFFICIALLY THE CHAIRMAN, MR.
 13 ROBERTS, WOULD DISCUSS AND MR. ROBERTS WOULD
 14 APPROVE AND IT WOULD BE DONE, BUT THERE WAS
 15 NEVER ANYTHING OFFICIALLY APPOINTED.
 16 THE ATTORNEY FOR THE
 17 EMPLOYEES WITH CIVIL SERVICE HAVE ALL SAID YOU
 18 NEED TO HAVE AN APPOINTING AUTHORITY TO HANDLE
 19 SUCH MATTERS THAT COME UP BETWEEN THE TIME THAT
 20 -- YOU CANNOT MEET AND ALSO CONSIDER THINGS IN
 21 A PERSONAL NATURE INSTEAD OF A FOURTEEN PERSON
 22 PANEL BEING INVOLVED IN PERSONNEL MATTERS.
 23 THAT WAS THEIR
 24 RECOMMENDATION FROM BOTH SIDES AND THIS WAS
 25 FROM THE PERSON REPRESENTING THE EMPLOYEES AS

1 COMMISSION. THAT'S CORRECT. THAT'S IT.
 2 MR. EUGENE SMITH:
 3 THAT'S WHAT I'M SAYING.
 4 THAT'S WHAT I'M GETTING AT. THAT'S THE SAME
 5 THING YOU ARE SAYING.
 6 MS. MATERNE:
 7 WELL, IT'S THERE. I DON'T
 8 SEE WHY WE NEED TO GET A SECOND OPINION.
 9 MR. EUGENE SMITH:
 10 HE IS NOT BEING DESIGNATED
 11 AS THE APPOINTING AUTHORITY. I'M NOT SAYING
 12 JUST JACK. I'M JUST SAYING THE EXECUTIVE
 13 DIRECTOR, WHOEVER IT IS.
 14 MR. HILLIARD:
 15 IN THE PAST, IT HAS ACTUALLY
 16 BEEN -- MOST OF IT-- AND THIS WAS KIND -- IT
 17 WAS NEVER APPROVED, BUT MOST DECISIONS WERE
 18 MADE BETWEEN MIKE ROBERTS, THE CHAIRMAN, AND
 19 JACK, BUT THE CHAIRMAN WAS ACTING AS THE
 20 APPOINTING AUTHORITY. THEY NEVER PASSED A
 21 RESOLUTION AUTHORIZING THE CHAIRMAN TO ACT AS
 22 THAT, BUT THE CHAIRMAN WAS THE ONE ACTING AS
 23 THE APPOINTING AUTHORITY.
 24 MR. TORRANCE:
 25 IN THE EIGHTEEN YEARS THAT

1 WELL AS THE PERSON REPRESENTING CIVIL SERVICE.
 2 SO, IT IS SOMETHING THAT GOES BACK TO THE SAME
 3 THING, WE HAVE DONE THINGS THAT HAVE WORKED,
 4 BUT THEY HAVEN'T BEEN AUTHORIZED. WE HAVEN'T
 5 DONE IT IN THE OFFICIAL WAY IT NEEDS TO BE
 6 DONE.
 7 SO, THERE WAS AN APPOINTING
 8 AUTHORITY AND IT WAS THE CHAIRMAN, MIKE
 9 ROBERTS, BUT IT NEVER AUTHORIZED. OFFICIALLY,
 10 WAS NOT DONE RIGHT AND WHAT WE ARE TRYING TO DO
 11 IS MAKE SURE THAT IT IS DONE RIGHT.
 12 MR. EUGENE SMITH:
 13 I WOULD JUST WANT A LEGAL
 14 OPINION ON THAT.
 15 MR. HILLIARD:
 16 WELL, A LEGAL OPINION, FOR
 17 ONE, IF WE VOTE THIS VOTE, THERE IS NO NEED FOR
 18 A LEGAL OPINION, BECAUSE WE VOTED TO HAVE THE
 19 APPOINTING AUTHORITY SPECIFICALLY FOR A THREE
 20 COMMISSION OR A THREE PANEL APPOINTING
 21 AUTHORITY.
 22 MR. HENRY SMITH:
 23 I DO HAVE ONE QUESTION.
 24 MR. HILLIARD:
 25 YES, SIR.

1 MR. HENRY SMITH:
 2 TO RUN THE DAILY OFFICE
 3 ACTIVITIES, WHAT DOES THE OFFICE SUPERVISOR --
 4 MS. HUDSON:
 5 THEY DON'T HAVE ONE.
 6 MR. HENRY SMITH:
 7 I MEAN, WE ARE NOT REPLACING
 8 ANYBODY IN THE POSITION OF LOIS, THEN?
 9 MR. HILLIARD:
 10 WE ARE NOT.
 11 MS. HUDSON:
 12 MR. TORRANCE DOES THAT.
 13 MR. HENRY SMITH:
 14 THAT IS MR. TORRANCE'S
 15 POSITION THERE.
 16 MR. HILLIARD:
 17 MR. TORRANCE IS THE
 18 AUTHORITY OF THE OFFICE AND THE FIELD. WE DID
 19 NOT REPLACE MIKE RUSSELL, HIS DUTIES WERE
 20 OVERSEEING THE FIELD. IT'S ALL TO JACK. WE
 21 DID NOT REPLACE LOIS HEMPHILL. HER DUTIES
 22 INVOLVED THE -- JACK IS RESPONSIBLE.
 23 MR. DUPLESSIS:
 24 I DO THINK THAT HENRY SMITH
 25 BRINGS UP A VERY GOOD POINT. IT IS ONE WE NEED

1 A MOTION.
 2 I WOULD LIKE TO MAKE A
 3 MOTION --
 4 MR. HILLIARD:
 5 TO?
 6 MR. DUPLESSIS:
 7 I FEEL LIKE I DID WHEN I WAS
 8 ON THE THIRD GRADE BASEBALL TEAM. I FINALLY
 9 GOT THE SIGNALS.
 10 I WOULD LIKE TO MAKE A
 11 MOTION WE ADOPT THE RESOLUTION AND PROPOSE AN
 12 AMENDMENT TO TRY TO HIRE -- CONTACT THE
 13 DIVISION OF ADMINISTRATION FOR AN H.R. PERSON,
 14 FOR A SMALL OR FREE CHARGE, TO FILL THAT
 15 POSITION.
 16 MR. HILLIARD:
 17 WOULD IT BE BETTER --
 18 MS. MATERNE:
 19 MAKE TWO MOTIONS.
 20 MR. DUPLESSIS:
 21 OKAY, MAKE TWO MOTIONS.
 22 MR. HILLIARD:
 23 SO, THE FIRST ONE WE WILL
 24 DEAL WITH, WE WILL DO THE FIRST ONE ON THE
 25 MOTION ON THE APPOINTING AUTHORITY.

1 TO ADDRESS. WE DON'T CURRENTLY HAVE AN H.R.
 2 PERSON AND IT IS VERY POSSIBLE WE COULD GET ONE
 3 FREE OF CHARGE THROUGH THE DIVISION OF
 4 ADMINISTRATION AND I DO THINK THAT IS SOMETHING
 5 THAT WE NEED TO ADDRESS. I THINK THAT IS A
 6 CRITICAL ISSUE IN TODAY'S LEGAL WORLD AND I
 7 WOULD LIKE TO PROPOSE TO THE COMMISSION THAT WE
 8 CONTACT THE DIVISION OF ADMINISTRATION TO SEE
 9 IF WE CAN GET AN INDEPENDENT H.R. PERSON FREE
 10 OF CHARGE, IF NOT FOR A MEAGER CHARGE.
 11 MR. HILLIARD:
 12 AT THIS POINT, I KNOW
 13 LYNETTE HAS TRIED TO ASSUME THE DUTIES, BUT I
 14 KNOW HER PLATE IS FULL. IF WE CAN DO SOMETHING
 15 FOR FREE, I'M ALL FOR IT.
 16 IS THAT A MOTION?
 17 MR. DUPLESSIS:
 18 I WOULD LIKE TO AMEND THE
 19 MOTION -- PROPOSE AN AMENDMENT TO THE MOTION.
 20 MR. BERRY:
 21 WHAT MOTION?
 22 MR. HILLIARD:
 23 WE DON'T HAVE A MOTION, YET.
 24 MR. DUPLESSIS:
 25 OH, I'M SORRY. WE DON'T HAVE

1 IS THERE A SECOND?
 2 MS. MATERNE:
 3 I SECOND THE MOTION.
 4 MR. HILLIARD:
 5 ANY OBJECTIONS?
 6 (NO RESPONSE.)
 7 MR. HILLIARD:
 8 HEARING NONE, THE MOTION
 9 CARRIES.
 10 ON THE SECOND ONE, TO TRY
 11 TO GET AN H.R. PERSON FROM THE DIVISION OF
 12 ADMINISTRATION, THERE IS A MOTION ON THE FLOOR.
 13 MR. SNYDER:
 14 QUESTION.
 15 MR. HILLIARD:
 16 YES, SIR.
 17 MR. SNYDER:
 18 RON, WOULD THIS BE A FULL
 19 TIME PERSON?
 20 MR. DUPLESSIS:
 21 I DON'T KNOW. I KNOW THAT
 22 WE -- THIS IS MY OPINION. I STRONGLY BELIEVE
 23 THAT WE NEED AN H.R. PERSON INDEPENDENT OF
 24 EVERYONE AND I WOULD OFFER UP THE
 25 RECOMMENDATION TO CONTACT THE DIVISION OF

1 ADMINISTRATION AND SEE WHAT THEY CAN PROVIDE
 2 AND PROBABLY THAT CAN BEST BE DONE THROUGH MS.
 3 MORRIS CONTACTING -- KNOWING ALL OF THE INS AND
 4 OUTS OF THE COMMISSION'S ACTIVITIES MUCH BETTER
 5 THAN WE DO.
 6 THEY DO, ON OCCASION,
 7 PROVIDE H.R. DIRECTORS IF THEY THINK IT IS SUCH
 8 AN IMPORTANT DECISION IN THE COMMISSION TO BE
 9 HELD. THEY WILL OFTEN PROVIDE, AND THEN, WE
 10 CAN LOOK FOR IN LIEU OF. SO, THAT IS KIND OF
 11 MY UNDERSTANDING OF THE PROCESS.
 12 MR. SNYDER:
 13 OKAY.
 14 MR. DUPLESSIS:
 15 MS. MORRIS, IS THAT PRETTY
 16 ACCURATE?
 17 MS. MORRIS:
 18 (NODS HEAD AFFIRMATIVELY.)
 19 MR. HILLIARD:
 20 SECOND?
 21 MR. SNYDER:
 22 SECOND.
 23 MR. HILLIARD:
 24 ANY OBJECTION?
 25 (NO RESPONSE.)

1 NOW, BUT THEY ARE THE SAME WORDING.
 2 MR. HALLACK:
 3 THERE'S BUY BACK PROVISIONS
 4 THAT APPLY TO MARINE, MOTORCYCLE, R.V. AND
 5 UTILITY TRAILERS.
 6 MR. HILLIARD:
 7 SO, THERE ARE ACTUALLY FOUR
 8 SEPARATE ONES EVEN THOUGH THEY ARE BASICALLY
 9 THE SAME WORDING?
 10 MR. HALLACK:
 11 THAT'S CORRECT.
 12 MARINE IS A LITTLE
 13 DIFFERENT, BECAUSE MARINE, THE MANUFACTURER HAS
 14 THE ABILITY TO HIRE AN INDEPENDENT SURVEYOR.
 15 MR. HILLIARD:
 16 OKAY.
 17 MR. HALLACK:
 18 MARINE IS A LITTLE BIT
 19 DIFFERENT IN THE APPEAL PROCESS.
 20 MR. HILLIARD:
 21 WELL, I KNOW THAT WE HAVE
 22 HAD SEVERAL CASES THAT HAVE COME BACK FOR
 23 REPURCHASE. THERE HAS BEEN A LOT OF CONCERN
 24 COMING FROM THE MANUFACTURER SIDE THAT OUR LAW
 25 IS UNFAIR IN REGARDS TO THEM.

1 MR. HILLIARD:
 2 GETTING TO THE POINT THAT I
 3 WAS HOPING TO GET TO -- ACTUALLY, WE LOOK LIKE
 4 WE ARE ON TIME.
 5 WHAT TIME ARE THE HEARINGS
 6 SCHEDULED FOR?
 7 MS. BARON:
 8 10:30.
 9 MR. HALLACK:
 10 10:30.
 11 MR. HILLIARD:
 12 LEGISLATION IS SOMETHING WE
 13 NEED TO ADDRESS AND WE NEED TO ADDRESS PRETTY
 14 QUICK. RON, IS THE CHAIRMAN OF OUR LEGISLATIVE
 15 COMMITTEE AND HAS MORE EXPERIENCE THAN MOST OF
 16 US DEALING WITH LEGISLATION.
 17 THERE ARE A COUPLE OF ISSUES
 18 THAT NEED TO BE ADDRESSED THAT I KNOW OF. I
 19 WAS PLANNING ON ACTUALLY SITTING DOWN WITH JACK
 20 THE FRIDAY BEFORE HE GOT SICK AND GO OVER SOME
 21 OF THE -- YOU KNOW, MAKE SURE HE KNOWS SOME,
 22 SPECIFICALLY THE BUY BACK PROVISIONS FOR THE
 23 R.V., MARINE AND MOTORCYCLE.
 24 ROBERT, HELP ME. THERE
 25 ARE ACTUALLY THREE SEPARATE PROVISIONS RIGHT

1 NOW, THERE IS ANOTHER ISSUE
 2 AT LEAST ON THE R.V. SIDE OF THIS THAT WE HAVE
 3 A WARRANTY PROBLEM. I DON'T KNOW IF THIS IS
 4 JUST THE MARINE INDUSTRY, BUT THERE ARE MANY
 5 R.V. MANUFACTURERS BUILDING PRODUCT, SHIPPING
 6 THE PRODUCT, AND THEN, SAYING, "WE ARE ONLY
 7 GOING TO WARRANTY THE STUFF WE BUILT. WE ARE
 8 NOT GOING TO WARRANTY THE THIRTY COMPONENTS WE
 9 PUT IN HERE." SO, THAT MEANS IF THE
 10 REFRIGERATOR BREAKS, YOU HAVE GOT TO GO FIND
 11 THE MANUFACTURER OF THE REFRIGERATOR TO GET THE
 12 WARRANTY. IF THE FURNACE BREAKS, YOU HAVE GOT
 13 TO GO TO A DIFFERENT MANUFACTURER. IF THE
 14 WATER HEATER BREAKS, YOU HAVE TO GO TO A THIRD
 15 MANUFACTURER AND THEY ARE NOT RESPONSIBLE FOR
 16 ANY OF THE STUFF THEY PUT IN THERE.
 17 THEY TRIED SOMETHING LIKE
 18 THAT IN THE CAR INDUSTRY A FEW YEARS AGO AND --
 19 WITH THE TIRE ISSUE AND I THINK THEY ENDED UP
 20 DOING SOME WORK, GETTING SOME STUFF RESOLVED IN
 21 THAT, BUT WHAT THE R.V. INDUSTRY WAS
 22 RECOMMENDING WHEN I MET RECENTLY WITH THEM IS
 23 WHAT IS CALLED A SINGLE SOURCE WARRANTY.
 24 BASICALLY, A STATUTE OR LAW WILL PROVIDE THAT
 25 THE FINAL VEHICLE MANUFACTURER IS RESPONSIBLE

1 FOR EVERYTHING HE PUTS ON THAT VEHICLE.
 2 NOW, IF HE HAS THE -- IF
 3 THEY WANT TO HANDLE THE BIG ISSUE, THE BIG
 4 DISCREPANCY COMES UP WITH THE CHASSIS. CHASSIS
 5 WORK IS CURRENTLY DONE ON R.V.'S BY THE CHASSIS
 6 MANUFACTURER FOR FREIGHTLINER OR WORK HORSE AND
 7 THEY DON'T WANT R.V. DEALERS WHO ARE NOT
 8 TRAINED TO DO THAT JOB. SO, THERE IS A DIVIDE
 9 THERE, BUT THE PROBLEM IS -- WITH THE DIESEL
 10 SPECIFICALLY IS THERE IS ONE WARRANTY FROM THE
 11 CHASSIS MANUFACTURER, IN MY PRODUCT,
 12 SPECIFICALLY, FREIGHTLINER. THERE IS ANOTHER
 13 WARRANTY FROM THE ENGINE MANUFACTURER, EITHER
 14 CAT OR CUMMINS. THERE IS A THIRD WARRANTY FOR
 15 THE TRANSMISSION MANUFACTURER.
 16 WELL, WHEN IT GETS TO THE
 17 FREIGHTLINER SHOP, THEY GET INTO IT AND THEY
 18 SAY, "OH, THIS DOESN'T WORK BECAUSE IT IS A
 19 CUMMINS PROBLEM", AND THEN, CUMMINS GOES, "OH,
 20 NO, THAT WAS BECAUSE THEY INSTALLED IT WRONG."
 21 WELL, THE REASON IT HAS DONE THAT IS BECAUSE
 22 THE BODY THEY BUILT ON IT CAUSED THIS PROBLEM
 23 AND EVERYBODY POINTS FINGERS AND THE DEALER AND
 24 THE CUSTOMER ARE LEFT HOLDING THE BAG PAYING
 25 FOR THESE WARRANTY ITEMS AS OPPOSED TO THE

1 DEALER THAT ALL OF US FELT WAS UNFAIR. WE
 2 FINED THE DEALER THE MAXIMUM AMOUNT WE COULD
 3 FINE, WHICH WAS TWO THOUSAND BUCKS AND THE
 4 DEALER SAID -- THE MANUFACTURER SAID, "SURE,
 5 HERE IS THE CHECK." THERE NEEDS TO BE
 6 PROTECTION FOR THE DEALERS, AGAIN UNFAIR
 7 CANCELLATION IN THERE, WITH MORE TEETH IN IT.
 8 SO, THERE ARE SEVERAL ISSUES
 9 OUT THERE WITH THAT BUY BACK PROVISION THAT
 10 NEED TO BE ADDRESSED. SO, THAT IS ONE ISSUE
 11 THAT I WOULD LIKE TO SEE ADDRESSED IN THE
 12 LEGISLATIVE COMMITTEE AND I THINK THAT ONE IS
 13 GOING TO TAKE UP AN ENTIRE MEETING BY ITSELF,
 14 BECAUSE I KNOW THERE ARE REPRESENTATIVES FROM
 15 THE R.V. INDUSTRY AND MARINE. I HAVEN'T HEARD
 16 ANYTHING ON MOTORCYCLE YET, BUT I'M SURE THEY
 17 ARE OUT THERE AS WELL, PLUS THE TRADE
 18 ASSOCIATIONS FOR THE DIFFERENT PEOPLE AND
 19 DEALERS, ALL WANT TO HAVE THEIR VOICE HEARD.
 20 SO, THAT IS ONE ISSUE I KNOW OF.
 21 A SECOND ISSUE I KNOW OF, I
 22 AM NOT A BOAT DEALER, BUT I DON'T SEE HOW IT IS
 23 EQUITABLE THAT OUR BOAT DEALERS, WHEN THEY TAKE
 24 A USED BOAT ON TRADE, HAVE TO CHARGE SALES TAX
 25 AND WHEN AN INDIVIDUAL SELLS A USED BOAT

1 FINAL MANUFACTURER.
 2 YOU GO BACK TO A COMPANY
 3 LIKE FREIGHTLINER AS A DEALER, YOU HAVE NO
 4 STROKE. YOU HAVE NO CHANCE OF GETTING
 5 REIMBURSED. THE DEALER -- THE MANUFACTURER WHO
 6 BUYS GOD KNOWS HOW MANY CHASSIS FROM THEM GOES
 7 BACK TO THEM AND SAYS, "YOU DID THIS WRONG, PAY
 8 ME." THEY HAVE A CHANCE OF GETTING THEIR MONEY
 9 BACK.
 10 SO, WHAT A SINGLE SOURCE
 11 WARRANTY DOES WOULD BE ULTIMATELY MAKE THEM
 12 RESPONSIBLE FOR EVERYTHING THEY PUT IN THE
 13 VEHICLE. SO, WHAT THE HOPE WAS IS TO WORK
 14 WITH BOTH THE MANUFACTURERS AND THE DEALERS
 15 AND THE DIFFERENT INDUSTRIES AND TRY TO SAY,
 16 "OKAY. WE REALIZE THAT OUR LAW MIGHT BE
 17 FAVORING TOO MUCH TOWARD THE DEALERS. THIS
 18 IS ANOTHER ISSUE THAT IS NOT BEING COVERED.
 19 WE WOULD LIKE YOUR SUPPORT AND AGREEMENT
 20 ON THE SINGLE SOURCE WARRANTY AND A PROVISION
 21 FOR GETTING MORE REALISTIC ON THE BUY
 22 BACK."
 23 A SECOND ISSUE CAME UP IN
 24 THAT THERE WAS ANOTHER CASE WE HEARD LAST WEEK
 25 -- LAST MONTH WHERE A MANUFACTURER CANCELED A

1 DOESN'T. SOMETHING NEEDS TO BE DONE TO ADDRESS
 2 THAT AND IT NEEDS TO BE ALL USED BOATS HAVE TO
 3 PAY SALES TAX, PERIOD, OR BECAUSE THE CONSUMERS
 4 DO NOT PAY SALES TAX, USED BOATS DON'T. SO,
 5 THE CONSUMER ISSUE ON THIS IS, IF YOU HAVE A
 6 BOAT AND GO TRY TO TRADE IT IN TO JOEY, ARE YOU
 7 GOING TO TAKE IT ON TRADE? NO, BECAUSE YOU
 8 CAN'T SELL IT, BECAUSE WHEN YOU GO TO SELL IT,
 9 YOU HAVE TO CHARGE TAX ON IT WHERE THE
 10 INDIVIDUAL SELLING THE SAME BOAT CAN SELL IT
 11 FOR THE SAME PRICE AND BASICALLY GETS A TEN
 12 PERCENT DISCOUNT OR A NINE PERCENT DISCOUNT,
 13 BECAUSE THEY ARE NOT CHARGING TAX.
 14 SO, IT HAS BEEN, AS LONG AS
 15 I'VE KNOWN, LIKE THAT AND IT IS NOT AN
 16 EQUITABLE SITUATION FOR OUR MARINE DEALERS. I
 17 THINK WE NEED TO ADDRESS THAT ISSUE AS WELL.
 18 SO, THAT'S THE TWO THAT I KNOW OF.
 19 MS. HUDSON:
 20 I HAVE ONE.
 21 MR. HILLIARD:
 22 YES, MA'AM.
 23 MS. HUDSON:
 24 WOULD YOU GO GET AMANDA,
 25 PLEASE?

1 MS. BARON:
2 SURE.
3 MS. HUDSON:
4 WE WERE TALKING ABOUT
5 -- I THINK WE HAD A HEARING WHERE IT WAS
6 OVER THE MODIFIED GOLF CART, DO YOU REMEMBER
7 THAT, WHEN AMANDA WAS IN HERE AND JEFF HAD
8 MENTIONED BACK THEN THAT WE MAY WANT TO
9 LOOK INTO -- I DON'T KNOW IF HE MENTIONED
10 IT ON THE RECORD, POSSIBLY LICENSING THE
11 GOLF CART DEALERS IN LOUISIANA. I TOOK THE
12 LIBERTY OF LOOKING INTO THAT. I GOT ON THE
13 INTERNET -- IS ANYBODY A GOLF CART DEALER IN
14 HERE?

15 (NO RESPONSE.)

16 MS. HUDSON:
17 I GOT ON THE INTERNET
18 TO LOOK TO SEE IF THEY HAD A GOLF CART
19 ASSOCIATION OR SOMETHING LIKE THAT, SO I
20 COULD CONTACT THEIR EXECUTIVE DIRECTOR OR
21 THEIR ASSOCIATION TO SEE IF THEY HAD ANY
22 OPPOSITION TO US BRINGING THEM UNDER THIS
23 COMMISSION. I COULD NOT FIND SUCH.
24 DOES ANYONE KNOW ANYTHING
25 ABOUT THE GOLF CART INDUSTRY?

1 ASSOCIATION? I ACTUALLY ATTENDED THE
2 MOTORCYCLE -- WHAT WAS THAT IN SHREVEPORT?

3 MR. BERRY:
4 MARINE, MOTORCYCLE GROUP --
5 MS. HUDSON:
6 ROBERT, WHAT WAS THE NAME OF
7 THE --

8 MR. HALLACK:
9 THE LOUISIANA MOTORCYCLE --
10 MARINE AND MOTORCYCLE TRADE ASSOCIATION.

11 MS. HUDSON:
12 I ATTENDED THAT IN
13 SHREVEPORT LAST YEAR JUST TO SEE WHAT WAS GOING
14 ON, BUT I STILL COULD NOT FIND ANY ENTITIES
15 THAT WERE OVER THE GOLF CARTS, WHETHER THEY
16 WERE NEW GOLF CARTS OR MODIFIED. IN ANY EVENT,
17 I GOT WITH JACK AND AMANDA A COUPLE OF MONTHS
18 AGO AND ASKED THEM TO LOOK -- ASKED AMANDA TO
19 SEE HOW MANY GOLF CART DEALERS THAT WE HAD,
20 ET CETERA. SHE DIDN'T SPEND TWO WEEKS OF TIME
21 ON THAT. SHE JUST GOT ON THE INTERNET.

22 I WILL LET YOU EXPLAIN THIS
23 REPORT, PLEASE.

24 MS. SIMPSON:
25 OKAY. HI, FOR THOSE OF YOU

1 MR. HALLACK:
2 I KNOW THERE IS PROBABLY
3 GOING TO BE SOME OPPOSITION TO IT WITH THE NEW
4 CAR COMMISSION.

5 MS. HUDSON:
6 BUT, I'M TALKING ABOUT THE
7 GOLF CART DEALERS, NOT THIRD PARTIES.

8 MR. HALLACK:
9 BUT, FORD MANUFACTURERS A
10 GOLF CART THAT IS NOT ROAD WORTHY THAT THE FORD
11 DEALERS DO SELL.

12 MS. HUDSON:
13 RIGHT.

14 MR. HALLACK:
15 WE HAD THAT ISSUE, JACK,
16 COME UP WHEN LSU HAD A CONTRACT OUT FOR GOLF
17 CARTS AND, YOU KNOW, WE HAD A LICENSEE OF THIS
18 COMMISSION WHO WAS THE LOW BIDDER, BUT HE
19 WASN'T AWARDED THE CONTRACT, BECAUSE HE NEEDED
20 TO BE A LICENSED DEALER OF THE NEW CAR
21 COMMISSION.

22 MS. HUDSON:
23 IN ANY EVENT, I COULDN'T
24 FIND A CONTACT ASSOCIATION ON THE INTERNET.
25 DON'T YOU HAVE A MARINE

1 WHO DON'T KNOW, MY NAME IS AMANDA SIMPSON AND I
2 LICENSE ALL OF THE NEW DEALERSHIPS HERE IN
3 LOUISIANA AND LIKE MS. JOAN SAID, SHE ASKED MR.
4 JACK AND I TO RESEARCH AND FIND OUT HOW MANY
5 GOLF CART DEALERS THERE WERE IN THE STATE.

6 I DID A ROUGH DRAFT. I WENT
7 ON A COUPLE OF WEBSITES AND A LOT OF THOSE WERE
8 REPETITIVE. ULTIMATELY, I GOT DOWN TO ABOUT
9 SIXTY-FIVE. THERE ARE SIXTY-FIVE GOLF CART
10 DEALERS. THAT IS AN ESTIMATION. THAT IS NOT
11 EXACT, BUT HERE I JUST HAVE A PROJECTED REVENUE
12 OF WHAT WE MIGHT SEE FROM THAT IF WE DO
13 LICENSE THEM AS DEALERS HERE IN LOUISIANA.

14 AS YOU CAN SEE, THE LICENSE
15 WOULD BE TWO HUNDRED DOLLARS A PIECE AND THAT
16 WOULD BE A THIRTEEN THOUSAND DOLLAR REVENUE,
17 AND THEN, THE SALES PEOPLE, WHICH THEY ARE
18 REQUIRED TO HAVE AT LEAST ONE, THAT IS JUST A
19 MINIMUM. ANYBODY THAT IS SELLING WOULD HAVE TO
20 HAVE A SALESMAN'S LICENSE. SO, THERE COULD BE
21 MORE REVENUE FROM THAT AND THAT IS SIXTEEN
22 HUNDRED AND TWENTY-FIVE DOLLARS FOR A PROJECTED
23 TOTAL OF FOURTEEN THOUSAND SIX HUNDRED AND
24 TWENTY-FIVE DOLLARS.

25 NOW, ONE THING TO CONSIDER

1 IS WE DO CURRENTLY HAVE FIFTEEN LICENSED GOLF
2 CART DEALERS RIGHT NOW AND THAT IS BECAUSE THEY
3 SELL THE MODIFIED GOLF CARTS THAT HAVE THE
4 FLOTATION TYPE TIRES WITH THE CAMO PAINT THAT
5 HAVE -- ARE REGULATED AS AN OFF ROAD VEHICLE,
6 BUT WE ARE NOT LOSING THEM. THEY WOULD JUST
7 TRANSFER OVER FROM OUR MOTORCYCLE AND A.T.V.
8 LICENSE TO OUR GOLF CART LICENSE.

9 THEN, I JUST PUT SOMETHING
10 TO CONSIDER. OUR MODIFIED GOLF CARTS, BECAUSE
11 THEY ARE CLASSIFIED AS AN OFF ROAD PRODUCT, ARE
12 LICENSED AND REGULATED UNDER OUR AREA OF
13 RESPONSIBILITY LAW, WHICH I MAINTAIN THAT AND I
14 MAKE SURE THAT IT IS ACCURATE AND EVERYTHING
15 AND WHICH WE SHOULD CONSIDER, IF THEY WOULD BE
16 INCLUDED IN THAT OR EXCLUDED AND THINGS OF THAT
17 NATURE. SO, THAT IS PRETTY MUCH ALL I DID.

18 MS. HUDSON:

19 THANK YOU VERY MUCH.

20 MS. SIMPSON:

21 YOU'RE WELCOME.

22 MS. HUDSON:

23 WE APPRECIATE IT.

24 MR. HILLIARD:

25 AT THE SAME TIME THIS IS

1 CONSIDERED, I KNOW THAT MR. SNYDER HAD AN ISSUE
2 WITH THE WAY A.T.V.'S ARE DEFINED, BECAUSE WE
3 NOW HAVE A NEW MONSTER IN THE INDUSTRY.

4 WHAT DID YOU CALL IT?

5 MR. SNYDER:

6 UTILITY VEHICLE.

7 MR. HILLIARD:

8 YES.

9 IT IS A UTILITY TERRAIN
10 VEHICLE, U.T.V., WHICH ALSO COULD BE SOMETHING
11 POSSIBLY DONE AT THE SAME TIME.

12 MS. HUDSON:

13 SO, THIS REPORT WOULD BE
14 CONSIDERED IN THE LEGISLATIVE COMMITTEE, RON,
15 IF YOU COULD MAKE NOTE OF THAT AND IF YOU GUYS
16 HAD ANY QUESTIONS, YOU COULD GET WITH AMANDA.

17 MR. DUPLESSIS:

18 WELL, --

19 MR. HILLIARD:

20 YOU ARE GOING TO BE BUSY.

21 MR. DUPLESSIS:

22 -- LET ME ASK A COUPLE
23 QUESTIONS.

24 JACK, HOW MUCH -- YOU
25 KNOW, WE HAVE ALWAYS HAD A LEGISLATIVE PACKAGE

1 IN THE PAST. IT APPEARS THIS IS GOING TO BE
2 PRETTY EXTENSIVE AND THERE IS A LOT OF CLEAN UP
3 WORK. HAVE YOU EVER -- HOW DO YOU APPROACH
4 INTERVIEWING YOUR INDIVIDUAL INDUSTRIES IN THE
5 PAST, SAY, GOLF CARTS, WE ARE GOING TO HAVE TO
6 CALL IN AND GET THEIR TAKE AND GET AMANDA'S
7 CALCULATIONS AND DRAW IT TO A CONCLUSION AND I
8 DONT KNOW IF Y'ALL KNOW HOW THIS WORKS.

9 SHERI AND I HAVE DONE A LOT
10 OF WORK ON -- AND I'M GOING TO WARN YOU UP
11 FRONT, IF Y'ALL WANT TO DO THIS CLEAN UP AND
12 YOU WANT TO DO THIS LEGISLATION --

13 MR. TORRANCE:

14 SEGREGATE IT.

15 MR. DUPLESSIS:

16 -- IT IS A PILE OF WORK. I
17 MEAN, IT IS ENDLESS HOURS. WE SPENT -- DOING
18 THE SELF HELP REPO BILL WAS TWO HUNDRED AND
19 FIFTY HOURS. IT WAS HUGE.

20 MS. MORRIS:

21 IT WAS A LOT.

22 MR. DUPLESSIS:

23 WE FINALLY GOT IT PASSED AND
24 IT WAS INTERESTING, THIS IS A LOT OF CLEAN UP.
25 THIS IS A LOT OF RE-WRITE. YOU ARE GOING TO

1 INCUR SOME LEGAL BILLS HERE. I'M GOING TO
2 FOREWARN YOU. WE SPENT PROBABLY SEVENTY-FIVE,
3 EIGHTY THOUSAND JUST THE LOUISIANA AUTO
4 DEALERS' PORTION TO GET THE SELF HELP
5 REPOSSESSION LAW, WHICH THEN GOT ALL OF THE
6 SUBPRIMES IN AND FREED ALL OF THAT UP. IT IS A
7 GREAT BILL. I THINK IT HAS DONE A LOT FOR THE
8 ECONOMY AND A LOT FOR THE DEALERS, BUT WE ARE
9 TALKING ABOUT SOME LEGAL EXPENSES THAT NEED TO
10 BE BUDGETED AND Y'ALL NEED TO LET ME KNOW WHAT
11 CONFINES I NEED TO WORK WITH.

12 I ASSUME WITH A PIECE OF
13 LEGISLATION THIS BIG THAT WE ARE GOING TO HAVE
14 TO CALL IN THE BUY HERE, PAY HERE DEALERS AND
15 WE ARE GOING TO HAVE TO HAVE -- WE ARE GOING TO
16 HAVE TO LISTEN TO THEM AND YOU ARE GOING TO
17 HAVE TO ADDRESS YOUR INSURANCE ISSUE AND
18 STRAIGHTEN THAT OUT.

19 YOU ARE GOING TO HAVE TO
20 WORK WITH THE GOLF CARTS AND YOU HAVE GOT A
21 POINT THAT IS REAL INTERESTING. YOU HAVE GOT
22 STREET LEGAL VEHICLES THAT ARE GOING ON THIS
23 STATE THAT DONT PASS THE D.O.T. STANDARDS. THE
24 DEPARTMENT OF TRANSPORTATION. LIGHTS. BRAKES.
25 CRASH BUMPERS.

1 I MEAN, WE ARE GETTING INTO
2 A SECTION OF WORK HERE, GUYS, THAT I THINK JACK
3 OPPOSED THE R.V.'S FOR THE CORRECT REASON,
4 BECAUSE THEY ARE NOT STREET LEGAL ACCORDING TO
5 THE FEDS AND DO THEY USE THEM IN JAPAN IN THE
6 STREETS? WELL, YES, I GUESS THEY DO, BUT, I
7 MEAN, YOU HAVE GOT TO STAY WITHIN FEDERAL LAW,
8 STATE LAW AND WE HAVE GOT TO MAKE ALL OF THIS
9 WORK.

10 THIS IS A LOT OF WORK. I
11 WILL DISSEMINATE IT OUT TO A LOT OF YOU GUYS.
12 I WILL TRY TO BE AT EACH MEETING, BUT I'M GOING
13 TO REQUEST THAT I NEED THE MOTORCYCLE DEALER TO
14 SIT FOR MOTORCYCLE. I NEED AN R.V DEALER, BUT
15 I WILL FOREWARN YOU, IT IS A LOT OF WORK.
16 THERE'S GOING TO BE A LOT OF EXPENSE AND IF WE
17 WANT TO DO IT RIGHT, WE HAVE GOT TO READ THE
18 OLD LAWS, CORRECT THEM, DRAFT THEM, AND THEN,
19 BE READY TO BACK THEM UP.

20 YOU GO DOWN AND TESTIFY. WE
21 CAN'T LOBBY. WE CAN'T LOBBY, BUT WE CAN GO
22 DOWN THERE AND WE CAN SPEAK ON BEHALF TO
23 CLARIFY THEM AND WE CAN SET UP OUR LEGISLATORS
24 AND OUR DRAFTERS AND OUR REPRESENTATIVES FOR
25 THE BILLS. THIS IS A LOT OF WORK.

1 MR. HILLIARD:
2 HOW DO WE GO ABOUT AS FAR AS
3 BEING A STATE AGENCY - I KNOW WE CAN ENLIST
4 HELP FROM THE DIVISION OF ADMINISTRATION
5 THROUGH THEIR -
6 MR. TORRANCE:
7 NO.
8 MR. DUPLESSIS:
9 SHERI? ROBERT?
10 MS. MORRIS:
11 GENERALLY, THE DIVISION WILL
12 NOT ASSIST ANY AGENCY -
13 MR. TORRANCE:
14 NORMALLY, THE PROCEDURE IS
15 WE GET THE TOPIC WE WANT TO PURSUE. WE WILL GO
16 TO THE COMMERCE COMMITTEE OR WHATEVER OTHER AND
17 WE HAVE THE DRAFTERS FOR THEIR COMMITTEE DRAFT
18 THE BILLS FOR US, AND THEN, WE WILL HAVE THEM
19 PUT IN BY WHATEVER LEGISLATION HAS NUMBERS
20 LEFT, AND THEN, WE WILL FOLLOW IT FROM THERE.
21 MR. SNYDER:
22 WHAT -
23 MR. DUPLESSIS:
24 LET ME CLARIFY THAT. WE
25 CRAFT. THEY DRAFT. WE HAVE TO CRAFT WITH THE

1 LAWYERS, SO WE CAN MAKE THE DRAFTING GERMANE TO
2 THE CURRENT LAWS AND WE CAN FIT THEM IN TO MAKE
3 THE YEARS.

4 SHERI, YOU NEED TO SPEAK UP
5 ON THIS.

6 MR. HILLIARD:
7 OBVIOUSLY, I DIDN'T MENTION
8 THE FEE INCREASE IS ALSO ONE OF THE ISSUES THAT
9 NEED TO BE COVERED AS WELL. BUT THE - I MEAN,
10 THE PROBLEM QUESTION, I KNOW THE FEE INCREASE
11 IS GOING TO GET OPPOSITION.

12 MR. HALLACK:
13 WELL, YOU WERE TOLD IT WAS
14 GOING TO GET A VETO.

15 MR. HILLIARD:
16 NO. I WAS TOLD IT WOULD NOT
17 BE SIGNED. HE WOULD NOT SUPPORT IT AND HE
18 WOULD NOT SIGN IT.

19 MR. DUPLESSIS:
20 IT MEANS HE WOULD TABLE IT.

21 MR. HILLIARD:
22 HE MIGHT LET IT BECOME LAW
23 BY NOT - WE HAD AN EARLIER DISCUSSION WITH THE
24 NEW PEOPLE THAT WE HAVEN'T HAD A FEE INCREASE
25 IN TWENTY YEARS.

1 MR. TORRANCE:
2 WE HAVE TO PURSUE IT.
3 MR. HILLIARD:
4 RIGHT. WE HAVE TO DO THAT,
5 BUT THE QUESTION IS, DOES IT NEED TO BE A
6 SEPARATE BILL?
7 MR. TORRANCE:
8 A LOT OF THESE WOULD HAVE TO
9 BE SEPARATE BILLS IF YOU DON'T WANT TO GET THEM
10 KILLED BY JUST ONE SEGMENT OF IT.
11 MS. HUDSON:
12 OKAY. I DIDN'T MEAN TO OPEN
13 UP THIS CAN OF WORMS.
14 MS. MORRIS:
15 IF YOU WANT ANYTHING THAT
16 REQUIRES TWO-THIRDS VOTE, YOU WANT TO SEPARATE
17 IT -
18 MR. TORRANCE:
19 YES, AND A FEE INCREASE IS
20 TWO-THIRDS MAJORITY VOTE AND THAT WOULD HAVE TO
21 BE SEGREGATED ON ITS OWN.
22 MS. HUDSON:
23 THAT'S WHY I HAD AMANDA
24 PUT IN THE PROJECTED REVENUE, SO WE WOULD
25 KNOW IF IT WAS WORTH, YOU KNOW, STARTING A

1 NEW BILL TO GET -- IF IT IS EIGHT THOUSAND, WE
 2 MAY NOT WANT TO PURSUE IT IF WE ARE ONLY
 3 GOING TO GET "X" AMOUNT REVENUE.
 4 MR. DUPLESSIS:
 5 WELL, WE CAN DO A LOT OF
 6 THIS ON THE FLY. I MEAN, WE CAN CRAFT IT LOOSE
 7 AND IF IT GETS BOGGED DOWN, I CAN KIND OF BREAK
 8 IT OUT. WE CAN BREAK THE ICE PACK, THAT'S FOR
 9 SURE.
 10 LET ME ASK ONE THING.
 11 BUTCH, WOULD YOUR ASSOCIATION, FOR INSTANCE,
 12 SUPPORT A SMALL FEE INCREASE, A REASONABLE FEE
 13 INCREASE?
 14 MR. WRIGHT:
 15 I WOULD THINK SO, BUT
 16 SINCE YOU ASKED ME, HOW DOES THE COST OF
 17 POLICING AND ADMINISTERING THESE GOLF CART
 18 LICENSES WITH FIFTEEN THOUSAND REVENUE, HOW IS
 19 THAT GOING TO --
 20 MR. TORRANCE:
 21 THAT WOULD ALL BE BROUGHT
 22 INTO THE EVERYDAY MIX.
 23 MR. HILLIARD:
 24 YES. I THINK ONE OF THE
 25 PROBLEMS WE HAVE RIGHT NOW IS OUR FIELD AGENTS,

1 MR. HILLIARD:
 2 AS FAR AS YOU GO OFF ROAD
 3 AND ON ROAD, A GOLF CART IS OFF ROAD. I MEAN,
 4 IT IS NOT ON ROAD. SO, IT IS SOMEWHERE, WHICH
 5 WOULD BE OFF ROAD.
 6 (OFF-THE-RECORD DISCUSSION.)
 7 MR. TORRANCE:
 8 WHAT ROBERT WAS REFERRING TO
 9 WAS THE --
 10 MR. HILLIARD:
 11 LISTEN UP. JACK IS
 12 SPEAKING.
 13 MR. TORRANCE:
 14 -- THIS CONTRACT THAT THIS
 15 DEALER HAD FOR THE -- IT WAS A FIVE MILLION
 16 DOLLAR CONTRACT FOR LSU.
 17 MR. HILLIARD:
 18 RIGHT.
 19 MR. TORRANCE:
 20 THE NEW CAR COMMISSION
 21 STEPPED IN AND SAID, "THIS IS A ROAD WORTHY
 22 VEHICLE. SO, Y'ALL CAN'T HONOR THE CONTRACT."
 23 SO, WE STEPPED UP AND WE TRIED TO HELP THE
 24 DEALER TO GET THE CONTRACT. HE DID NOT GET THE
 25 CONTRACT. HE FINALLY GOT IT WHEN HE HAD TO GO

1 IT IS MORE WORK TO FIGURE OUT WHO HAS GOT WHAT
 2 THAN IT IS TO, YOU KNOW, VISIT EACH -- THERE
 3 ARE THIRTEEN DEALERS WE DO, NOW?
 4 MR. HALLACK:
 5 FIFTEEN.
 6 MR. HILLIARD:
 7 FIFTEEN DEALERS WE DO, NOW.
 8 THERE ARE SIXTY-FIVE TOTAL, BUT EVERY TIME THEY
 9 SEE A DEALER, THEY HAVE TO -- "DO THEY HAVE
 10 THIS", AND I THINK THEY ARE CHECKING INTO IT,
 11 ANYWAY. SO, I DON'T KNOW THAT WE HAVE THAT
 12 MUCH MORE COST ON TRACKING THEM. I THINK IT
 13 WILL ACTUALLY BE EASIER, BECAUSE THEN YOU KNOW
 14 EVERY GOLF CART DEALER YOU SEE NEEDS TO HAVE A
 15 LICENSE AND NEEDS TO HAVE A LICENSED SALES
 16 PERSON. I THINK THAT WOULD ACTUALLY MAKE IT A
 17 LITTLE EASIER ON THE FIELD.
 18 MR. TORRANCE:
 19 A LOT OF THE DEALERS ARE
 20 NOT LICENSED. NEW DEALERS WITH THE MODIFIED
 21 GOLF CARTS ON THE SIDE, THEY GET THEM AND
 22 MODIFY THEM AND THEY -- THAT SHOULD BE
 23 SOMETHING TO BE PURSUED LIKE MS. HUDSON SAID,
 24 BECAUSE THEY DO ENDEAVOR INTO THE A.T.V.
 25 INDUSTRY.

1 GET HIS LICENSE FROM THE NEW CAR COMMISSION AND
 2 ALSO GET THE MANUFACTURER LICENSED THROUGH.
 3 THEM, ALSO.
 4 MR. HILLIARD:
 5 TO SELL THE FORD
 6 VEHICLES?
 7 MR. TORRANCE:
 8 NO. NO. THIS WAS A
 9 MODIFIED GOLF CART THAT MET THE STANDARDS THAT
 10 -- IT WAS NOT A ROAD WORTHY VEHICLE. IT WAS
 11 USED ON UNIVERSITIES, SHOPPING CENTERS AND IT
 12 COULDN'T BE USED ON A PUBLIC HIGHWAY, BUT IT
 13 DIDN'T MEET THE CRITERIA OF AN ON ROAD VEHICLE.
 14 THAT'S WHAT I'M TRYING TO SAY, BUT THEY STEPPED
 15 IN AND SAID SINCE IT MET SOME OF THE CRITERIA,
 16 LIKE RON SAID, THEY ARE LICENSED BY THE NEW CAR
 17 COMMISSION, BUT IT WASN'T A ROAD WORTHY
 18 VEHICLE.
 19 MR. SNYDER:
 20 WHAT ARE -- THE STATE D.O.T.
 21 BUYS UTILITY VEHICLES THAT RUN UP AND DOWN --
 22 MR. TORRANCE:
 23 THEY BUY A.T.V.'S ALSO, BUT
 24 THEY RUN ON THE SIDE OF THE ROAD, NOT ON THE
 25 ROAD.

1 MR. SNYDER:
 2 I REALIZE THAT, BUT I SAY,
 3 THOUGH, HOW DO THEY BUY THOSE, DIRECTLY FROM
 4 THE MANUFACTURER OR THROUGH A DEALER?
 5 MR. TORRANCE:
 6 NO. THEY GO THROUGH A
 7 DEALER. A MANUFACTURER MUST SELL THROUGH A
 8 DEALER. I MEAN, THE BID MAY GO THROUGH A
 9 DEALER, BUT -- THROUGH A MANUFACTURER, BUT IT
 10 GOES TO THE DEALER IN THAT AREA.
 11 MR. SNYDER:
 12 SO, WHO -- WHAT COMMISSION
 13 CONTROLS THAT ACTIVITY?
 14 MR. DUPLESSIS:
 15 THAT IS A GOOD QUESTION.
 16 I THINK AT SOME POINT, WITH THESE HYBRIDS,
 17 YOU ARE GOING TO SEE G.M. COME OUT WITH A
 18 HYBRID.
 19 MR. TORRANCE:
 20 OH, YES.
 21 MR. DUPLESSIS:
 22 YOU'VE GOT FORD WITH A
 23 HYBRID.
 24 MR. TORRANCE:
 25 CHRYSLER.

1 FELL GERMANE TO THEIR PRODUCT LINE IN A LOT OF
 2 STATES.
 3 MR. TORRANCE:
 4 IT WASN'T A MAJOR
 5 MANUFACTURER'S VEHICLE. IT WAS A MODIFIED GOLF
 6 CART.
 7 MS. SIMPSON:
 8 YES.
 9 MR. DUPLESSIS:
 10 BUT, FORD HAS GOT SOME
 11 IN OTHER COUNTRIES AND THEY ARE COMING TO
 12 THE UNITED STATES THAT ARE GOING TO FALL --
 13 THEY ARE GOING TO FALL NON-D.O.T. ACCEPTABLE IN
 14 THE UNITED STATES, BUT WORLDWIDE THEY ARE, THEY
 15 ARE PUT ON THE STREET, AND YOU ARE GOING TO
 16 START TO SEE THIS HYBRID TECHNOLOGY COMING IN.
 17 MR. TORRANCE:
 18 LET ME TELL YOU THE PROBLEM
 19 WE ARE HAVING RIGHT NOW WITH THE MINI TRUCKS
 20 THAT ARE COMING IN FROM JAPAN THAT WERE BROUGHT
 21 IN UNDER THE CLOAK AND DAGGER AS FARM
 22 EQUIPMENT, THEY CAME IN. A LOT OF THE DEALERS
 23 TOOK THEM. THEY DIDN'T KNOW WHAT TO DO WITH
 24 THEM. THEY HAVE A SEVEN DIGIT V.I.N. NUMBER.
 25 WE WENT TO MOTOR VEHICLE AND

1 MR. DUPLESSIS:
 2 I THINK THAT SOME OF THESE
 3 DEALERS ARE GOING TO ACTUALLY HAVE TO HOLD TWO
 4 LICENSES AND I THINK THAT WE JUST --
 5 MS. SIMPSON:
 6 THE NEW CAR -- THE GOLF CART
 7 DEALERS AS YOU WERE SAYING --
 8 MR. DUPLESSIS:
 9 RIGHT.
 10 MS. SIMPSON:
 11 -- THE NEW CAR COMMISSION,
 12 THEY DID MAKE ONE EXCEPTION FOR HIM AND THAT
 13 WAS HE DID NOT HAVE TO GET THE MILLION DOLLAR
 14 SURETY BOND THAT THEY REQUIRE, BUT THAT WAS THE
 15 ONLY CUT BACK THAT THEY DID FOR HIM, BUT HE
 16 STILL HAD TO MEET ALL THE OTHER REQUIREMENTS
 17 THROUGH THEM AND HE ALSO HAD TO LICENSE THROUGH
 18 US, BECAUSE HE DOES SELL THE MODIFIED GOLF CART
 19 AS A, YOU KNOW, OFF ROAD TYPE VEHICLE.
 20 MR. HILLIARD:
 21 I STILL DON'T UNDERSTAND.
 22 WHAT HAD HE SOLD THAT HAD TO BE LICENSED UNDER
 23 THE NEW CAR?
 24 MR. DUPLESSIS:
 25 IT WAS A FORD PRODUCT WHICH

1 WE HAD THEM LICENSE THEM AS A.T.V.'S, THE
 2 LITTLE MODIFIED TRUCKS THEY DO. MISSISSIPPI
 3 HAS PASSED A LAW WHERE THEY LICENSE THEM FOR
 4 THE HIGHWAY. SENATOR HEBERT HAD A BILL IN
 5 THERE THAT THEY PASSED THAT MADE THEM STREET
 6 WORTHY TO GET A LICENSE, BUT THEY HAD AN
 7 AMENDMENT PUT ON BY -- AND TO MEET ALL
 8 REQUIREMENTS UNDER THE EMISSIONS SITUATION,
 9 FEDERAL AND STATE, WHICH THEY CANNOT DO IT.
 10 THEY CANNOT MEET THOSE REQUIREMENTS. BECAUSE
 11 THEY ARE NOT BONAFIDE TO DO. SO, IN ESSENCE,
 12 THAT AMENDMENT KIND OF NEUTERED THAT BILL.
 13 A LOT OF DEALERS THAT HAVE
 14 THEM, THEY WERE TRYING TO CALL AND WANTING TO
 15 KNOW IF WE COULD HELP THEM. I SAID, "I CANNOT
 16 HELP YOU." I SAID, "ALL I CAN SAY IS, IF YOU
 17 MODIFY THE VEHICLES TO MEET THE STANDARDS AND
 18 GET A SAFETY STICKER AND MEET THE REQUIREMENTS
 19 BY THE STATE AND FEDERAL, THEN YOU CAN GET A
 20 LICENSE AND RUN THEM ON THE ROAD", BUT UNTIL
 21 THEM, THEY CAN'T DO IT.
 22 MR. DUPLESSIS:
 23 THE AMENDMENT ESSENTIALLY
 24 KILLED THE BILL, WHICH IS THE ONLY THING WE CAN
 25 COME UP WITH IN A SHORT PERIOD OF TIME AS WE

1 WERE PANICKING ON THIS DEAL, WE NEED TO GET A
 2 LETTER FROM THE D.O.T., BECAUSE THE DEPARTMENT
 3 OF TRANSPORTATION, DEPARTMENT OF MOTOR VEHICLE,
 4 THEY ARE THE ONES THAT HAVE TO MAKE A
 5 DETERMINATION OF HOW IT IS LICENSED AND THAT IS
 6 GOING TO TELL US HOW TO HANDLE IT, YOU KNOW,
 7 HOW WE SEGREGATE THE LICENSE, BUT WE ARE GOING
 8 TO HAVE TO ADDRESS A CROSS OVER BETWEEN NEW CAR
 9 COMMISSION AND USED CAR COMMISSION AND IF THEY
 10 WANT ONE AND WE WANT ONE, I SAY THAT'S FINE. I
 11 SAY WE BOTH GIVE THEM A LICENSE, AND THEN, OUR
 12 GUYS CAN GO IN AND INSPECT. WE ARE GOING TO
 13 GET INTO THIS MORE -- THAT'S WHERE THAT LITTLE
 14 VEHICLE -- THE FORD FAIRWAY, THE THING THAT HAD
 15 A CAB OVER THAT YOU WOULD DRIVE, THE STEERING
 16 WHEEL, AND THEN, IT HAS GOT AN EMPTY SHELL
 17 BACK, ALL OF THOSE ARE COMING IN AND ARE LEGAL
 18 IN TAIWAN AND JAPAN AND FORD MAKES THEM.
 19 CARTINA (PHONETIC) MAKES THEM. FORD FAIRWAY
 20 DOWN IN BRAZIL. THEY ARE FLOATING IN HERE AND
 21 YOU ARE GOING TO HAVE DUAL LICENSING ISSUES
 22 WITH THOSE.

23 MR. HILLIARD:
 24 YOU ALSO HAVE THOSE THINGS
 25 THAT YOU RUN ON FOURTEEN WHEELS.

1 MR. DUPLESSIS:
 2 EXACTLY. THAT IS THE --
 3 MR. HILLIARD:
 4 THAT IS A STREET WORTHY
 5 VEHICLE.
 6 MR. DUPLESSIS:
 7 THE QUESTION IS, LET'S DONT
 8 PUT OURSELVES IN THAT POSITION.
 9 MR. HILLIARD:
 10 RIGHT.
 11 MS. SIMPSON:
 12 IT IS AN OFF ROAD AREA AND
 13 ON CAMPUS.
 14 MR. HILLIARD:
 15 I DID NOT DO THIS EARLIER,
 16 BUT JOHN POTEET REPRESENTS THE AUCTION INDUSTRY
 17 AND JOEY IS ANOTHER MARINE/MOTORCYCLE DEALER,
 18 AND THEN, OUR MANUFACTURER'S REP IS CROSS
 19 MANUFACTURING. I DID NOT INTRODUCE EARLIER
 20 WHAT THEIR AREA OF RESPONSIBILITY WAS.
 21 MR. DUPLESSIS:
 22 WELL, JEFF, GIVE ME SOME
 23 HELP HERE. AM I -- NAME MY OWN --
 24 MS. HUDSON:
 25 YOU ALREADY HAVE ONE.

1 MR. HILLIARD:
 2 YES, YOU HAVE ONE.
 3 MR. DUPLESSIS:
 4 BUT, I'M GOING TO HAVE TO
 5 EXPAND THAT COMMITTEE ON THIS ONE.
 6 MR. HILLIARD:
 7 THAT'S FINE.
 8 I THINK THIS IS SOMETHING
 9 THAT, YOU KNOW, FOR EXAMPLE --
 10 MR. BERRY:
 11 EVERYBODY --
 12 MR. HILLIARD:
 13 RIGHT.
 14 MR. DUPLESSIS:
 15 EVERYBODY HAS TO PITCH IN
 16 AND HELP.
 17 MR. HILLIARD:
 18 THE MARINE/MOTORCYCLE
 19 COMMITTEE NEEDS TO BE INVOLVED IN -- THIS IS
 20 EVERYBODY'S DEAL. YOU ARE JUST THE ORGANIZER
 21 OF IT. TO ME, THIS IS OUR HEARINGS, GETTING
 22 THE LAWS RIGHT. THAT'S PART OF OUR MAIN
 23 RESPONSIBILITY. HOW MUCH OF THIS WE ARE GOING
 24 TO BE ABLE TO GET DONE IN ONE YEAR, I DONT
 25 KNOW, BUT --

1 MR. HALLACK:
 2 BUT, TWO THINGS, ONE, IT IS
 3 NOT GOING TO BE THAT LABOR INTENSE AT ALL AND
 4 SCARE EVERYBODY THAT WE ARE JUST GOING TO JUMP
 5 INTO A POUND OF LEGAL BILLS, BECAUSE MOST OF
 6 THIS LEGISLATION HAS ALREADY BEEN WRITTEN. IT
 7 WAS WRITTEN IN 2005. THE SINGLE SOURCE
 8 WARRANTY THAT YOU SAID THE R.V. DEALERS WANT,
 9 THAT WAS ALREADY WRITTEN IN 2005.
 10 MR. HILLIARD:
 11 IT GOT PULLED.
 12 MR. HALLACK:
 13 THE R.V. DEALERS WANTED
 14 THE AREA OF RESPONSIBILITY LAW. THAT WAS
 15 WRITTEN IN 2005. THE AUCTION LAW THAT WE TRIED
 16 TO PRESENT THAT MR. DUPLESSIS WORKED WITH US A
 17 LOT IN WRITING, THAT WAS WRITTEN IN 2005, TOO,
 18 AND THAT WAS AFTER SEVERAL MEETINGS WITH
 19 AUCTION PEOPLE BEFORE WE CAME UP WITH THAT.
 20 SO, A LOT OF THESE LAWS HAVE BEEN WRITTEN
 21 ALREADY.
 22 MR. DUPLESSIS:
 23 THAT IS ONE OF THE PROBLEMS
 24 WITH THE 2005 DRAFT, IT WAS ONLY EIGHTY-FOUR
 25 PAGES LONG WHEN WE GOT FINISHED WITH IT.

1 MR. HALLACK:
 2 IT NEEDS TO BE BROKEN DOWN
 3 INTO SEVERAL PARTS.
 4 MR. DUPLESSIS:
 5 I'M NOT EXAGGERATING. IT
 6 WAS EIGHTY-FOUR PAGES AND IT WASN'T -- WE CAN
 7 TAKE THAT WORK, IF YOU ARE WILLING TO GO BACK
 8 -- I'M GOING TO HAVE TO BE ABLE TO WORK WITH
 9 BOTH ATTORNEYS HERE AND CRAFT IT. IT IS GOING
 10 TO BE SOME WORK.
 11 MR. HALLACK:
 12 THERE'S NO DOUBT.
 13 MR. SNYDER:
 14 I HAVE A CONCERN THAT WE
 15 HAVE ENOUGH ON OUR PLATES AND MAYBE THIS IS
 16 SOMETHING WE OUGHT TO TAKE UP A YEAR FROM NOW,
 17 BECAUSE RIGHT NOW IT SEEMS TO ME THAT WE HAVE
 18 ENOUGH THINGS TO DO WITH OUR OWN GROUP WITHOUT
 19 ADDING ANOTHER GROUP.
 20 MR. DUPLESSIS:
 21 YOU NEED TO ADDRESS SOME OF
 22 THESE NOW, ESPECIALLY THE ELECTRICS. WHY DON'T
 23 YOU LET ME CONDENSE IT WITH ROBERT AND SHERI
 24 AND WE WILL -- I WILL PROPOSE IT, BUT WE NEED
 25 TO START NOW, BECAUSE THE DRAFTING IS GOING TO

1 MANUFACTURER CANCELLED THAT DEALER AT THE LAST
 2 HEARING WE HEARD. SO, THERE ARE DEFINITELY
 3 SOME ISSUES THERE THAT NEED TO BE ADDRESSED.
 4 WITH THE GOLF CART ISSUE,
 5 I THINK THAT IS ONE WHERE WE CAN -- WE COULD
 6 COVER AN INDUSTRY THAT IS NOT BEING COVERED
 7 RIGHT NOW FOR THE PROTECTION OF THE CONSUMER.
 8 WE CAN GENERATE A LITTLE ADDITIONAL REVENUE
 9 FOR US AND WE CAN ALSO MAKE IT EASIER ON OUR
 10 FIELD STAFF TO KNOW THAT EVERY, YOU KNOW, GOLF
 11 CART DEALER IS SOMEBODY THEY NEED TO CHECK OUT
 12 AND MAKE SURE THEY ARE FOLLOWING THE LAWS, NOT
 13 JUST, YOU KNOW, WHICH ONES ARE DOING IT AND
 14 WHICH ONES AREN'T. HE PUT TIRES, BUT HE DIDN'T
 15 PAINT IT AND THIS ONE PAINTED JUST THE TOP.
 16 THERE'S JUST A LOT RIGHT
 17 NOW THAT WE ARE JUST -- YOU KNOW, THERE IS A
 18 LOT OF AMBIGUITY AS TO WHAT OUR FIELD STAFF
 19 HAS TO COVER ON THE GOLF CART STUFF. SO, I
 20 MEAN, THOSE ARE THINGS THAT NEED TO BE
 21 ADDRESSED.
 22 THE FEE INCREASE, WE HAVE TO
 23 ADDRESS THAT. THE RENT-TO-OWN SITUATION IS ONE
 24 THAT WE HAVE GOT A LAW RIGHT NOW THAT IS
 25 POTENTIALLY RESTRICTIVE TO FREE TRADE, THE WAY

1 HAVE TO START --
 2 MR. HILLIARD:
 3 IN JANUARY.
 4 MR. DUPLESSIS:
 5 -- IN JANUARY.
 6 MR. HALLACK:
 7 RIGHT.
 8 THE PRE-FILING DEADLINE IS
 9 IN MID MARCH. SO, I MEAN, MARCH COMES BEFORE
 10 THE MARCH COMMISSION MEETING AND YOU NEED TO
 11 HAVE SOMETHING THAT THE COMMISSION IS GOING TO
 12 VOTE ON BY FEBRUARY.
 13 MR. HILLIARD:
 14 I HATE TO TAKE ON. YOU KNOW,
 15 EVERYTHING WE HAVE TO DO, BUT I KNOW THAT THERE
 16 IS A -- THE MANUFACTURERS ARE SCREAMING FOR THE
 17 WAY OUR BUY BACK LAWS ARE WRITTEN.
 18 MS. HUDSON:
 19 LOOK AT THE HEARINGS.
 20 MR. HILLIARD:
 21 LOOK AT THE HEARINGS WE ARE
 22 HAVING.
 23 THE DEALERS ARE ALSO -- I
 24 KNOW THAT MANY OF US WERE PERSONALLY OFFENDED
 25 AT THE WAY THE DEALER CANCELLED -- I MEAN, THE

1 THE CURRENT LAW IS. SO, I MEAN, THERE ARE SOME
 2 ISSUES THAT I THINK WE HAVE TO ADDRESS AS PART
 3 OF OUR RESPONSIBILITY.
 4 MR. TORRANCE:
 5 CAN I BRING SOMETHING UP ON
 6 THE RENT-TO-OWN?
 7 MR. HILLIARD:
 8 YES, SIR.
 9 MR. TORRANCE:
 10 I HATE TO KEEP HARPING ON
 11 THE NEW CAR COMMISSION, BUT SOME OF THE RENT-
 12 TO-OWN DEALERS ARE TRYING TO APPLY FOR A
 13 LICENSE -- A LEASING LICENSE FROM THE NEW CAR
 14 COMMISSION TO BYPASS THE CONTINGENCY INSURANCE.
 15 OKAY. THAT CONTINGENCY INSURANCE WAS ONLY IF
 16 THE DEALER MAINTAINED THE TITLE. A LEASE MEANS
 17 THAT THE TITLE IS RELEASED TO THE CONSUMER.
 18 MS. HOUSE (PHONETIC) HAD
 19 TOLD SOME OF THE DEALERS THAT THEY HAVE A
 20 LICENSE THAT LETS THEM MAINTAIN THE LICENSE AND
 21 THAT'S WHY THEY TOOK US TO COURT. SEE, WHEN
 22 THE RENT-TO-OWN FIRST CAME INTO PLAY, I SAID IT
 23 WAS A LEASE. SO, WE SAID WE WOULD GIVE IT TO
 24 THE NEW CAR COMMISSION. THEY SUED THIS
 25 COMMISSION AND WE LOSS AND THEY MADE US TAKE

1 THE RENT-TO-OWN ONLY BECAUSE THE DEALER
 2 MAINTAINED THE TITLE AND THE CONSUMER IS LISTED
 3 AS THE OPERATOR.
 4 NOW, I DON'T REMEMBER IF
 5 THEY HAD A LICENSE OR NOT THAT ALLOWS THEIR
 6 DEALER TO MAINTAIN -- THE DEALER TO MAINTAIN
 7 THE LICENSE. THAT IS SOMETHING WE NEED TO
 8 CHECK INTO, MS. MORRIS.
 9 MR. WRIGHT:
 10 I'VE GOT TWO MEMBERS OF THE
 11 ASSOCIATION THAT HAVE APPLIED. ONE OF THEM HAS
 12 GOT A LEASING LICENSE.
 13 MR. HILLIARD:
 14 BUT, IF HE LEASES, HE HAS TO
 15 TITLE IT IN THE CONSUMER'S NAME.
 16 MR. WRIGHT:
 17 I WOULD HAVE TO GO AND CHECK
 18 INTO IT WITH HIM, BECAUSE I KNOW HE HAS GOT
 19 ONE.
 20 MR. HILLIARD:
 21 THAT'S --
 22 MR. DUPLESSIS:
 23 THIS IS WHAT I'LL TELL YOU
 24 AND I DON'T WANT TO GET IN THIS ARGUMENT AND BE
 25 HERE ALL DAY, I DO THINK THAT BEFORE WE GET OUR

1 FINAL DRAFT, WE NEED TO BRING MS. HOUSE, HER
 2 ATTORNEY AND THEIR CHAIRMAN HERE AND WE ARE
 3 REQUIRED TO -- WE ARE MANDATED BY LAW TO MEET
 4 WITH THEM. IT IS NOT ALWAYS --
 5 MR. HILLIARD:
 6 MS. HOUSE IS --
 7 MR. DUPLESSIS:
 8 SHE IS THE EXECUTIVE
 9 DIRECTOR OF THE NEW CAR COMMISSION. BURGESS
 10 MCRANFY (PHONETIC) AND THERE'S A COUPLE OF
 11 OTHER LAWYERS DOWN THERE, PLUS BURGESS DOES A
 12 LOT OF THE DRAFTING AND THE CHAIRMAN IS RAY
 13 BRANDT. WE ALL NEED TO COME TOGETHER AND BE ON
 14 THE SAME PAGE AND STOP THIS QUIBBLING BETWEEN
 15 THESE TWO COMMISSIONS. I FIRMLY BELIEVE THAT
 16 THIS COMMISSION DOES NOT NEED TO BE MERGED, BUT
 17 THEY NEED TO WORK WITH THE NEW CAR COMMISSION
 18 AND WE NEED TO WALK OUT OF THE ROOM ALL ON THE
 19 SAME PAGE --
 20 MS. HUDSON:
 21 GOOD IDEA. GREAT IDEA.
 22 MR. DUPLESSIS:
 23 -- AND NOT QUIBBLING --
 24 MS. HUDSON:
 25 YES.

1 BEFORE WE CLOSE, BECAUSE WE
 2 ARE GOING TO HAVE THE HEARINGS, AND I'M SORRY
 3 TO --
 4 MR. HILLIARD:
 5 NO, GO AHEAD.
 6 MS. HUDSON:
 7 -- TO TAKE OVER YOU, HAVE
 8 YOU SEEN ANY OF THESE MINI HYBRID, WHAT WE ARE
 9 TALKING ABOUT, AT YOUR AUTO AUCTION?
 10 MR. POTEET:
 11 WE DON'T HAVE VERY MANY OF
 12 THOSE. WE HAVE GOLF CARTS. WE GET SOME
 13 A.T.V.'S, BUT THE KIND OF THINGS YOU ARE
 14 TALKING ABOUT, I HAVEN'T --
 15 MR. HILLIARD:
 16 NOT YET.
 17 MR. POTEET:
 18 -- SEEN ANY OF THEM, YET.
 19 MS. HUDSON:
 20 THAT WAS MY ONLY QUESTION.
 21 THANK YOU.
 22 MR. HILLIARD:
 23 MR. BUTCH?
 24 MR. WRIGHT:
 25 SOME PEOPLE ARE AWARE OF

1 WHAT IS GOING ON. THE LOUISIANA INDEPENDENT
 2 AUTO DEALERS HAS FORMED A TRUST AND GONE INTO
 3 CONTRACT WITH LLOYDS OF LONDON.
 4 MR. HILLIARD:
 5 FOR THEIR INSURANCE?
 6 MR. WRIGHT:
 7 WE ARE GOING TO SELL GARAGE
 8 LIABILITY, PHYSICAL DAMAGE SERVICE AND WE ARE
 9 ADDRESSING THE CONTINGENCY PROBLEM. SO, THERE
 10 MAY BE AN ANSWER SHORTLY COMING.
 11 MR. HILLIARD:
 12 BEFORE WE ADJOURN, WE ARE
 13 GOING TO TAKE A QUICK BREAK BEFORE THE HEARINGS
 14 AND WE REALLY HAVE TO GET THE COMMITTEE REPORTS
 15 AND OFFICE ACTIVITY AND STUFF.
 16 WAS THERE OTHER LEGISLATION,
 17 IF ANYBODY HAS ADDITIONAL LEGISLATION THAT WE
 18 NEED TO ADDRESS, PLEASE SEE ME OR RON AND MAKE
 19 SURE THAT WE KNOW ABOUT IT.
 20 I DON'T THINK THERE ARE
 21 ANY OTHER COMMITTEE REPORTS. SO, WE WILL MOVE
 22 PAST THAT.
 23 MR. DUPLESSIS:
 24 JEFF, DO YOU WANT TO SET A
 25 BUDGET FOR THIS? I THINK THAT WOULD BE THE

1 PRUDENT THING TO DO.
 2 MS. HUDSON:
 3 CAN WE NOT BRING IT UP?
 4 MR. DUPLESSIS:
 5 WELL, IF YOU HAVE GOT
 6 FIFTEEN THOUSAND --
 7 MR. HILLIARD:
 8 THE LEGISLATION IS HERE.
 9 SO, I MEAN, WE CAN SET A BUDGET.
 10 MR. DUPLESSIS:
 11 I THINK YOU NEED TO GIVE ME
 12 A DIRECTIVE THAT I'M GOING TO COME BACK IN
 13 VIOLATION OF AND WE START RUNNING UP A BUNCH OF
 14 HOURS. IF YOU GIVE ME A BUDGET BEFORE THE
 15 LEGISLATION, I CAN MANAGE THAT BUDGET AS BEST I
 16 CAN, AND THEN, THAT WAY WE DONT RUN INTO FILES
 17 AND TIMES THAT WE GOT TO PICK AND CHOOSE.
 18 MS. HUDSON:
 19 FIVE THOUSAND?
 20 MR. DUPLESSIS:
 21 NO. I WOULD SAY PROBABLY IN
 22 THE NEIGHBORHOOD OF THIRTY THOUSAND.
 23 SHERI, IS THAT TOO MUCH?
 24 MS. MORRIS:
 25 IT DEPENDS ON HOW MANY OF

1 THESE PROJECTS YOU TAKE ON AND HOW MUCH TIME
 2 FOR ONE OF US TO BE HERE.
 3 MR. HALLACK:
 4 I THINK YOU NEED TO START
 5 PRETTY QUICK.
 6 MR. HILLIARD:
 7 YES.
 8 MR. HALLACK:
 9 MARINE AND MOTORCYCLE NEED
 10 TO MEET IN DECEMBER, BECAUSE THEIR TRADE SHOWS
 11 BEGIN IN JANUARY --
 12 MS. HUDSON:
 13 YES.
 14 MR. HALLACK:
 15 -- AND IT IS HARD TO GET
 16 MARINE PEOPLE TO COME TO SOME OF THESE
 17 COMMITTEE MEETINGS WHEN THEY ARE DOING TRADE
 18 SHOWS IN JANUARY AND FEBRUARY.
 19 MS. HUDSON:
 20 STEVE, IS THAT CORRECT?
 21 MR. BERRY:
 22 THAT'S CORRECT.
 23 MR. HILLIARD:
 24 NOT ONLY THAT, BUT I WILL
 25 BE --

1 MR. BERRY:
 2 THE ISSUES -- HONEST TO
 3 GOODNESS, THE ISSUES ON THE MARINE SIDE ARE
 4 PRETTY WELL UNDERSTOOD BY EVERY MARINE DEALER,
 5 BECAUSE WE HAVE BEEN TRYING TO DO THIS FOR A
 6 NUMBER OF YEARS. WE GOT BOATS TITLED LAST YEAR
 7 AND OUR GOAL AS AN ASSOCIATION THIS YEAR WAS TO
 8 TRY AND GET OUTBOARD MOTORS TITLED, WHICH IS A
 9 BACK DOOR WAY TO GET THE SALES TAX.
 10 MS. HUDSON:
 11 YOU SEE, RON, THAT'S WHAT
 12 I'M TALKING ABOUT. WHY CAN'T WE GET THESE
 13 ASSOCIATION PEOPLE UP HERE AND LET THEM BEAR
 14 PART OF THE COST?
 15 MR. DUPLESSIS:
 16 WE ARE JUST GOING TO --
 17 MR. TORRANCE:
 18 THEY NEED TO PURSUE THEIR
 19 OWN AVENUES. I MEAN, THAT'S WHAT WE DECIDED
 20 AWHILE BACK -- I MEAN, JUST LIKE THE MARINE --
 21 I MEAN, THE MOTORCYCLE BAN (PHONETIC) PUT ON
 22 THE GARAGE LIABILITY FOR ALL LICENSEES THAT WE
 23 DO --
 24 MR. DUPLESSIS:
 25 WELL, THAT IS UP TO THEM --

1 MR. TORRANCE:
 2 THEY CAN PURSUE THEIR OWN.
 3 MR. DUPLESSIS:
 4 BUT, THAT IS UP TO THEM.
 5 MR. HILLIARD:
 6 SO, IF WE GET THEM ON BOARD,
 7 WE CAN'T LOBBY --
 8 MR. DUPLESSIS:
 9 WE CAN'T LOBBY FOR THEM.
 10 MR. TORRANCE:
 11 THAT'S RIGHT. THAT'S WHAT
 12 I'M GETTING AT.
 13 MR. HILLIARD:
 14 WE NEED TO WORK WITH THEM.
 15 MR. DUPLESSIS:
 16 WE'VE GOT TO CRAFT AND
 17 DRAFT.
 18 MS. MORRIS:
 19 THE ASSOCIATION HAS A DRAFT
 20 THAT THEY --
 21 MR. TORRANCE:
 22 YES.
 23 MS. MORRIS:
 24 -- WE CAN JUST REVIEW THEIR
 25 DRAFT AND --

1 MR. BERRY:
 2 SURE.
 3 MR. HILLIARD:
 4 AS FAR AS LOOKING AT WHAT
 5 OUR LEGAL EXPENSES HAVE BEEN SO FAR --
 6 MR. DUPLESSIS:
 7 ROBERT, WHAT IS YOUR OPINION
 8 BUDGET-WISE, TWENTY?
 9 MR. TORRANCE:
 10 IT'S NOT THAT MUCH.
 11 MR. HALLACK:
 12 IT GETS TO BE MORE WHEN THE
 13 LEGISLATURE IS IN SESSION. YOU ARE HAVING TO
 14 GO DOWN AND ATTEND THE COMMITTEE HEARINGS, BUT
 15 THE ACTUAL DRAFTING OF IT IS PROBABLY NOT THAT
 16 MUCH.
 17 MR. DUPLESSIS:
 18 WHAT DO YOU THINK THE TOTAL
 19 BUDGET NEEDS TO BE?
 20 MR. HALLACK:
 21 THE SESSION DOESN'T END
 22 UNTIL JUNE. I DON'T THINK YOU NEED TO PUT A
 23 BUDGET ON IT. I REALLY DON'T.
 24 MR. DUPLESSIS:
 25 OKAY.

1 UP WAS A MANUFACTURING AGREEMENT BY BRANDS.
 2 MR. TORRANCE:
 3 I THOUGHT WE DID THAT. THAT
 4 WAS SO THAT ONE DEALER THAT HAD MULTI LINES
 5 COULD -- ONE MANUFACTURER WHO HAD MULTI LINES
 6 COULD SPECIFY THE TWO BRAND NAMES AND ALTHOUGH
 7 IT IS THE SAME MANUFACTURER TO ONE DEALER AND
 8 GIVE ANOTHER THREE TO ANOTHER DEALER.
 9 MR. HILLIARD:
 10 RIGHT.
 11 MR. TORRANCE:
 12 SO, THAT'S WHAT WE -- WE
 13 ALREADY IMPLEMENTED THAT, I THOUGHT.
 14 MR. HILLIARD:
 15 I THINK THAT'S SOMETHING
 16 -- THAT'S JUST SOMETHING TO LET EVERYBODY
 17 KNOW THAT THE STAFF, WE ARE GOING TO
 18 REQUEST WHEN THEY SEND A MANUFACTURER'S
 19 AGREEMENT IN THAT THEY SPECIFY THE SPECIFIC
 20 BRANDS.
 21 MR. TORRANCE:
 22 YES, SIR.
 23 THEY HAVE MORE THAN ONE LINE
 24 AND THEY DIDN'T WANT THE ONE LINE, SO THEY GAVE
 25 IT TO ANOTHER DEALER AND WE BROKE IT OUT.

1 MR. HALLACK:
 2 I JUST THINK WHEN THE
 3 ATTORNEYS' FEES COME UP PER MONTH AND Y'ALL ARE
 4 LOOKING AT THAT AND THEY SEE WHAT WE'VE SPENT
 5 YEAR TO DATE AND THEY SAY, "HEY, SHERI AND
 6 ROBERT, YOU NEED TO CUT DOWN ON YOUR FEES HERE"
 7 AND I UNDERSTAND THAT WE ARE DOING SOME
 8 LEGISLATIVE WORK, BUT I DON'T THINK YOU CAN
 9 BUDGET IT OUT.
 10 MR. HILLIARD:
 11 LET'S LOOK AGAIN AT THE
 12 BUDGET NEXT MEETING. WE WILL PROCEED UNTIL
 13 THAT POINT, BECAUSE --
 14 MR. DUPLESSIS:
 15 NO PROBLEM.
 16 MR. HILLIARD:
 17 -- REAL QUICK AND TRY TO GET
 18 THROUGH THIS.
 19 ARE THERE ANY OFFICE
 20 ACTIVITIES WE NEED TO KNOW ABOUT, ANY OFFICE
 21 ACTIVITIES?
 22 MS. BARON:
 23 NO.
 24 MR. HILLIARD:
 25 NOW, ONE QUESTION THAT CAME

1 MR. HILLIARD:
 2 LET'S TAKE A TEN MINUTE
 3 BREAK AND WE WILL GO AHEAD AND GET TO THE
 4 HEARINGS.
 5 (BREAK FOR HEARINGS - 10:30 A.M.)
 6 MR. HILLIARD:
 7 I WILL BRING THE MEETING
 8 BACK TO ORDER. WE NEED TO -- ONE THING WE WANT
 9 TO COVER, WE DISCUSSED AMENDING DINA'S CONTRACT
 10 WHICH IS NOT ON THE AGENDA.
 11 CAN I HAVE A MOTION TO
 12 DINA'S CONTRACT TO BE AMENDED?
 13 MS. HUDSON:
 14 SO MOVED.
 15 MR. HILLIARD:
 16 SECOND?
 17 MR. BERRY:
 18 SECOND.
 19 MR. HILLIARD:
 20 IT HAS TO BE AT LEAST TWO-
 21 THIRDS?
 22 MS. MORRIS:
 23 UNANIMOUS.
 24 MR. HILLIARD:
 25 UNANIMOUS.

1 SO, ALL IN FAVOR?
 2 (ALL "AYE" RESPONSES.)
 3 MR. HILLIARD:
 4 OPPOSED?
 5 (NO RESPONSE.)
 6 MR. HILLIARD:
 7 WE HAD TALKED ABOUT THE
 8 OTHER DAY INSTEAD OF HAVING DINA TRANSCRIBE
 9 EVERY HEARING THAT SHE KEEPS THE RECORD ON
 10 THEM, BUT SHE DOESN'T HAVE THEM TRANSCRIBED
 11 UNLESS WE NEED THEM AND IT JUST -- IT SAVES US
 12 MONEY. IT DOESN'T COST HER ANYTHING FOR HER
 13 JOB. SHE STILL GETS PAID WHAT -- I THINK THAT
 14 CHANGES THE WAY WE PAY HER, BUT SHE --
 15 OBVIOUSLY, SHE HAS TO GO NOW AND PAY SOMEBODY
 16 ELSE TO TRANSCRIBE IT AFTER SHE DOES THE THING.
 17 SO, IT DOESN'T END UP COSTING HER MONEY. WE
 18 JUST HAVE TO CHANGE THE WAY WE PAY.
 19 MS. MORRIS:
 20 RIGHT, DINA CAN TELL YOU,
 21 SHE GETS AN ADDITIONAL TWO DOLLARS AND FIFTY
 22 CENTS A PAGE TO TRANSCRIBE THE HEARINGS.
 23 (OFF-THE-RECORD DISCUSSION.)
 24 MR. HILLIARD:
 25 SO, THERE'S NO WAY IT WILL

1 AMEND THE CONTRACT TO, ON THE HEARINGS ONLY,
 2 GET TRANSCRIPTS IN THE CASE OF APPEALS OR
 3 CLARIFICATION OR ORDERED AS NEEDED.
 4 MS. HUDSON:
 5 SO MOVED.
 6 MR. BERRY:
 7 SECOND.
 8 MR. HILLIARD:
 9 ANY OPPOSITION?
 10 (NO RESPONSE.)
 11 MR. HILLIARD:
 12 THE MOTION CARRIES.
 13 MOVING BACK TO COMMITTEE
 14 REPORTS, WE HAVE A SALVAGE COMMITTEE REPORT,
 15 MR. HENRY?
 16 MR. HENRY SMITH:
 17 YES, SIR.
 18 THERE IS NOTHING NEW IN THE
 19 SALVAGE INDUSTRY. THE ONLY THING THAT I WOULD
 20 REQUEST IS THAT OUR INVESTIGATORS CONTINUE TO
 21 FOLLOW UP ON THE COLLECTION OF THE MONIES FROM
 22 THE AUCTIONS. THAT IS A VITAL PART OF THE
 23 INCOME OF OUR COMMISSION AND I THINK IT SHOULD
 24 REALLY BE PURSUED WITH ALL DILIGENCE. I REALLY
 25 DO.

1 ACTUALLY COST US MORE. IT MIGHT COST US THE
 2 SAME AMOUNT IF WE HAVE TO DO THE HEARING.
 3 MS. MORRIS:
 4 SO, FOR THE HEARINGS, WE
 5 DON'T -- IF SOMEONE APPEALS, WE WILL NEED THE
 6 RECORD TO FILE WITH THE COURT, BUT IF THE
 7 PERSON JUST PAYS THE FINE AND IT IS OVER WITH,
 8 THERE'S REALLY NO REASON FOR US TO STORE THE
 9 RECORD, BECAUSE IT IS A CLOSED MATTER. SO,
 10 ONCE WE DETERMINE THAT WE DON'T NEED THE
 11 TRANSCRIPT, WE CAN ADVISE DINA OF THAT, BUT
 12 THERE'S REALLY NO REASON FOR US TO STORE THE
 13 PAPER HERE, GIVE -- MAKE COPIES FOR ALL OF THE
 14 COMMISSIONERS. WE WON'T HAVE ALL OF THIS
 15 PAPER.
 16 MR. HILLIARD:
 17 KILL TREES.
 18 MS. MORRIS:
 19 WE DON'T REALLY NEED IT.
 20 IF THERE IS A DISCREPANCY WHEN WE GO TO
 21 PREPARE THE ORDER AND WE NEED SOME INFORMATION,
 22 WE CAN CERTAINLY REQUEST THAT PARTICULAR
 23 TRANSCRIPT.
 24 MR. HILLIARD:
 25 SO, WE NEED A MOTION TO

1 I KNOW THAT THEY SPOT CHECK
 2 SOME, BUT THIS SHOULD BE A MONTHLY THING. I
 3 REALLY THINK.
 4 MR. HILLIARD:
 5 MR. HENRY, I WILL TALK WITH
 6 JACK AND -- I GUESS JACK AND LARRY BEFORE THE
 7 NEXT MEETING AND WE WILL PREPARE A REPORT TO
 8 SEE WHO IS BEING FOLLOWED UP AND HOW THE FOLLOW
 9 UP IS GOING AND MAKE SURE EVERYBODY IS TURNING
 10 IN THEIR REPORTS --
 11 MR. HENRY SMITH:
 12 YES, SIR.
 13 MR. HILLIARD:
 14 -- BECAUSE, WE DID PASS A
 15 POLICY THAT THEY ARE SUPPOSED TO BE CONTACTING
 16 THEM AND WE JUST NEED TO SEE IF THAT POLICY IS
 17 BEING ENFORCED.
 18 HAVE YOU BEEN CONTACTED
 19 SINCE WE HAVE A MEMBER OF THE AUCTION. HAVE
 20 THEY COME TO CHECK AND SEE IF YOUR SALVAGE
 21 LIQUIDATION SALES --
 22 MR. POTEET:
 23 I DON'T SELL VERY MUCH OF
 24 IT, BUT WE DO FILE A MONTHLY REPORT AND PAY THE
 25 FEE. WE ARE EASY TO CHECK.

1 MR. HENRY SMITH:
 2 HAVE YOU BEEN CHECKED BY --
 3 MS. HUDSON:
 4 THIS COMMISSION.
 5 MR. POTEET:
 6 YES.
 7 MR. HILLIARD:
 8 WE WEREN'T SURE WHO WAS
 9 BEING CALLED AND WHO WASN'T AND WE JUST WANT TO
 10 MAKE SURE THAT THE COMMISSION IS FOLLOWING UP
 11 ON YOUR DATES.
 12 MR. POTEET:
 13 YES.
 14 MR. HENRY SMITH:
 15 GOOD.
 16 (OFF-THE-RECORD DISCUSSION.)
 17 MR. HENRY SMITH:
 18 ONE OTHER THING, I KNOW WE
 19 ALREADY COLLECTED MONEY FROM EVERYBODY THIS
 20 MORNING, BUT KEEP IN MIND WE DO HAVE A FUND --
 21 A BENEVOLENCE FUND AND IT IS ON ZERO. SO, NEXT
 22 MONTH, BRING A LITTLE CHANGE, PLEASE, SO THAT
 23 WE CAN PUT SOME BACK IN IT.
 24 MR. HILLIARD:
 25 IF YOU DRINK COFFEE, TOO, WE

1 WILL COLLECT A LITTLE BIT FOR THAT AS WELL NEXT
 2 TIME.
 3 MR. HENRY SMITH:
 4 YES, JUST WHATEVER YOU
 5 FEEL LIKE YOU WANT TO GIVE. IT IS NOT
 6 MANDATORY, BUT, YOU KNOW, WHEN SOMEBODY IS
 7 SICK, WE LIKE TO SEND A BOUQUET OR SOMETHING
 8 TO LET THEM KNOW WE ARE THINKING ABOUT
 9 THEM.
 10 THAT'S ALL I HAVE, MR.
 11 CHAIRMAN.
 12 MR. HILLIARD:
 13 THANK YOU.
 14 MR. HENRY SMITH:
 15 THANK YOU.
 16 MR. HILLIARD:
 17 ANY OTHER COMMITTEE
 18 REPORTS?
 19 (NO RESPONSE.)
 20 MR. HILLIARD:
 21 CONSUMER ACTION?
 22 MS. HUDSON:
 23 LOOKING OVER PAGE 9 OF
 24 OUR FINANCIAL REPORT, WITH THE CONSUMER
 25 ACTION REPORT, THE SECOND LINE ITEM ON THE

1 FINANCIAL IS STEVE ANDRIES USED CARS. HE
 2 OWES US SIX THOUSAND SIX-TWENTY-FIVE, WHICH
 3 SHOWS THE STATUS IS TO FILE A CLAIM AGAINST
 4 THE BOND, BUT WE ALSO HAVE STEVE ANDRIES
 5 USED CARS, ANOTHER NON-DELIVERY OF TITLE
 6 COMPLAINT.
 7 NOW, I THINK --
 8 MR. HILLIARD:
 9 FOR WHO --
 10 MS. HUDSON:
 11 -- FOR STEVE ANDRIES
 12 CARS THAT IS ON OUR ACCOUNTS RECEIVABLE
 13 MAY BE THE FATHER, BUT THE SAME NAME OF
 14 THE DEALERSHIP UNDER THE CONSUMER COMPLAINT
 15 IS THE SAME NAME, BUT I'M NOT SURE. I MEAN,
 16 WE HAVE STEVE ANDRIES USED CARS THAT OWES
 17 US SIX THOUSAND DOLLARS SINCE JULY 17TH OF
 18 '06 AND DURING THE MONTH OF OCTOBER OF '08,
 19 WE GET A COMPLAINT AGAINST STEVE ANDRIES
 20 USED CARS FOR NON-DELIVERY OF TITLE.
 21 SO, IT LOOKS TO ME LIKE
 22 THE SAME DEALER IS JUST SELLING CARS AND
 23 CONTINUING UNDER THIS COMMISSION, BUT HE
 24 STILL OWES US SIXTY-SIX HUNDRED DOLLARS FROM
 25 JULY.

1 MR. TORRANCE:
 2 SEE, I THOUGHT GARY WENT OUT
 3 THERE AND -- ONCE WE GO AGAINST THE BOND, THE
 4 LICENSE IS NULL AND VOID.
 5 MS. HUDSON:
 6 WELL, THAT'S NOT TRUE.
 7 MR. TORRANCE:
 8 WELL, WE ARE GOING TO HAVE
 9 TO ADDRESS THAT. I WILL GET WITH GARY AND MAKE
 10 SURE HE GOES OUT THERE --
 11 MR. HILLIARD:
 12 THIS IS DIFFERENT FROM
 13 -- HIS PREVIOUS LICENSE AS A DEALER WAS
 14 NULL, BUT NOW HE HAS A SALESMAN'S LICENSE
 15 WORKING FOR HIS SON, BUT THAT NEEDS TO BE
 16 INVESTIGATED, BECAUSE HE IS PUTTING HIMSELF
 17 OUT AS A --
 18 MR. TORRANCE:
 19 I WILL REPORT NEXT MEETING
 20 AND GIVE YOU AN UPDATE ON IT AND I WILL TAKE
 21 CARE OF IT.
 22 MS. HUDSON:
 23 THAT'S ALL I HAVE.
 24 MR. HILLIARD:
 25 ANYTHING ELSE?

1 MS. HUDSON:
 2 DOES ANY OTHER COMMITTEE
 3 HAVE ANYTHING TO REPORT?
 4 MR. BERRY:
 5 JUST ON BEHALF OF THE
 6 FINANCE COMMITTEE, BE SURE THAT YOU TAKE THIS
 7 PROPOSED BUDGET FOR 2010 AND TAKE A LOOK AT IT,
 8 SO IF THERE ARE ANY QUESTIONS OR ANYTHING WE
 9 NEED TO TALK ABOUT --
 10 MR. HILLIARD:
 11 YES. DOES EVERYBODY LIKE
 12 THE WAY WE DID THE NEW FINANCIAL REPORT?
 13 MS. HUDSON:
 14 I LIKE IT.
 15 MR. HILLIARD:
 16 I LIKE IT. YOU CAN SEE
 17 STUFF BETTER.
 18 MS. HUDSON:
 19 IT IS EASIER FOR ME TO
 20 READ.
 21 MR. BERRY:
 22 THEY ACTUALLY ENDED UP
 23 TAKING ONE SHEET OUT OF IT, BUT THE INFORMATION
 24 IS THE SAME, AS LONG AS THERE IS A SUMMARY
 25 COLUMN.

1 MR. TORRANCE:
 2 THE PAPERWORK WE PREPARED TO
 3 SEND OUT TO THE DEALERS GIVING THEIR ACCESS
 4 NUMBERS, DO YOU WANT TO HOLD UP ON THAT MAYBE
 5 TO --
 6 MR. HILLIARD:
 7 YES. LET'S HOLD THAT. I
 8 MEAN, AT THIS POINT, THERE IS NO REASON TO SEND
 9 IT OUT THIS EARLY AND --
 10 MR. TORRANCE:
 11 IN CASE YOU WANT TO STAGGER
 12 IT?
 13 MR. HILLIARD:
 14 WELL, EITHER -- WE THOUGHT
 15 ABOUT STAGGERING IT, BUT THEY SAID THAT OUR LAW
 16 -- WE MIGHT HAVE TO CHANGE OUR LEGISLATION.
 17 MR. TORRANCE:
 18 IF YOU WANT TO DO THAT, IF
 19 YOU WISH TO --
 20 MR. HILLIARD:
 21 YES, BUT WE NEED TO LOOK
 22 AT WHETHER WE STAGGER IT OUT, BUT AT THIS
 23 POINT, I DON'T SEE THAT THERE IS -- IS THERE
 24 ANY BENEFIT IN -- CAN THEY DO ANYTHING ON
 25 C.A.V.U. NOW --

1 MR. HILLIARD:
 2 RIGHT.
 3 FIELD ACTIVITIES.
 4 MR. HALLACK:
 5 LARRY SAID HE HAD NOTHING TO
 6 REPORT.
 7 MS. BARON:
 8 OH, OKAY.
 9 MR. HILLIARD:
 10 MS. BINNING, COULD YOU GIVE
 11 US AN UPDATE REAL QUICK?
 12 SHE IS IN THE -- SINCE WE
 13 MET THIS MORNING, SHE HAS TALKED TO SOMEONE
 14 ABOUT THE GATEWAY PROBLEM ON THE WEBSITE.
 15 MS. BINNING:
 16 YES, SIR.
 17 C.A.V.U. HAS CONTACTED
 18 ME AND ASKED FOR ME TO ADD THE LADY AT
 19 LOUISIANA GATEWAY TO OUR ACCOUNT, SO SHE WILL
 20 BE AUTHORIZED TO DO TESTING AND ANY KIND OF
 21 ARRANGEMENTS THAT NEED TO BE DONE TO GET IT
 22 WORKING AND THEY EXPECT TO HAVE IT WORKING
 23 MAYBE BY THE END OF THE DAY.
 24 MS. HUDSON:
 25 GREAT.

1 MS. BINNING:
 2 THEY CAN STILL RENEW THEIR
 3 LICENSES. EVEN IF WE CHANGE THE RENEWAL
 4 PERIOD, THEY ARE STILL GOING TO NEED THE USER
 5 I.D. AND PASSWORD.
 6 MR. HILLIARD:
 7 BEFORE THE RENEWAL TIME FOR
 8 NEXT YEAR -- BUT, OBVIOUSLY AT THIS TIME, WE
 9 ARE GOING THROUGH RENEWALS THAT ARE DONE.
 10 BEFORE RENEWAL TIME FOR NEXT YEAR, IS THERE ANY
 11 REASON THAT THEY NEED ACCESS TO THE WEBSITE AND
 12 PASSWORD BEFORE THAT?
 13 MS. BINNING:
 14 NOT THAT I HAVE SET UP,
 15 RIGHT NOW. THERE ARE OTHER THINGS THAT CAN BE
 16 DONE.
 17 MR. HILLIARD:
 18 ADDING SALES PEOPLE AND
 19 STUFF?
 20 MS. BINNING:
 21 WELL, NO, IT'S LIKE POSSIBLY
 22 CHANGING ADDRESSES OR SOMETHING LIKE THAT, BUT
 23 I DON'T HAVE THAT SET UP, RIGHT NOW.
 24 MR. HILLIARD:
 25 THAT WASN'T -- MY ONLY

1 COMMENT IS AT THIS POINT LET'S JUST HOLD OFF ON
 2 SENDING THAT INFORMATION, BECAUSE THERE WILL BE
 3 OTHER THINGS WE NEED TO SEND OUT. AFTER
 4 LEGISLATION, WE ALWAYS SEND OUT AN UPDATE OF
 5 WHAT LEGISLATION WAS DONE AND I WOULD JUST --
 6 INSTEAD OF SENDING OUT A SEPARATE MAILER FOR
 7 THIS AND IT IS NOT NEEDED UNTIL NEXT, YOU KNOW,
 8 REGISTRATION TIME --
 9 MR. TORRANCE:
 10 WE THOUGHT THAT WE WOULD
 11 HAVE IT IN PLACE IS WHY WE PREPARED THE
 12 DOCUMENTS TO SEND OUT. WE THOUGHT THAT WE
 13 WOULD HAVE IT IN PLACE, SO THEY COULD UTILIZE
 14 IT THIS RENEWAL PERIOD, BUT WE HAD A GLITCH.
 15 SO, THEY ARE WORKING IT OUT, NOW.
 16 MS. BARON:
 17 IT HAS ALREADY BEEN POSTED,
 18 THE POSTAGE.
 19 MR. HILLIARD:
 20 I WAS TRYING TO SAVE US A
 21 LITTLE MONEY.
 22 MS. BARON:
 23 WE DIDN'T HAVE TO PUT A
 24 DATE ON IT. SO, THEY WENT AHEAD AND POSTED
 25 IT WITH A BULK AMOUNT. THEY DID A BULK MAIL

1 POSTAGE, WE CAN'T CHANGE THE BULK RATE ANYWAY.
 2 MR. TORRANCE:
 3 WELL, WE DID IT WITHOUT
 4 ENVELOPE. THEY DID IT AND THEY JUST STAPLED
 5 IT AND SAVED MONEY THERE. THEY GOT THE BULK
 6 RATE TO SAVE MONEY. SO, IT DIDN'T COST THAT
 7 MUCH.
 8 MR. HILLIARD:
 9 OKAY.
 10 MR. DUPLESSIS:
 11 ONE OF THE THINGS I
 12 NOTICED IN TALKING TO AMANDA, WE DO NOT
 13 HAVE E-MAIL ADDRESSES FOR OUR DEALERS.
 14 MR. HILLIARD:
 15 WE DON'T COLLECT
 16 INFORMATION?
 17 MR. DUPLESSIS:
 18 WE DON'T -- WE ARE NOT
 19 MAINTAINING ANY E-MAIL ADDRESSES. WE NEED
 20 -- IF YOU WANT TO SEND A NOTICE, WE NEED TO
 21 START WORKING THROUGH E-MAIL AND THAT WILL
 22 ELIMINATE HUGE POSTAGE.
 23 MS. BARON:
 24 THAT WAS ONE OF THE
 25 THINGS YOU HAD ASKED FOR US TO PUT ON THE

1 THING.
 2 MR. HILLIARD:
 3 SO, IT HAS ALREADY BEEN
 4 POSTED BULK. SO, IT IS ALREADY TOGETHER.
 5 MS. BARON:
 6 YES.
 7 MR. HILLIARD:
 8 WE HAVE ALREADY PAID IT.
 9 MS. BARON:
 10 IT IS READY TO BE PUT INTO
 11 THE MAILBOX. WE GOT ON IT. THEY GOT ON IT.
 12 MR. HILLIARD:
 13 I DON'T THINK THERE'S ANY
 14 WAY TO RECOUP THE POSTAGE COST IF YOU HAVE
 15 ALREADY --
 16 MR. TORRANCE:
 17 THEY ARE GOING TO NEED IT,
 18 BUT IF THEY GET THE PROBLEM RIGHT TONIGHT LIKE
 19 THEY SAY THEY WILL, SOMEONE THAT HASN'T ALREADY
 20 RENEWED, THEY CAN DO IT ONLINE.
 21 MS. BARON:
 22 THEY CAN DO IT ONLINE.
 23 MR. HILLIARD:
 24 THAT'S FINE, BUT I JUST HATE
 25 TO SPEND MONEY. IF WE HAVE ALREADY DONE THE

1 APPLICATION --
 2 MR. HILLIARD:
 3 RIGHT.
 4 MS. BARON:
 5 -- FOR THIS YEAR --
 6 MR. HILLIARD:
 7 RIGHT.
 8 MS. BARON:
 9 -- WAS THE E-MAIL ADDRESS.
 10 MR. BERRY:
 11 IT WILL START COMING
 12 BACK.
 13 MS. BARON:
 14 WHEN WE SEND OUT
 15 APPLICATIONS FOR 2010 --
 16 MR. HILLIARD:
 17 STEVE, THEY WERE ALREADY
 18 PRINTED WHEN WE CAME UP WITH THAT. THEY WERE
 19 ALREADY PRINTED.
 20 MS. BARON:
 21 YES. THEY WERE ALREADY
 22 PRINTED.
 23 MS. MORRIS:
 24 WHEN THEY RENEW ONLINE, WILL
 25 THEY HAVE TO GIVE YOU AN E-MAIL ADDRESS?

1 MS. BINNING:
 2 THEY HAVE THE OPTION TO. IT
 3 IS NOT MANDATORY. WE CAN MAKE IT MANDATORY.
 4 MR. DUPLESSIS:
 5 IT SHOULD BE MANDATORY.
 6 MS. BINNING:
 7 WE CAN DO THAT.
 8 MR. TORRANCE:
 9 WE CAN ADD IT.
 10 MS. MORRIS:
 11 THAT'S SOMETHING TO START --
 12 MR. HILLIARD:
 13 RIGHT.
 14 THAT'S SOMETHING -- AND
 15 THAT'S NOT REALLY -- THAT WAY, THERE IS NO COST
 16 TO US, BUT IT IS ALSO IMMEDIATE DELIVERY.
 17 THERE IS NO DELAY.
 18 MR. DUPLESSIS:
 19 IF WE NEED TO MAKE A MOTION,
 20 I WILL MAKE ONE, BUT YOU ALSO NEED TO CHANGE
 21 HOW YOUR FORMS ARE ADDED TO IT. THAT IS THE
 22 WAVE OF THE FUTURE AND YOUR WEBSITE WON'T BE
 23 ANY GOOD WITHOUT E-MAIL.
 24 MR. HILLIARD:
 25 WELL, WE DID IT -- WE

1 ALREADY -- WE TALKED ABOUT RE-DOING THE FORM
 2 FOR NEXT YEAR TO ADD --
 3 MS. BARON:
 4 2010.
 5 MR. HILLIARD:
 6 RIGHT. RIGHT, BECAUSE WE
 7 HAVE ALREADY DONE THIS FOR THIS YEAR --
 8 MR. TORRANCE:
 9 RIGHT.
 10 MR. HILLIARD:
 11 -- BUT, ALL OF THE FORMS, WE
 12 NEED TO ADD E-MAIL -- ANY TIME WE COLLECT
 13 INFORMATION -- LET'S ADD E-MAIL ADDRESSES.
 14 MS. BARON:
 15 WELL, TOO, WHEN WE TALK TO A
 16 DEALER, IF -- YOU KNOW, ADD THEIR E-MAIL
 17 ADDRESS THEN, "DO YOU HAVE AN E-MAIL ADDRESS,
 18 DO YOU MIND IF I HAVE IT", AND JUST PUT IT IN
 19 THE SYSTEM, BECAUSE IT IS NO BIG DEAL TO DO
 20 THAT.
 21 MR. HILLIARD:
 22 I WOULD RATHER GET E-MAIL
 23 THAN MAIL ANY DAY OF THE WEEK.
 24 MS. HUDSON:
 25 CAN YOU SEE HOW MUCH

1 MONEY WE CAN SAVE, TOO?
 2 MR. DUPLESSIS:
 3 YOU CAN PUT SO MANY OFF AT
 4 ONE TIME.
 5 MS. HUDSON:
 6 IN THE EVENT OF AN
 7 EMERGENCY, YOU CAN HIT ONE BOTTOM AND POSSIBLY
 8 NOTIFY ALL OF THE DEALERS OF THE TITLE CHANGES
 9 WE DID OR NEW HOURS OR WHATEVER.
 10 MR. HILLIARD:
 11 TO THE FIELD REAL QUICK, WE
 12 HAD TALKED ABOUT -- LAST MEETING ABOUT THE
 13 STATE CARS -- ABOUT OUR CARS NOT HAVING STATE
 14 PLATES AND DESCRIPTION AND THAT WAS SOMETHING
 15 THAT CAME OUT FROM -- NOT OUR IDEAS, BUT CAME
 16 FROM THE GOVERNOR'S OFFICE ASKING US TO MAKE
 17 SURE THAT ALL STATE VEHICLES HAVE STATE PLATES
 18 AND STUFF.
 19 LUKE LETLOW (PHONETIC) ASKED
 20 US ABOUT WHETHER OR NOT WE HAD DONE IT AND
 21 VANESSA TOLD HIM THAT -- JOAN TOLD HIM THAT HE
 22 -- THE SAME THING WE HAD SAID, THAT IT WAS
 23 BECAUSE OF THE INVESTIGATION PROCESS THAT WE
 24 DID NOT HAVE IT. HE SENT A LETTER BACK TO HER
 25 AND SAID, "THIS IS IN RESPONSE TO YOUR INQUIRY

1 ABOUT THE STATE AUTOMOBILES" AND HE SAID THAT
 2 ANY VEHICLE THAT BELONGS TO A STATE AGENCY,
 3 DEPARTMENT OR BOARD IS REQUIRED BY LAW TO HAVE
 4 IT. THE ONLY EXCEPTION FOR PUBLICLY DISPLAYED
 5 VEHICLES ARE VEHICLES BEING USED FOR CRIME
 6 PREVENTION, DETECTION OR SIMILAR INVESTIGATIVE
 7 WORK.
 8 SINCE THE LOUISIANA
 9 RECREATIONAL AND USED MOTOR VEHICLE COMMISSION
 10 DOES NOT CONDUCT CRIMINAL INVESTIGATION, THIS
 11 COMMISSION MUST COMPLY WITH THE LOUISIANA
 12 STATUTE AND PROPERLY MARK THE STATE OWNED
 13 VEHICLES.
 14 SO, THE GOVERNOR'S OFFICE IS
 15 SENDING US SOMETHING SAYING WE HAVE GOT TO DO
 16 IT. I MEAN, I DON'T KNOW IF THIS IS SOMETHING
 17 YOU WANT SEND A RESPONSE TO -- BACK EXPLAINING
 18 YOUR POSITION. THAT'S FINE. IF NOT, WE NEED
 19 TO GET -- YOU KNOW, GET THEM MARKED.
 20 SO, JACK, IF YOU WANT TO
 21 SEND A RESPONSE BACK TO LUKE AND SAY, "THIS IS
 22 WHY WE WANT TO DO IT", BUT HE EXPLAINED THE
 23 REASON WHY -- YOU KNOW, WE WERE TOLD --
 24 MS. HUDSON:
 25 JACK, THAT MAY BE THE

1 EASIEST THING TO DO --
 2 MR. TORRANCE:
 3 THE DIVISION OF
 4 ADMINISTRATION COMES AND MONITORS US EVERY NEW
 5 ADMINISTRATION AND THEY COME UP WITH THE SAME
 6 IDEA AND ONCE WE REPLY WITH THE WORKING ABILITY
 7 THAT THE FIELD DOES, THEY AGREE THAT THEY DO
 8 NOT HAVE TO HAVE THOSE PLATES OR STICKERS ON
 9 THE VEHICLES, BECAUSE THEY COULD BE AT A DEALER
 10 AND ANOTHER DEALER COULD BE IN THE SAME
 11 VICINITY AND THEY WOULD KNOW THAT THEY ARE
 12 BEING INVESTIGATED. THAT IS THE ONLY PROBLEM,
 13 BUT WHATEVER THEY WANT, WE WILL DO IT. ITS NO
 14 PROBLEM WITH ME. I DONT CARE.

15 MR. HILLIARD:
 16 YES, AND I DONT EITHER. I
 17 JUST WANT TO MAKE SURE THAT WE ARE DOING WHAT
 18 WE NEED TO DO AND SINCE THEY HAD MENTIONED IT
 19 TO US AND THEY HAVE ASKED FOR A PROGRESS REPORT
 20 AND WE SAID THAT, YOU KNOW, NO, WE DONT DO IT,
 21 BECAUSE OF THE INVESTIGATIVE WORK, THEN WE GET
 22 THE LETTER.

23 MR. TORRANCE:
 24 I WILL ADDRESS THE LETTER TO
 25 HIM AND ALSO SEND THE LETTER THAT THEY SENT US

1 YES, MA'AM?
 2 MS. BINNING:
 3 WE ARE AUDITED EVERY YEAR BY
 4 THE FLEET MANAGEMENT PROPERTY CONTROL AND THAT
 5 IS THE AGENCY THAT OVERSEES THAT.

6 MR. HILLIARD:
 7 JUST PUT THAT IN THE
 8 RESPONSE BACK TO THEM AND LET THEM KNOW.

9 MR. TORRANCE:
 10 WE WILL AND WE WILL COME
 11 BACK --

12 MR. HILLIARD:
 13 LIKE I SAID, THIS IS NOT
 14 COMING FROM US. THIS IS JUST COMING, YOU KNOW,
 15 FROM THE GOVERNOR AND THEY HAD COMMENTS TO US
 16 AND OUR RESPONSE BACK.

17 ANY OTHER MATTERS TO COME
 18 BEFORE US?

19 LARRY SAID THERE WAS NO
 20 FIELD REPORT.

21 MR. HULIN:
 22 I LEFT MY REPORT ON THE
 23 DESK. WE HAD ABOUT SEVEN HUNDRED AND FIFTY-
 24 FIVE CASES. IT CAME OUT TO ABOUT NINETY-FOUR
 25 PERCENT COMPLETION OF CASES.

1 TO THE DIVISION OF ADMINISTRATION. SO, HE WILL
 2 BE AWARE OF WHAT OUR STATUS IS. THEN, HE CAN
 3 TELL US WHAT TO DO FROM THERE.

4 MR. HILLIARD:
 5 OKAY.
 6 ANY COMMENTS OR QUESTIONS
 7 ABOUT THAT?

8 (NO RESPONSE.)

9 MR. HILLIARD:
 10 I WILL -- YOU NEED A COPY OF
 11 THIS?

12 (NO RESPONSE.)

13 MR. HILLIARD:
 14 PLEASE SEND YOUR RESPONSE
 15 QUICKLY, SO WE CAN GET THIS RESOLVED.

16 MR. TORRANCE:
 17 I WILL.

18 MR. HILLIARD:
 19 -- BEFORE THE END OF THE
 20 YEAR. BECAUSE IF THEY WANTED TO DO IT -- THAT'S
 21 ONE OF THE ISSUES THAT THEY WANTED DONE AND WE
 22 DONT HAVE A CHOICE TO MAKE A DECISION. IF
 23 THEY ARE FINE WITH US NOT HAVING IT, I'M FINE
 24 WITH US NOT HAVING IT. IF THEY WANT US TO HAVE
 25 IT, WE NEED TO GET IT DONE.

1 MR. HILLIARD:
 2 OKAY.
 3 ANYTHING ELSE?
 4 (NO RESPONSE.)
 5 MR. HILLIARD:
 6 THE MANUFACTURER AGREEMENT
 7 -- WE BRIEFLY TALKED ABOUT IT. IT HAS BEEN
 8 SETTLED IN THE OFFICE, BUT OUR MANUFACTURERS
 9 AGREEMENTS WERE COMING IN BY MANUFACTURER AND
 10 YOU HAD A SITUATION WHERE YOU HAVE ONE
 11 MANUFACTURER THAT MAKES MULTIPLE LINES AND
 12 MULTIPLE BRANDS.

13 SO, THE OFFICE IS NOW
 14 REQUESTING WHEN THE MANUFACTURER AGREEMENTS
 15 COME IN, THEY LIST SPECIFIC BRANDS THAT THEY
 16 CARRY, BECAUSE SOME DEALERS CARRY SOME BRANDS
 17 AND SOME DEALERS CARRY ANOTHER BRAND, EVEN WITH
 18 THE SAME MANUFACTURER. SO, WE NEED A LIST
 19 SAYING HE CARRIES ALL BRANDS THEY HAVE FOR HIS
 20 TERRITORY OR HE CARRIES THESE BRANDS WE HAVE.

21 THIS WAS JUST TO UPDATE US
 22 THAT THEY ARE HAVING TO CHANGE THEIR IN-HOUSE
 23 POLICY AS TO HOW THEY RECEIVED THE MANUFACTURER
 24 AGREEMENTS, BECAUSE THERE WAS A MOTORCYCLE
 25 DEALER THAT HAD THREE OR FOUR -- IT WAS --

1 JACKAL --
 2 MR. TORRANCE:
 3 RED CAT AND JACKAL.
 4 MS. BARON:
 5 FIFTY-FIVE --
 6 MR. HILLIARD:
 7 THEY CARRY JACKAL --
 8 MR. TORRANCE:
 9 SEE, THAT OCCURS IN ALL
 10 PARTS OF THE NEW CAR DIVISION. I THINK
 11 AIRSTREAM HAS FIVE BRAND NAMES AND, SAY, LIKE
 12 ONE DEALER DIDN'T WANT TO CARRY BUT TWO --
 13 MR. HILLIARD:
 14 RIGHT.
 15 MR. TORRANCE:
 16 -- SO, THAT LEFT THREE OUT
 17 THERE. SO, THAT'S WHY WE BROKE IT OUT AND SAID
 18 FOR THIS BRAND NAME, YOU CAN GIVE THREE TO THIS
 19 DEALER AND TWO TO THIS OTHER DEALER.
 20 MR. HILLIARD:
 21 THAT'S WHAT I THOUGHT.
 22 MR. TORRANCE:
 23 BOATS ARE THE SAME WAY.
 24 MR. HILLIARD:
 25 ANY OTHER BUSINESS?

1 (NO RESPONSE.)
 2 MR. HILLIARD:
 3 A COUPLE OF THINGS, WE
 4 EXPECT TO HEAR FROM RON WHO WILL SET A
 5 MEETING. THERE WILL DEFINITELY BE A MEETING
 6 SET UP TO ADDRESS THE BUY BACK PROVISION IN
 7 PROBABLY EARLY DECEMBER, BUT WE NEED TO START
 8 ADDRESSING SOME LEGISLATION. IF YOU HAVE IDEAS
 9 OR WOULD LIKE TO WORK WITH RON, LET ME KNOW.
 10 I NEED TO TALK TO THE
 11 THREE NEW GUYS AND SEE WHAT COMMITTEES YOU
 12 WOULD LIKE TO BE ON. WE WILL GET YOU
 13 ASSIGNED TO SOME COMMITTEES AND WORK YOU
 14 HARDER FOR YOUR SEVENTY-FIVE DOLLARS.
 15 MS. HUDSON:
 16 BUT, YOU ARE WORTH IT.
 17 MR. HILLIARD:
 18 THEN, OTHER THAN THAT, FOR
 19 THE NEXT MEETING, LARRY, IF YOU COULD JUST GIVE
 20 US A FOLLOW UP, IF YOU WILL WORK WITH LYNETTE
 21 ON JUST HOW -- THE PROCEDURE ON THE AUCTION
 22 TRANSACTION FEES. WE WILL FOLLOW UP WITH THE
 23 AUCTION.
 24 JOHN SAID HE HASN'T BEEN
 25 CONTACTED. WE WILL FOLLOW UP WITH THE

1 AUCTIONS, ARE ALL OF THEM TURNING IN THEIR
 2 REPORTS ON TIME, ALL OF THE STUFF WE ADDRESSED
 3 A COUPLE OF MONTHS AGO, JUST FOLLOW UP AND LET
 4 US KNOW HOW THAT IS GOING ON WITH COLLECTIONS.
 5 MS. BINNING:
 6 THERE WAS A CORRECTION ON
 7 THAT POLICY AND I HAVEN'T RECEIVED IT, YET.
 8 MS. MORRIS:
 9 ON WHAT POLICY?
 10 MS. BINNING:
 11 THE AUCTION POLICY, AUCTION
 12 TRANSACTION FEES.
 13 MR. TORRANCE:
 14 ON THE INSURANCE
 15 LIQUIDATION.
 16 MR. HILLIARD:
 17 YOU HAVE THE ORIGINAL
 18 POLICY, I BELIEVE?
 19 MR. HALLACK:
 20 YES.
 21 MR. HILLIARD:
 22 IF YOU WILL --
 23 MR. HALLACK:
 24 YOU AND I WILL GET TOGETHER
 25 AND --

1 MR. HILLIARD:
 2 YES. I HAVE THE COPY OF THE
 3 CHANGES WE MADE SOMEWHERE. I TRY TO SAVE
 4 EVERYTHING --
 5 MS. HUDSON:
 6 YOU HAVE A BIG OFFICE.
 7 MR. HILLIARD:
 8 -- I HAVE TWO BRIEFCASES.
 9 IT IS IN THE CAR, ACTUALLY, BUT I HAVE TWO
 10 BRIEFCASES I BRING. THERE'S SO MUCH STUFF NOW,
 11 BUT WE WILL GET TOGETHER AND GET THAT TO YOU,
 12 LYNETTE.
 13 ANY OTHER BUSINESS?
 14 MS. HUDSON:
 15 NEXT MEETING.
 16 MR. HILLIARD:
 17 THE NEXT MEETING IS GOING TO
 18 BE DECEMBER 16TH AND IF NOTHING ELSE, WE WILL
 19 HOPEFULLY HAVE A COMMITTEE MEETING FOR
 20 LEGISLATION BEFORE THAT AND WE WILL SEND THE
 21 NOTICE OUT TO ALL OF YOU. EVEN THOUGH YOU'RE
 22 NOT ON THE LEGISLATIVE COMMITTEE, SO YOU CAN
 23 GIVE YOUR INPUT OR IF YOU WOULD LIKE TO ATTEND.
 24 MR. HALLACK:
 25 ONE OTHER THING WE

1 TALKED ABOUT DURING BREAK, THE NOTICE OF
 2 HEARING GOING TO THE COMMISSIONERS, SHERI.
 3 WHAT IS YOUR --
 4 MS. MORRIS:
 5 WELL, I GUESS THERE WAS SOME
 6 QUESTION AS TO WHY DO WE HAVE TO HAVE ALL THIS
 7 PAPER NECESSARY. MR. SNYDER WANTED TO KNOW IS
 8 HE SUPPOSED TO KEEP IT OR LEAVE IT AND SOME OF
 9 -- I DIDN'T KNOW WHETHER THE COMMISSIONERS GOT
 10 THE HEARING NOTICES WITH THEIR AGENDA. SO,
 11 THAT MIGHT BE HELPFUL. THEY WOULD KNOW WHAT
 12 THE CASES ARE.
 13 MR. HALLACK:
 14 RIGHT, AND IF THEY HAVE A
 15 CONFLICT OR ANYTHING LIKE THAT, THEY WOULD KNOW
 16 BEFOREHAND.
 17 MS. MORRIS:
 18 YES.
 19 IF YOU DO THE EXHIBIT, YOU
 20 WOULDN'T HAVE TO HAND THAT ONE OUT, AGAIN.
 21 MR. HALLACK:
 22 RIGHT.
 23 MR. HILLIARD:
 24 AS FAR AS THE HEARING
 25 NOTICE?

1 MR. HILLIARD:
 2 YOU WOULD HAND OUT THE
 3 ATTACHMENTS, BUT NOT THE HEARING NOTICE.
 4 MS. MORRIS:
 5 NOT THE HEARING NOTICE.
 6 MR. HILLIARD:
 7 SO, BRING THE HEARING
 8 NOTICES WITH YOU.
 9 IF THERE'S NO FURTHER
 10 BUSINESS, WE ADJOURN THE MEETING.
 11 MR. HENRY SMITH:
 12 I MAKE A MOTION WE
 13 ADJOURN.
 14 MR. BERRY:
 15 SECOND.
 16 MR. HILLIARD:
 17 ALL IN FAVOR?
 18 (ALL "AYE" RESPONSES.)
 19 (WHEREUPON, AT 1:10 P.M., THE
 20 MEETING WAS ADJOURNED.)
 21
 22
 23
 24
 25

1 MR. HALLACK:
 2 RIGHT.
 3 MS. BARON:
 4 SO, WHAT YOU ARE SAYING IS
 5 E-MAIL THE HEARING NOTICE WHEN I E-MAIL THE
 6 AGENDA?
 7 MS. MORRIS:
 8 YES. ONCE THE NOTICE IS
 9 ISSUED, IT IS PUBLIC RECORD.
 10 MR. HALLACK:
 11 RIGHT.
 12 MS. MORRIS:
 13 SO, THEY WOULD KNOW WHAT
 14 TYPE OF CASES AND HOW MANY CASES WE HAVE.
 15 MS. BARON:
 16 THEN, I WOULD HAND
 17 ATTACHMENTS OUT TO EACH COMMISSIONER, IF
 18 THERE WERE -- LIKE, THE ATTACHMENTS THAT
 19 ARE --
 20 MR. HALLACK:
 21 NO. YOU WOULDN'T HAVE TO
 22 HAND THAT OUT.
 23 MS. BARON:
 24 I WOULDN'T HAVE TO HAND
 25 THOSE OUT?

1 CERTIFICATE
 2 I, DINA BANKSTON, CERTIFIED SHORTHAND
 3 REPORTER, R.P.R., AND DEPUTY CLERK OF COURT IN
 4 AND FOR THE STATE OF LOUISIANA, DO HEREBY
 5 CERTIFY THAT;
 6 ON NOVEMBER 18, 2008, THE FOREGOING
 7 PROCEEDINGS WERE TAKEN BY ME IN STENOGRAPHY AND
 8 BY ELECTRONIC DEVICE AND THEREAFTER REDUCED TO
 9 TYPEWRITING, AND THE FOREGOING ONE HUNDRED
 10 FORTY-EIGHT PAGES CONTAIN A FULL AND CORRECT
 11 TRANSCRIPTION OF THE REGULAR MEETING OF THE
 12 LOUISIANA USED MOTOR VEHICLE AND PARTS
 13 COMMISSION;
 14 I AM NOT OF KIN OR IN ANYWISE ASSOCIATED
 15 WITH ANY OF THE PARTIES TO SAID CAUSE OF
 16 ACTION, OR THEIR COUNSEL, AND THAT I AM NOT
 17 INTERESTED IN THE EVENT THEREOF.
 18
 19
 20 _____
 21 DINA BANKSTON, C.S.R., R.P.R.
 22
 23
 24
 25

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Commission Description RS 32:783

§783. Recreational and Used Motor Vehicle Commission; appointment and qualification; terms of office; powers and duties

A.(1) There is hereby created the Louisiana Recreational and Used Motor Vehicle Commission within the office of the governor to be composed of fourteen members all appointed by the governor with the confirmation of the Senate. Six members shall be licensed used motor vehicle or recreational product dealers, one selected from each public service commission district. One member shall be a licensed automotive dismantler or parts recycler, three members shall be consumers selected from the state at large, one member shall be a licensed motorcycle dealer, one member shall be a licensed marine dealer, one member shall be a person licensed to conduct used motor vehicle auctions or salvage pool auctions, and one member shall be a representative of a manufacturer licensed by this commission. Such manufacturer representative shall be a resident of Louisiana. The chairman shall be designated by the governor.

(2) Of the six members who shall be licensed used motor vehicle or recreational product dealers, one member shall be a recreational vehicle dealer and one member shall be a utility trailer dealer.

B.(1) The terms of the chairman and commissioners shall be coterminous with that of the governor making the appointment and until his successor is appointed and is qualified. The term of office of any member shall automatically expire if the member moves out of the public service commission district from which he was appointed. In the event of death, resignation, removal, or automatic expiration of term of any person serving on the commission, the vacancy shall be filled for the unexpired portion of the term in the manner of original appointment.

(2) The commission shall meet at Baton Rouge and complete its organization immediately after the entire membership has been appointed and qualified.

(3) The chairman and each member of the commission shall take and subscribe to the oath of office required of public officers.

C.(1) The chairman and members of the commission shall receive seventy-five dollars for each and every day actually and necessarily spent in attending the meetings of the commission, including any commission committee meetings, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the commissioner of the division of administration.

(2) Such meeting payments shall not exceed the sum of eighteen hundred dollars per annum to any one person.

D.(1) The commission shall appoint a qualified person to serve as executive director who shall have had sufficient management and organizational experience in the automotive industry to direct the functions of the commission. The commission shall fix his salary and shall define and prescribe his duties.

(2) The executive director shall be in charge of the commission's office and shall devote such time as necessary to fulfill the duties thereof, and before entering upon his duties he shall take and subscribe to the oath of office.

(3) The commission may employ such clerical, technical, legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties under this Chapter.

(4) The commission shall maintain its office and transact its business in Baton Rouge and is authorized to adopt and use a seal.

E.(1) The commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out and enforce the provisions and objectives of this Chapter and is hereby authorized and empowered to make and enforce all reasonable rules and regulations and to adopt and prescribe all forms necessary to accomplish said purpose. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof. All rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. Oversight review shall be conducted by the House Committee on

Commerce and the Senate Committee on Transportation, Highways and Public Works.

(2) The commission shall have the full power and authority to purchase, acquire, develop, expand, sell, lease, maintain, mortgage, borrow funds, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to accomplish the provisions of this Chapter. Additionally, the commission shall have the authority to borrow funds with the approval of the State Bond Commission and to expend funds of the commission for the acquisition of immovable property and improvements thereon. In the event that the commission sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the commission and shall not be subject to reversion to the state general fund.

F. The commission's powers and duties shall include but are not limited to the following:

(1) Licensing used motor vehicle dealers and salespersons, recreational products dealers and salespersons, motor vehicle crushers, dealers of used parts and accessories, and dismantlers and parts recyclers.

(2) Inspecting used motor vehicle dealers, recreational products, motor vehicle crushers, dealers of used parts and accessories locations, and dismantlers and parts recyclers locations to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include but not be limited to a business sign, a listed and usable telephone number, and a sales office.

(3) Requiring all dealer sales to have a condition of sale, such as warranty disclaimer, implied or written warranty, or a service contract approved by the commission.

(4) Working with consumers and dealers to hear complaints on used vehicles and parts and to establish a Used Car Consumer Action Panel to hear complaints on a condition of sale, implied and written warranties, and service complaints.

(5) Requiring all dismantlers, motor vehicle crushers, dealers of used parts and accessories, recyclers, and dealers to maintain their records for a period of three years and to keep their records, vehicles, and places of business open to inspection by any peace officer or agent of the Department of Public Safety and Corrections or of the commission during reasonable hours. Such records shall include bills of sale, financing or mortgage records, and monthly sales reports.

(6) Holding and conducting hearings on violations of this Chapter, areas of responsibility disputes, mandatory repurchase disputes, imposing civil penalties, cease and desist orders, and revocation or suspension of licenses.

(7) To regulate the conduct of trade shows and off-site displays at which recreational products are displayed, auctioned, or sold.

(8) Serving in the capacity of a receivership to take possession of certificates of title from a used motor vehicle dealer or a recreational products dealer who has failed or refused to provide a certificate of title to his customer and to further distribute those titles to the rightful owners pursuant to R.S. 32:705.

(9) Issuing, serving, and enforcing a subpoena or subpoena duces tecum pursuant to any hearing or lawful investigation into the suspected misconduct of any licensee.

(10) Licensing and regulating recreational products trade shows in accordance with the rules and regulations adopted and promulgated by the commission.

G. All fees and charges under the provisions of this Chapter shall be collected and received by the executive director of the commission and deposited by him in a special fund with the state treasury to be known as the Louisiana Used Motor Vehicle and Parts Commission Fund. The proceeds of the fund shall be disbursed by him at the direction of the commission in administering and enforcing the provisions of this Chapter.

H. All expenses incurred by the commission in carrying out the provisions of this Chapter including but not limited to per diem, wages, salaries, rent, postage, supplies, bond premiums, travel and subsistence for the commissioners and the executive director, printing, and utilities shall be a proper

charge against the fund.

I. The commission shall, in addition to the powers herein conferred, be constituted a body politic or political corporation, invested with the powers inherent in corporations. It may sue and be sued under the style of the Louisiana Recreational and Used Motor Vehicle Commission, and all process against the corporation shall be served on the chairman or executive director, and all suits on behalf of the commission shall be brought by the chairman or his designee. The domicile for the purpose of being sued shall be in East Baton Rouge Parish. Service of process shall be made upon the chairman or upon the executive director of the commission in person. No member of the board shall be held liable as an individual in any suit against the board.

Acts 2006, No. 440, §1; Acts 2007, No. 446, §1.

EXHIBIT
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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 2. Recreational and Used Motor Vehicle Commission

Chapter 27. The Used Motor Vehicle and Parts Commission

§2701. Meetings of the Commission

A. The commission shall meet at its office in Baton Rouge, Louisiana on the third Tuesday in each month to transact such business as may properly come before it. The regular meeting will convene at the hour of 9 a.m. and shall continue at the pleasure of those present. Any change of monthly meetings will be in accordance with the Open Meeting Law R.S. 42:5.

B. Special Meetings. Special meetings shall be held upon call of the chairman by notice given to the members of the commission at least 48 hours prior to the time the meeting is to be held; such notice to be given by telephone, telegraph or letter.

C. A public comment period shall be held at or near the beginning of each board meeting. Persons desiring to present public comments shall notify the board chairman no later than 48 hours prior to the date of the regular meeting and 72 hours prior to the date of a special meeting. All written requests to have an item or items placed on the agenda must indicate, in detail, what items they wish to discuss. Public discussions are limited only to items on the agenda. There will be a maximum of 30 minutes for all public comments to be heard and each person will be limited to three minutes. Additional time can be allowed by the chairman as he deems reasonable. Each person making public comments shall identify himself and the group, organization or company he represents, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772.E and R.S. 42:5.D.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:258 (April 1989), LR 15:1058 (December 1989), LR 18:1116 (October 1992), LR 24:1682 (September 1998), LR 25:1792 (October 1999), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:2351 (November 2002).

§2703. Quorum of the Commission

A. Seven members of the commission shall constitute a quorum for the transaction of official business. Fewer than a quorum may adjourn the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772.E.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:258 (April 1989), LR 24:1682 (September 1998).

§2705. Executive Director

A. The executive director of the Louisiana Used Motor Vehicle and Parts Commission shall be in charge of the commission's office and shall conduct and direct the activities thereof in the manner as directed by the commission. The employees of the commission shall report to the executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772.D(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985).

§2707. Correspondence with the Commission

A. All correspondence by letter with the commission shall be addressed to the attention of the executive director.

B. Louisiana Used Motor Vehicle and Parts Commission forms, applications and dealer aids are recognized as the commission official forms for licensing and communication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772.E.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985).

§2709. Official Seal

A. The official seal of the Louisiana Used Motor Vehicle and Parts Commission shall be as follows: The outline of the State of Louisiana with a small star denoting the approximate location of Baton Rouge, which name appears to the left of the star. It shall be bordered by the inscription, Louisiana Used Motor Vehicle and Parts Commission.

B. The executive director shall be the custodian of the official seal and shall affix the imprint or the facsimile thereof to all license certificates issued by the Louisiana Used Motor Vehicle and Parts Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772.D(4).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985).



Exhibit E
(pgs. 166-170)

LOUISIANA RECREATIONAL AND
USED MOTOR VEHICLE COMMISSION

STATE OF LOUISIANA

*pg. 170
80970 in file*

Jack's Job: Description

MEETING OF THE PERSONNEL COMMITTEE

AUGUST 18, 2008

BEGINNING AT 2:05 P.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

ORIGINAL

ORIGINAL

1 APPEARANCES:

2

CHAIRMAN:

3

MR. PHILLIP SNYDER

4

5

6 COMMITTEE MEMBERS PRESENT:

7

MR. RON DUPLESSIS
MS. VANESSA HUDSON
MR. JEFF HILLIARD
MS. GAYLE MATERNE

8

9

10

11

ALSO PRESENT:

12

MR. JACK TORRANCE

13

14

15

16

17

18

19

20

21

22

23

24

25

1 *****

2 PROCEEDINGS

3 MR. SNYDER:

4 THE PERSONNEL COMMITTEE IS

5 NOW IN SESSION.

6 ROLL CALL.

7 RON, WHY DON'T YOU START?

8 MR. DUPLESSIS:

9 RON DUPLESSIS, HERE.

10 MS. MATERNE:

11 GAYLE MATERNE, HERE.

12 MS. HUDSON:

13 JOAN HUDSON, HERE.

14 MR. SNYDER:

15 PHIL SNYDER, HERE.

16 MR. HILLIARD:

17 JEFF HILLIARD, HERE.

18 STEVE BERRY IS OUT OF TOWN.

19 SO, HE IS NOT ABLE TO MAKE IT. WE DO HAVE A

20 QUORUM.

21 MR. SNYDER:

22 OKAY.

23 JEFF, DO YOU WANT TO START?

24 MR. HILLIARD:

25 WELL, THE MAIN REASON FOR

Page 4

1 THE MEETING IS JUST TO MAKE SURE WE HAVE AN
2 ADEQUATE JOB DESCRIPTION THAT COVERS THE
3 DUTIES OF THE ASSISTANT DIRECTOR AND THE
4 EXECUTIVE DIRECTOR SINCE THERE IS NO LONGER
5 AN ASSISTANT DIRECTOR AND WE ALSO CAN MAKE
6 SURE THAT THE RESPONSIBILITIES -- AND I HAD
7 ALL OF THIS SENT -- MADE SURE EVERYTHING WAS
8 SENT BY LOIS TO LARRY HULIN, AND LYNETTE'S
9 RESPONSIBILITIES.

10 I THOUGHT IT WAS IMPORTANT
11 TO KNOW WHAT THEY WERE DOING, SO WE WOULD KNOW
12 WHAT IS COVERED AND WE KNOW WHAT NEEDS TO BE
13 SUPERVISED BY THE EXECUTIVE DIRECTOR, IF THAT
14 MAKES SENSE.

15 MR. SNYDER:

16 JEFF, JUST TO CLARIFY ONE
17 POINT, OUR MISSION IS TO COMBINE TWO JOBS; IS
18 THAT CORRECT?

19 MR. HILLIARD:

20 CORRECT. SO, WE ARE NOT
21 GOING TO BE REPLACING THE ASSISTANT EXECUTIVE
22 DIRECTOR.

23 MS. HUDSON:

24 DID YOU GUYS NOTICE,
25 JUST FOR TALKING AND TAKING UP TIME, ON

1 LARRY HULIN, WHO IS OUR SUPERVISOR, ONLY
2 EIGHT PERCENT OF HIS TIME IS TO INSPECT THE
3 LICENSEES?

4 MR. HILLIARD:

5 NO. THIS IS A COPY OF --
6 RON, THE -- I DON'T HAVE THE ONE FOR LOIS.

7 MR. DUPLESSIS:

8 DID LOIS GET AN E-MAIL ON
9 ALL OF THIS?

10 MR. HILLIARD:

11 IT WAS ALL SENT OUT BY FAX.

12 MR. DUPLESSIS:

13 BY LOIS?

14 MR. HILLIARD:

15 YES.

16 MR. SNYDER:

17 IT SAYS FAX.

18 MR. DUPLESSIS:

19 LET ME JUST GO ASK HER TO
20 GET A -- GIVE ME A SET OF COPIES.

21 (SHORT BREAK)

22 MR. HILLIARD:

23 MR. TORRANCE IS IN THE
24 MEETING AS WELL.

25 JACK, WE WERE JUST

Page 6

1 DISCUSSING TO SEE IF THERE ARE COMMENTS OR
2 ANYTHING YOU WANTED TO PUT ABOUT COMBINING OF
3 ANYTHING THAT YOU FELT NEEDED TO BE CHANGED OR
4 ADDED OR ANYTHING LIKE THAT.

5 MR. TORRANCE:

6 NO, I DO NOT.

7 MR. HILLIARD:

8 I JUST WANTED TO MAKE SURE
9 THAT YOU --

10 MR. TORRANCE:

11 NO. WE TALKED EARLIER AND I
12 SAID --

13 MS. HUDSON:

14 WE WANTED TO MAKE SURE YOU
15 KNEW YOU WERE INCLUDED AND NOT EXCLUDED.

16 MR. TORRANCE:

17 I UNDERSTAND THAT.

18 MR. HILLIARD:

19 WE JUST DIDN'T KNOW HOW --

20 MR. TORRANCE:

21 THAT NEVER WAS A QUESTION
22 ANYWAY.

23 MR. DUPLESSIS:

24 JACK, ANY OBSERVATIONS,
25 ANYTHING THAT YOU SEE YOU WANT TO PUT US IN THE

1 RIGHT DIRECTION ON?

2 MR. TORRANCE:

3 I BELIEVE -- I THINK WE
4 ALREADY COVERED MOST OF THAT, DIDN'T WE, ON
5 THE POLICY 61 AND THE OTHERS? I THINK WE HAVE
6 A MODE THAT WE ARE GOING TO OPERATE UNDER NOW
7 THAT EVERYBODY IS COMPATIBLE AND AGREEABLE.

8 MR. DUPLESSIS:

9 WELL, IT'S --

10 MR. HILLIARD:

11 THERE ARE A COUPLE OF
12 QUESTIONS I HAVE ON THAT, BUT WE WILL DISCUSS
13 IT TOMORROW AT THE MEETING, SO THAT EVERYBODY
14 IS THERE, BUT THERE ARE JUST A COUPLE OF
15 THINGS -- IT IS REALLY MORE -- THERE ARE ONE
16 OR TWO THINGS I DON'T -- WELL, WE WILL GET
17 TO IT. THERE'S NO REASON TO DISCUSS IT
18 TWICE.

19 THERE ARE A COUPLE OF THINGS
20 WE NEED TO DO. IT SEEMS LIKE WE ARE ALWAYS
21 DOING THE SAME THING TWICE ON TWO DIFFERENT
22 PARTS OF IT.

23 MR. TORRANCE:

24 THE THING WITH THE AUCTION,
25 TOO --

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1 MR. HILLIARD:
2 THE THING WITH THE
3 AUCTIONS.

4 MR. TORRANCE:
5 -- WE KIND OF WENT OVER
6 THAT.

7 MR. HILLIARD:
8 I THINK, HOPEFULLY, AT
9 TOMORROW'S MEETING --

10 MR. TORRANCE:
11 WE ALSO GOT THE LETTER
12 FROM THE SENATE EXPLAINING THE SAME THING WE
13 DISCUSSED IN OUR MEETING, BUT I WILL GIVE
14 YOU A COPY OF IT AT THE MEETING TOMORROW.

15 MR. HILLIARD:
16 OKAY.
17 ON WHICH PART?
18 MR. TORRANCE:
19 ON THE BID CARD, THE WAY IT
20 WAS --

21 MR. HILLIARD:
22 THE INTENT?

23 MR. TORRANCE:
24 -- THE INTENT OF THE BID
25 CARD --

1 MR. HILLIARD:

2 OKAY.

3 MR. TORRANCE:

4 -- THE DELETING OF THE BID
5 CARD.

6 MR. DUPLESSIS:

7 JACK, WOULD YOU BE IN FAVOR
8 OF BRINGING THE BID CARDS BACK?

9 MR. TORRANCE:

10 I WOULD LIKE TO SEE THEM
11 COME BACK. IT WOULD BE EASIER TO CONTROL THE
12 MARKET. I MEAN, RIGHT NOW, IT IS CHAOTIC. I
13 MEAN, WE HAVE NO CONTROL. THEY JUST PAY A FIVE
14 DOLLAR CARD AND I TELL YOU WHAT, TWO OR THREE
15 YEARS DOWN THE ROAD, THEY ARE GOING TO COME
16 BACK AGAIN AND SAY, "WHAT ARE WE PAYING YOU
17 FOR?" THAT'S WHAT I SAID IN A MEETING WE HAD
18 AT THE CAPITAL. I SAID, "WE ARE GETTING PAID
19 FOR SOMETHING WE ARE NOT DOING A SERVICE FOR
20 AND THEY CAN COME BACK DOWN THE ROAD AND TURN
21 THIS AROUND AND TAKE THAT AWAY FROM US, AND
22 THEN, WE WILL REALLY BE IN THE DARK WITH NO
23 MONEY."

24 MR. HILLIARD:

25 HOW MUCH FIGHT DO YOU THINK

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1 THERE IS GOING TO BE FROM COPART TO REINSTATE
2 THE BID CARD?

3 MR. TORRANCE:

4 WELL, I DON'T KNOW THERE
5 WOULD BE A FIGHT ONCE WE EXPLAIN THE SITUATION
6 TO THEM. THE ONLY FIGHT WE HAD TO GET IT --
7 SEE, FOR FOUR YEARS WE HAD THAT PROBLEM WHEN WE
8 DEFEATED IT. LAST YEAR, COPART SPENT A LOT OF
9 MONEY AND CHLO FONTENOT WAS THE AUTHOR OF THE
10 BILL AND NOW HE IS NO LONGER IN THE SENATE.
11 SO, I DON'T KNOW OF ANYBODY ELSE THAT WOULD BE
12 UP THERE TO REALLY PUSH IT.

13 COPART WILL SEND SOME PEOPLE
14 AFTER US, I KNOW THAT, BUT ONCE WE SHOW THIS
15 NEW SESSION -- I MEAN, NEW SENATORS AND NEW
16 REPS HOW HURTFUL IT IS TO THE INDUSTRY, I THINK
17 THEY WILL GO ALONG WITH US. IT IS UP TO Y'ALL
18 IF Y'ALL WANT TO TRY IT, AGAIN.

19 MR. HILLIARD:

20 IT SEEMS LIKE IT WOULD BE A
21 LOT EASIER -- I MEAN, I KNOW WE ARE DISCUSSING
22 SOMETHING THAT IS NOT ON OUR AGENDA OR
23 ANYTHING, WE NEED TO BE CAREFUL AND GET BACK TO
24 IT TOMORROW, BUT, YOU KNOW, IT WILL DEFINITELY
25 COME UP TOMORROW, BUT I THINK THIS MAKES A LOT

1 MORE SENSE. IT IS A LOT EASIER FOR US TO
2 REGULATE.

3 MR. TORRANCE:

4 IT WILL BE.

5 THERE WASN'T NOTHING WRONG
6 WITH IT IN THE FIRST PLACE. THE ONLY PROBLEM
7 THEY HAD WITH THAT, IF Y'ALL WANT TO TALK ABOUT
8 IT, WE CHARGED TWO HUNDRED DOLLARS FOR OUT OF
9 STATE DEALERS AND SO DID THEY. ANYBODY, EVEN
10 IN STATE OR OUT OF STATE DEALERS, THEY CHARGED
11 THEM TWO HUNDRED DOLLARS TO BE A MEMBER OF
12 COPART AND THE PEOPLE WERE GRIPING ABOUT IT.
13 SO, INSTEAD OF THEM GIVING THEIR TWO HUNDRED
14 UP, THEY WENT AND BATTLED US AND GOT US TO GIVE
15 UP OUR TWO HUNDRED. THAT'S WHAT THAT WAS ALL
16 ABOUT.

17 MR. HILLIARD:

18 WONDERFUL.

19 MR. SNYDER:

20 IT SEEMS TO ME THAT THE
21 JOB DESCRIPTION COVERS THE FACT THAT THE
22 EXECUTIVE DIRECTOR REPORTS TO THE COMMITTEES
23 UNDER THE DIRECTION OF THE COMMISSION, I MEAN,
24 AND THEN, IT HAS FOUR OR FIVE DUTIES AND WE
25 NEED, IN MY MIND, INSTEAD OF GOING TRY TO

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1 CHANGE THE WHOLE THING, ADD OR SUBTRACT DUTIES,
2 IF THAT'S WHAT WE FEEL THEY HAVE IS OTHER
3 DUTIES TO BE INCLUDED.

4 DOES THAT MAKE SENSE?

5 MR. HILLIARD:

6 YES.

7 MR. SNYDER:

8 IF YOU ARE GOING TO START
9 WITH DUTIES IN THIS POSITION INCLUDING
10 PREPARING AN ANNUAL BUDGET AND BEING
11 RESPONSIBLE FOR SUPERVISING AND PLANNING AND
12 COORDINATING THE OFFICE STAFF AND FIELD STAFF,
13 WHICH WOULD INCLUDE THE PREPARATION OF RULES,
14 RESPONSIBLE FOR COLLECTION OF ALL FUNDS. SO,
15 IF YOU PUT THOSE AS ALL THE DUTIES ---

16 MR. HILLIARD:

17 I KIND OF LOOKED AT IT KIND
18 OF FROM THE OTHER SIDE OF WHAT THE PEOPLE
19 UNDERNEATH HIM WERE DOING AND WHAT NEEDED TO BE
20 MONITORED FROM HIS DIRECT REPORTS, THE ONES
21 THAT REPORT DIRECTLY TO HIM.

22 MR. SNYDER:

23 THEN, I WOULD SAY THAT --
24 TO ME, THAT IS DUTIES THAT ARE COMING FROM
25 THE COMMISSION AND HE NEEDS TO, OF COURSE, BE

1 AWARE OF AND BE SPELLED OUT. THESE ARE THE
2 DUTIES THAT WE EXPECT YOU TO COMPLETE.

3 MR. DUPLESSIS:

4 HAVE WE THOUGHT ABOUT
5 STARTING WITH THE STATUTE?

6 MS. HUDSON:

7 THAT WOULD BE A GOOD IDEA.

8 MR. SNYDER:

9 WHAT IS THE STATUTE?

10 MS. HUDSON:

11 THE STATUTE PRETTY MUCH
12 READS AS THE FIRST PARAGRAPH --

13 MR. HILLIARD:

14 FIRST PARAGRAPH, YES.

15 MS. HUDSON:

16 -- UNDER THE DIRECTOR'S JOB
17 DESCRIPTION. THAT FIRST PARAGRAPH IS BASICALLY
18 FROM THE STATUTE.

19 MR. SNYDER:

20 OH, OKAY.

21 MR. HILLIARD:

22 WHICH IS -- IT IS AWFULLY
23 GENERIC, TOO, BUT IT IS --

24 MR. SNYDER:

25 CAN WE NOT PUT THAT DOWN

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1 HERE, "OTHER DUTIES AS ASSIGNED"?

2 MR. HILLIARD:

3 SURE.

4 MR. DUPLESSIS:

5 WELL, THIS IS THE BASE UNDER
6 THE STATUTE THAT WE HAVE TO COMPLY WITH, AND
7 THEN, WE CAN CHANGE THE JOB DESCRIPTION BY THE
8 COMMISSION.

9 MR. HILLIARD:

10 ACTUALLY, THIS IS THE WHOLE
11 DESCRIPTION -- I'M SORRY, RON, I DIDN'T WANT TO
12 INTERRUPT, BUT THIS IS IN 32:73(D)(2), "THE
13 EXECUTIVE DIRECTOR SHALL BE CHARGED WITH THE
14 COMMISSION'S OFFICE AND SHALL DEVOTE SUCH TIME
15 AS NECESSARY TO FULFILL THE DUTIES THEREOF AND
16 BEFORE ENTERING UPON THOSE DUTIES HE SHALL
17 TAKE AND SUBSCRIBE TO THE OATH OF OFFICE."
18 THAT'S IT. EVERYTHING ELSE LOOKS GOOD IN HERE
19 -- COMES INTO WHAT THE COMMISSION'S
20 RESPONSIBILITIES ARE.

21 MR. DUPLESSIS:

22 AS APPOINTING AUTHORITY.

23 MR. HILLIARD:

24 RIGHT.

25 WE CAN GO BACK TO THE -- IT

1 GOES STRAIGHT FROM, "THE COMMISSION SHALL
2 APPOINT A QUALIFIED PERSON TO SERVE AS
3 EXECUTIVE DIRECTOR, ESSENTIAL MANAGEMENT,
4 ORGANIZATIONAL EXPERIENCE IN THE AUTOMOTIVE
5 INDUSTRY TO DIRECT FUNCTIONS OF THE COMMISSION,
6 SHALL FIX A SALARY AND SHALL DEFINE AND
7 SUBSCRIBE THOSE DUTIES. THE EXECUTIVE DIRECTOR
8 SHALL BE IN CHARGE OF THE COMMISSION'S OFFICE",
9 WHICH IS WHAT I JUST READ AS NO. 2, "AND SHALL
10 DEVOTE SUCH TIME TO FULFILL THOSE DUTIES
11 THEREOF AND BEFORE ENTERING UPON THOSE DUTIES,
12 HE SHALL TAKE AND SUBSCRIBE TO THE OATH OF
13 OFFICE."

14 "3", "THE COMMISSION MAY
15 EMPLOY SUCH CLERICAL, TECHNICAL, LEGAL AND
16 OTHER (INAUDIBLE) AND INCUR SUCH EXPENSES THAT
17 MAY BE NECESSARY FOR THE PROPER DISCHARGE OF
18 HIS DUTIES UNDER THIS CHAPTER. THE COMMISSION
19 IS HEREBY VESTED WITH POWERS AND DUTIES
20 NECESSARY TO PROPER -- TO ENABLE -- TO FULLY
21 AND EFFECTIVELY CARRY OUT AND ENFORCE THE
22 PROVISIONS OF THIS CHAPTER AND TO AUTHORIZE AND
23 THE POWER TO MAKE AND ENFORCE ALL REASONABLE
24 RULES AND REGULATIONS AND TO ADOPT (INAUDIBLE)
25 FORMS AND ACCOMPLISH SAID PURPOSE."

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1 MR. DUPLESSIS:

2 SO, WHAT WE HAVE IS AN
3 OFFICIALLY MANDATED JOB DESCRIPTION BY STATUTE
4 OF THE LEGISLATURE IS THAT THE EXECUTIVE
5 DIRECTOR IS THE OFFICE MANAGER.

6 MR. HILLIARD:

7 HE IS IN CHARGE OF THE
8 COMMISSION'S OFFICE, YES.

9 MR. DUPLESSIS:

10 RIGHT.

11 THEN, WE CAN SET DUTIES
12 ACCORDINGLY AS WE SEE FIT TO MATCH THE JOB
13 DESCRIPTION THAT WE DEEM TO BE IN FRONT OF US
14 FOR THE DUTIES THAT WE HAVE TO CARRY OUT, WHICH
15 IS TO LICENSE AND ENFORCE. SO, THAT MEANS THAT
16 WE HAVE THE POWER TO SET ALL THE OTHER JOB
17 DESCRIPTIONS COMMENSURATE WITH WHAT SEE AS GOOD
18 BUSINESS AND TO PLACE THE AUTHORITIES IN THOSE
19 DEPARTMENTS WHERE WE SEE FIT.

20 SO, TAKING THE OLD JOB
21 DESCRIPTION MIGHT BE CONVENIENT, ALTHOUGH IT
22 MIGHT NOT BE THE MOST EFFECTIVE --

23 MR. SNYDER:

24 WELL, I'M NOT SUGGESTING --
25 HOW OLD IS THIS THING?

1 MS. HUDSON:

2 THIS PARTICULAR JOB
3 DESCRIPTION HAS BEEN AROUND, I KNOW, AS LONG
4 AS I HAVE BEEN HERE. SO, IT IS GOING ON FIVE
5 YEARS.

6 MR. HILLIARD:

7 HOW LONG HAVE THEY HAD THIS?

8 MR. TORRANCE:

9 FRANCIS LANDRY PREPARED THAT
10 THING BACK IN THE LATE '80S.

11 MS. HUDSON:

12 THE '80S.

13 MR. HILLIARD:

14 YES. SO, IT HAS BEEN AROUND
15 FOREVER. IT HASN'T CHANGED.

16 HONESTLY, WE JUST NEED TO
17 MAKE SURE IT COVERS, YOU KNOW, WHAT THE MOST
18 IMPORTANT PARTS ARE AND I GUESS WHAT PART OF
19 THAT IS, TOO, IS, YOU KNOW, LOOKING AT THE --
20 IT GOES FURTHER IN OUR LAW SAYING WHAT THE
21 COMMISSION IS INSTRUCTED TO DO. I THINK PART
22 OF WHAT WE HAVE TO LOOK AT IS EXACTLY WHAT
23 PARTS OF THIS ARE MISSING AND MAYBE THE OTHER
24 WAY TO LOOK AT IT IS WHAT PARTS DO WE FEEL NEED
25 TO COME BEFORE THE COMMISSION AND WHAT PARTS WE

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1 FEEL WE CAN DELEGATE. I MEAN, THAT IS A BETTER
2 WAY TO LOOK AT THE RESPONSIBILITIES.

3 MR. DUPLESSIS:

4 WELL, THE WAY I READ THIS IS
5 THAT EVERYTHING IS SUPPOSED TO COME BEFORE US,
6 ALL OF THE PERTINENT INFORMATION, AND THEN, WE
7 CAN DELEGATE THE CLEARINGHOUSES, IF YOU WILL,
8 AS TO HOW THAT INFORMATION IS DISSEMINATED TO
9 US.

10 MS. HUDSON:

11 YES. THE FIRST SENTENCE,
12 "UNDER THE DIRECTION OF THE COMMISSION."

13 MR. DUPLESSIS:

14 "UNDER THE DIRECTION OF THE
15 COMMISSION." THE APPOINTING AUTHORITY UNDER
16 THE STATUTE IS WITH THE COMMISSION. SO, WHAT
17 THIS JOB DESCRIPTION BY THE LEGISLATURE SAYS IS
18 THAT THE EXECUTIVE DIRECTOR IS THE OFFICE
19 MANAGER TO MAINTAIN AND RUN THE OFFICE ON THE
20 DAILY AFFAIRS.

IT IS UP TO THE COMMISSION
SET ALL OF THE OTHER POSITIONS AS WE SEE FIT
AND THEIR FUNCTIONS UNDER THOSE DEPARTMENTS.

MR. HILLIARD:

I THINK IN THIS WHEN WE

*THIS WAS THE
Exec. Staff Officer
(Office Manager)*

1 SAY THE WORD "OFFICE", I THINK WE NEED TO BE
2 CAREFUL, BECAUSE WE HAVE ALSO USED THE TERM
3 "OFFICE" TO TALK ABOUT THE STAFF ON SITE AND
4 FIELD TO DESIGNATE THE STAFF OFFSITE, BUT I
5 THINK THE TERM HERE, "OFFICE", IS REFERRING
6 TO --

7 MS. HUDSON:

8 THE STAFF.

9 MR. HILLIARD:

10 -- THE WHOLE -- RIGHT,
11 STAFF.

12 WE JUST NEED TO BE CAREFUL
13 WHEN WE START SAYING "OFFICE" THAT WE ARE NOT
14 JUST TALKING ABOUT JUST THE GIRLS HERE IN THE
15 PHYSICAL OFFICE AND NOT THE PEOPLE IN THE FIELD
16 OFFICE.

17 MR. DUPLESSIS:

18 I WOULD AGREE WITH THAT,
19 BUT IT IS UP TO THE COMMISSION TO SET THE
20 DUTIES OF EACH ONE OF THOSE POSITIONS AND HOW
21 WE ARE GOING TO ARRANGE THOSE POSITIONS AND
22 WHAT THEIR RESPONSIBILITIES ARE AND THE
23 EXECUTIVE DIRECTOR IS TO OVERSEE, IMPLEMENT
24 AND MAKE SURE THEY FUNCTION ON A REGULAR BASIS.
25 IT IS NOT FOR US TO MICRO MANAGE. IT IS FOR US

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1 TO SET A MACRO MANAGEMENT PLAN IN FORCE.

2 MR. HILLIARD:

3 DO Y'ALL WANT TO LOOK AT
4 WHAT THE RESPONSIBILITIES ARE HERE?

5 MR. SNYDER:

6 WHAT I SHOW AS FAR AS WHAT
7 THEY CALL IN THIS THING AS DUTIES, THERE ARE
8 ELEVEN OF THEM, THE ANNUAL BUDGET, RESPONSIBLE
9 FOR SUPERVISING, PLANNING AND COORDINATION OF
10 OFFICE STAFF AND FIELD STAFF, RULES AND
11 REGULATIONS, ORDERS GOVERNING THE POLICY OF THE
12 AGENCY. NOW, THAT ONE, TO ME, NEEDS SOME
13 DIRECTION FROM US. RESPONSIBLE FOR COLLECTING
14 ALL FUNDS. I DON'T QUITE UNDERSTAND TO OVERSEE
15 THE CONTRACTING OF COMPUTER SERVICE.

16 MR. HILLIARD:

17 DO WE DO OUR LICENSES AND
18 STUFF IN-HOUSE, NOW?

19 MR. TORRANCE:

20 YES.

21 MR. HILLIARD:

22 WE USE TO SUBCONTRACT IT
23 OUT?

24 MR. TORRANCE:

25 NO. WE DID IT ALL HERE

1 IN-HOUSE.

2 MS. MATERNE:

3 DOES THAT MEAN I.T.?

4 MS. HUDSON:

5 I THINK THAT MEANS TO MAKE
6 SURE THAT LICENSES ARE NOT PRINTED WITHOUT THE
7 PROPER PAPERWORK BEING IN THE FILE, IS HIS
8 ULTIMATE -- UNDER HIS DIRECTION.

9 MR. TORRANCE:

10 IN OTHER WORDS --

11 MS. HUDSON:

12 THAT COMES UNDER STAFF.

13 MR. TORRANCE:

14 -- THE LICENSING FORMS, WE
15 DO HAVE PRINTED BY THE STATE.

16 IS THAT WHAT YOU ARE
17 REFERRING TO?

18 MS. HUDSON:

19 NO.

20 MR. SNYDER:

21 I DON'T KNOW WHAT --

22 MR. HILLIARD:

23 IT JUST SAYS INCUMBENT
24 OVERSEES THE CONTRACTING OF COMPUTER SERVICES,
25 WHICH PRINTS OUT DEALER AND SALESMAN LICENSES,

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1 GENERATES REPORTS AND --

2 MR. TORRANCE:

3 RIGHT. WE DO THAT IN-HOUSE.

4 MR. HILLIARD:

5 -- LISTING ALL LICENSED

6 DEALERS AND SALESMEN IN NAME, ORDER, LICENSE

7 NUMBER ORDER.

8 MS. MATERNE:

9 SO, THAT IS OBSOLETE.

10 MR. TORRANCE:

11 WELL, WE DO IT IN-HOUSE.

12 EVERYTHING WE DO -- THEY ARE DOING IT THERE,

13 RIGHT NOW. EACH YEAR, WE DO THAT.

14 MS. MATERNE:

15 SO, YOU ALWAYS DID THAT,

16 THAT WAY?

17 MR. TORRANCE:

18 YES, MA'AM, ALWAYS.

19 MR. HILLIARD:

20 THIS IS OVERSEEING THE

21 CONTRACTING OF COMPUTER SERVICE, WHICH DOES

22 IT. WE USE TO HAVE A DIFFERENT COMPUTER

23 SERVICE.

24 MR. TORRANCE:

25 WELL, WE HAD WHAT WE CALLED

1 THE MAPPER SYSTEM THROUGH THE STATE. THEY HAD
2 IT. SO, WHEN THEY DISCONTINUED THE MAPPER, WE
3 HAD TO GO OUT AND OBTAIN OUR OWN COMPUTER BASE,
4 OUR OWN WEBSITE, WHICH WE DID. THAT WAS THE
5 BIGGEST EXPENSE TO COME OUT OF OUR RESERVE,
6 WHICH WAS ALMOST THREE HUNDRED THOUSAND
7 DOLLARS. SO, WE HAD TO GET OUR OWN COMPUTER
8 SYSTEM AND WE WENT TO THIS -- C.A.V.U. AND THAT
9 IS THE ONE WE ARE UTILIZING TODAY.

10 MS. MATERNE:

11 SO, DO YOU PAY, LIKE, ANNUAL
12 FEES ON THAT OR --

13 MR. HILLIARD:

14 ON C.A.V.U.?

15 MS. MATERNE:

16 -- IS THERE AN ANNUAL FEE
17 THAT YOU PAY ON YOUR --

18 MR. TORRANCE:

19 WE HAVE WHAT WE CALL A
20 MAINTENANCE WHERE WE PAY THEM SO MUCH A YEAR TO
21 UPGRADE OR TO BRING US UP TO SPEED, IF WE NEED
22 HELP OR ADD ANYTHING TO IT.

23 MS. MATERNE:

24 THEY GIVE YOU TECHNICAL
25 SUPPORT --

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1 MR. TORRANCE:

2 YES, MA'AM.

3 MS. MATERNE:

4 -- THROUGHOUT THE YEAR?

5 MR. TORRANCE:

6 YES, THEY DO.

7 MR. DUPLESSIS:

8 WELL, YOU HAVE THREE

9 ASPECTS. YOU HAVE THE HARDWARE ASPECT, WHICH
10 THE COMMISSION PURCHASED IS NEW. THEN, YOU
11 HAVE C.A.V.U., WHICH IS YOUR VENDOR AND YOU
12 HAVE A MAINTENANCE AGREEMENT AND UPGRADE. YOU
13 HAVE LICENSING AGREEMENTS. THEN, YOU HAVE A
14 CONTRACT WITH KEITH HORTON, WHO COMES IN AND
15 FIXES --

16 MR. TORRANCE:

17 WELL, HE IS OVER THE

18 COMPUTER SYSTEM.

19 MR. DUPLESSIS:

20 RIGHT.

21 HE IS YOUR VENDOR THAT COMES
22 AND KEEPS IT RUNNING, KEEPS THEM UP TO SPEED
23 AND IF YOU HAVE A PROBLEM OR IT LOCKS UP OR YOU
24 NEED A PRINTER, HE IS THE ONE THAT TAKES CARE
25 OF THE ACTUAL MAINTENANCE. THE STATE DOESN'T

1 SEND OUT STATE WORKERS. YOU HAVE TO CONTRACT
2 WITH THAT UPKEEP INDIVIDUALLY.

3 MR. TORRANCE:

4 WE DO IT IN-HOUSE.

5 MR. SNYDER:

6 THAT INCLUDES THE WEBSITE,
7 MAINTAINING THE WEBSITE?

8 MR. TORRANCE:

9 WE MAINTAIN OUR OWN WEBSITE
10 AND HE ASSISTS US WITH THE WEBSITE PREPARATION.

11 MR. DUPLESSIS:

12 WELL, I DON'T KNOW WHO DOES
13 THE WEBSITE, BUT YOU PROBABLY HAVE SOME SORT OF
14 WEB MASTER VENDOR THAT DOES THAT. I DID NOT
15 SEE IT IN THE EXPENSES, BUT I DO THINK THAT
16 NEEDS TO BE UPGRADED AND WE NEED TO GO MORE
17 AUTOMATIC. IN FACT, WE PROBABLY NEED TO
18 APPOINT SOMEBODY TO TAKE A LOOK AT THAT. TO
19 ME, THE WAY THAT WE ARE HANDLING THESE LICENSES
20 IS RIDICULOUS.

21 MR. HILLIARD:

22 YES.

23 MR. DUPLESSIS:

24 I MEAN, YOUR RENEWALS SHOULD
25 BE DONE ONLINE.

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1 MS. HUDSON:
2 THROUGHOUT THE YEAR.

3 MR. DUPLESSIS:

4 WELL, I THINK THERE IS A
5 STATUTE GOVERNING THAT, JOAN, AND IF THERE'S
6 NOT, THEN WE OUGHT TO BE CONVERTING TO THAT,
7 BUT THE PROBLEM WE RAN INTO WITH SOME OF THE
8 LICENSING BILLS THAT I HAVE TRIED TO PASS WAS
9 TO BREAK THAT INTO GO YEAR ROUND. IT IS
10 RIDICULOUS TO DO PARTIALS, AND THEN -- IT IS
11 JUST AN ARCHAIC SYSTEM.

12 IF WE DO HAVE THAT
13 ABILITY UNDER THE STATUTE, I THINK WE SHOULD
14 MOVE THAT DIRECTION, REDUCE THE NUMBER OF
15 PEOPLE, MAKE IT ONLINE APPLICATION FOR RENEWALS
16 AND WE CAN GRANT TEMPORARY LICENSES AND WE CAN
17 GRANT LICENSES WITH A POSITIVE AFFIRMATION OF
18 PAPER TO FOLLOW WOULD PROBABLY BE THE WAY TO DO
19 IT.

20 MR. TORRANCE:

21 WELL, WE ARE IN THE
22 PROCESS OF DOING ONLINE RENEWALS AT THE PRESENT
23 TIME.

24 MR. DUPLESSIS:

25 WELL, JACK, CAN YOU DO A

1 REGULAR YEAR, CAN YOU DO A CALENDAR YEAR
2 INSTEAD OF A ONE TIME AND DO A PARTIAL OR --

3 MR. HILLIARD:

4 WELL, THAT WAS THE QUESTION
5 IS DO WE SPLIT UP -- DO YOU SPLIT UP --

6 MR. TORRANCE:

7 WE TRIED TO DO THAT IN THE
8 PAST AND IT JUST DIDN'T WORK OUT.

9 MS. HUDSON:

10 WHY NOT? TELL US SOME OF
11 THE STUFF OF WHY IT WOULDN'T WORK.

12 MR. TORRANCE:

13 WE -- FIRST OF ALL, WE
14 THOUGHT THE COMPUTER SYSTEM WOULD HANDLE THAT
15 SITUATION. WE NEED TO LOOK INTO THAT AT THE
16 PRESENT, BUT AS FAR AS -- IT JUST NEVER DID
17 WORK OUT, BECAUSE IF YOU ARE GOING TO LICENSE
18 IN JUNE, THERE WAS NOTHING TO KEEP TRACK OF
19 IT WHEN IT CAME BACK AROUND AND WE COULDN'T
20 RELY ON THE CONSUMERS -- OR THE DEALERS TO
21 BRING IT IN, AND THEN, PAY IT ON TIME. SO,
22 THAT IS THE ONLY WAY WE COULD REALLY KEEP A
23 COUNT OF IT, SEND IT OUT AT THE END OF THE YEAR
24 AND THEY WOULD BE -- EVERYTHING HAS GOT TO BE
25 IN HERE BY A CERTAIN DEADLINE.

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1 MR. DUPLESSIS:

2 IS THERE A STATUTE THAT

3 PREVENTS YOU FROM DOING THAT --

4 MR. TORRANCE:

5 NO. NO.

6 MR. DUPLESSIS:

7 I DIDN'T KNOW -- LIKE, STATE

8 MOTOR VEHICLE LICENSE, THERE IS. THAT IS BY

9 STATUTE AND IF WE HAVE THE FLEXIBILITY, WE

10 OUGHT TO ENGAGE MR. HORTON OR OUR WEB MASTER TO

11 GET THAT DONE.

12 MR. SNYDER:

13 ABSOLUTELY.

14 MR. DUPLESSIS:

15 THAT IS A CALENDAR SYSTEM.

16 WE HAVE AN INTERNAL SERVER AT OUR STORE THAT

17 DOES IT AND THAT IS THE WAY YOU KEEP TABS ON

18 IT. IT IS A VERY, VERY EASY PROCESS.

19 MS. HUDSON:

20 I THINK -- I COULD BE

21 MISTAKEN, BUT I THINK WHEN WE WERE SOLD ON

22 C.A.V.U., THAT WAS ONE OF THE THINGS THAT

23 C.A.V.U. COULD HANDLE WAS THE ROTATING LICENSE.

24 MR. DUPLESSIS:

25 AND THAT IS SOMETHING WE

1 SHOULD DISCUSS.

2 MR. TORRANCE:

3 I HAVEN'T HEARD THAT, BUT I
4 WILL CHECK WITH C.A.V.U. AND FIND OUT IF THAT
5 CAPABILITY IS AVAILABLE.

6 MR. DUPLESSIS:

7 WHO CURRENTLY HANDLES THAT
8 ASPECT?

9 MR. TORRANCE:

10 LYNETTE AND KIM.

11 MR. DUPLESSIS:

12 LYNETTE AND KIM.

13 MR. CHAIRMAN, I WOULD MAKE A
14 RECOMMENDATION -- I WANT TO SAY, MR. CHAIRMAN,
15 I WILL BE CAREFUL HERE.

16 MS. HUDSON:

17 MISTER --

18 MR. DUPLESSIS:

19 MR. SNYDER, I'M GOING TO
20 ADDRESS THE CHAIRMAN OF THIS COMMITTEE IS THAT
21 WE -- I DON'T THINK WE NEED TO FORMALLY ADOPT
22 LIT NOR SHOULD WE HAVE ANY OPPOSITION THAT WE
23 SHOULD INVESTIGATE IT AS A BULLET POINT TO NOT
24 ONLY DO THAT, BUT MAYBE HAVE A PRESENTATION BY
25 THE C.A.V.U. PEOPLE AND MR. HORTON IN ONE OF

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1 THE MEETINGS TO ADDRESS THE CAPABILITIES OF THE
2 SYSTEM AND LOOK INTO THAT.

3 I WOULD ALSO RECOMMEND THAT
4 INSTEAD OF HAVING FORMS PRINTED THAT WE HAVE
5 THE FORM POSTED ON A SERVER TO THE INTERNET
6 WHERE ANYONE CAN DOWNLOAD THE FORM REDUCING OUR
7 MAIL AND MAKE IT MORE ACCESSIBLE AND WE WOULD
8 HAVE NO PRINTING COSTS AND WE WOULD HAVE NO
9 MAILING AND WE WOULD HAVE NO OBSOLETE FORMS.

10 MR. SNYDER:

11 ABSOLUTELY.

12 MR. TORRANCE:

13 DID LYNETTE SEND Y'ALL
14 ANYTHING THAT WE ARE WORKING ON FOR --

15 MS. MATERNE:

16 YES. I DID GET THAT.

17 MR. TORRANCE:

18 WE ALREADY SENT THAT OUT TO
19 Y'ALL, WHAT WE ARE WORKING ON THROUGH C.A.V.U.
20 AT PRESENT TO GET THE ONLINE RENEWALS. WE
21 WORKED IT OUT WITH THE CREDIT CARD AND NOW THE
22 ONLY PROBLEM WE ARE HAVING IS CATCHING UP AND
23 FOLLOWING UP WITH THE INSURANCE AND A BOND.

24 MR. HILLIARD:

25 THAT WAS ONE THING, WE HAVE

1 TO HAVE ORIGINAL COPIES OF THE BONDS.

2 MR. TORRANCE:

3 THAT'S RIGHT.

4 MR. DUPLESSIS:

5 WELL, THEN THEY CAN SIMPLY
6 DOWNLOAD THE FORMS AND MAIL IT IN AND GET THE
7 POSITIVE FORMS THEY NEED. THEY STILL HAVE TO
8 MAIL IT IN AND THEY SHOULD PROBABLY MAIL A
9 CHECK IN AT THAT POINT, TOO.

10 MS. HUDSON:

11 RIGHT, THE MONEY AND THE
12 BACK UP.

13 MR. TORRANCE:

14 THEY CAN STILL GET THE
15 APPLICATIONS ONLINE TODAY.

16 WHEN WE SEND OUT THE
17 PACKETS, THEY PUT OUT INFORMATION SUCH AS BILLS
18 THAT HAVE BEEN PASSED THAT REGULATES THEIR
19 INDUSTRY AND IT BRINGS THEM UP TO SPEED ON
20 EVERYTHING LIKE THAT, BUT WE CAN POST THEM ON
21 THE INTERNET WHERE THEY COULD READ THEM AND GET
22 THEIR LICENSE APPLICATION.

23 MR. DUPLESSIS:

24 WHEN WAS THE LAST TIME THAT
25 THE WEBSITE HAS BEEN UPDATED?

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1 MR. TORRANCE:

2 SHE KEEPS IT PRETTY MUCH
3 UPDATED. AS NEW ITEMS COME IN, SHE WILL ADD IT
4 TO THE -- I DON'T KNOW WHEN IS THE LAST TIME
5 SHE DID IT. I WOULD HAVE TO FIND OUT.

6 MR. DUPLESSIS:

7 I CHECKED THE OTHER DAY AND
8 NONE OF THE NEW LEGISLATION THAT HAS PASSED HAD
9 BEEN UPDATED.

10 MR. TORRANCE:

11 IT HASN'T?

12 MR. DUPLESSIS:

13 MAYBE IT WAS WAITING FOR THE
14 GOVERNOR'S SIGNATURE, BUT --

15 MR. TORRANCE:

16 WELL, EVERYTHING THAT HAS
17 BEEN SIGNED OR HAS BEEN ROLLED OUT.

18 MR. DUPLESSIS:

19 RIGHT.

20 MR. TORRANCE:

21 AS A MATTER OF FACT, WE HAD
22 TO GET SOME STUFF IN REFERENCE TO THOSE LITTLE
23 MINI TRUCKS TO BE PUT ON THE HIGHWAY.

24 MR. HILLIARD:

25 I PASSED ONE THE OTHER

1 DAY, FIRST ONE I'VE ACTUALLY SEEN ON THE
2 ROAD.

3 MR. TORRANCE:
4 WITH A LICENSE PLATE?

5 MR. HILLIARD:
6 IT WAS IN MISSISSIPPI, MY
7 FAMILY REUNION --

8 MR. TORRANCE:
9 IN MISSISSIPPI, BUT NOT
10 HERE, BECAUSE REMEMBER RON HAD A MEETING AND
11 THEY HAD THAT AMENDMENT PUT ON IT?

12 MR. HILLIARD:
13 YES.

14 MR. TORRANCE:
15 THAT IS THE PROBLEM THAT WE
16 HAVE IN THE STATE OF LOUISIANA.

17 MR. HILLIARD:
18 I TELL YOU WHAT, IT WAS
19 STRANGE TO PASS IT AND SEE THOSE LITTLE BITTY
20 GO CART WHEELS GOING DOWN THE HIGHWAY DOING
21 FIFTY-FIVE, SIXTY MILES AN HOUR.

22 MR. DUPLESSIS:
23 THE STATE OF MISSISSIPPI
24 LICENSES THE VEHICLE, BUT IT DOES NOT PASS THE
25 D.O.T. --

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1 MR. TORRANCE:

2 THAT'S RIGHT.

3 MR. DUPLESSIS:

4 -- OR C.A.F., CLEAN AIR

5 FEDERATION.

6 MS. MATERNE:

7 HOW CAN THEY DO THAT?

8 MR. TORRANCE:

9 MISSISSIPPI JUST DID IT.

10 MS. HUDSON:

11 LIKE ALABAMA.

12 MS. MATERNE:

13 WELL, DOESN'T FEDERAL LAW,

14 THOUGH, SUPERSEDE STATE LAW?

15 MR. HILLIARD:

16 I'M GLAD WE ARE NOT IN

17 MISSISSIPPI.

18 MR. DUPLESSIS:

19 I WAS NOT ON THAT COMMITTEE,

20 BUT I THINK I AGREE WITH YOU.

21 MR. TORRANCE:

22 I HAVE A COPY OF IT. IF YOU

23 WANT, BEFORE YOU LEAVE, YOU CAN LOOK AT THEM.

24 MS. HUDSON:

25 I WOULD LIKE TO SEE OUR

1 WEBSITE UPDATED AS WELL AS THE BACKGROUND.
2 OUR WEBSITE LOOKS JUST LIKE THE ATTORNEY
3 GENERAL'S WEBSITE. IT LOOKS LIKE YOU CUT,
4 COPY AND PASTE AND YOU NEED TO GET SOME NEW
5 INFORMATION ON THERE AND MAKE IT LOOK
6 DIFFERENT.

7 MR. SNYDER:

8 SO, WE HAVE A MOTION ON THE
9 FLOOR. I ASSUME THIS IS DISCUSSION WE ARE
10 HAVING ON THAT MOTION. ARE WE THROUGH
11 DISCUSSING IT?

12 MS. HUDSON:

13 YES.

14 MR. SNYDER:

15 EVERYONE IN FAVOR?

16 MS. HUDSON:

17 I'LL SECOND IT.

18 MR. SNYDER:

19 IN FAVOR?

20 (ALL "AYE" RESPONSES.)

21 MR. SNYDER:

22 THE AYE'S HAVE IT.

23 MR. HILLIARD:

24 WE ARE GETTING BACK TO THE
25 JOB DESCRIPTION.

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1 MR. SNYDER:

2 I THINK WE NEED TO DEVELOP A
3 ROAD MAP HERE ON HOW WE ARE GOING TO PUT THIS
4 THING TOGETHER INSTEAD OF JUST GOING FROM POINT
5 TO POINT TO POINT. AGAIN, AS RON MENTIONED,
6 THE POINT OF AUTHORITY IS THE COMMISSION.
7 BEYOND THAT, IT SEEMS TO ME THAT WHAT WE ARE
8 INTERESTED IN IS VERBALIZING THE DUTIES THAT WE
9 WANT WHERE WE WANT TO RECOMMEND TO THE FULL
10 COMMISSION FOR THE EXECUTIVE DIRECTOR.

11 THOSE DUTIES NEED TO
12 ENCOMPASS, OBVIOUSLY, AS MUCH AS IT CAN, SO IT
13 CAN BE CLEAR AS POSSIBLE, SO THAT THE DIRECTOR
14 KNOWS WHAT IS EXPECTED OF HIM.

15 DOES THAT MAKE SENSE?

16 MR. HILLIARD:

17 COMPLETELY, AND I THINK IT
18 IS DEFINITELY ONE THING THAT HAS NOT BEEN IN
19 HERE, WHICH IS HAVING JACK RESPONSIBLE FOR --
20 ENFORCING IS NOT THE RIGHT WORD, BUT SEEING
21 THAT POLICY 61 IS FOLLOWED --

22 MR. TORRANCE:

23 IMPLEMENTED.

24 MR. HILLIARD:

25 -- AS FAR AS TIME LINES --

1 MR. TORRANCE:

2 IMPLEMENTED, THAT'S CORRECT.

3 MR. HILLIARD:

4 -- BECAUSE, THAT IS

5 SOMETHING THAT WE HAVE -- THE CURRENT PROBLEM

6 IS WE HAVE A LOT OF CASES THAT HAVE BEEN

7 OUTSTANDING FOR A LONG PERIOD OF TIME, BUT

8 THERE JUST NEEDS TO BE SOME PROCEDURES SET UP

9 FOR THAT, BUT I THINK THAT POLICY 61 IS A GOOD

10 FIRST STEP. THAT'S ONE THING THAT IS NOT

11 ANYWHERE IN THE JOB DESCRIPTION.

12 I DON'T KNOW THAT YOU WOULD

13 WANT TO DO IT BY POLICY, BUT IDENTIFY IT BY

14 WHAT POLICY 61 ADDRESSES, WHICH IS TIMELY

15 MANNER OF RESOLUTION OF CONSUMER COMPLAINTS --

16 COMPLAINTS OF VIOLATIONS PURSUANT TO COMMISSION

17 POLICY. I SOUND LIKE AN ATTORNEY.

18 MR. SNYDER:

19 I GUESS THERE IS SOME

20 STATUTE THAT HAS TO BE PART OF THIS JOB

21 DESCRIPTION; IS THAT WHAT YOU ARE SAYING?

22 MR. DUPLESSIS:

23 NO.

24 MR. HILLIARD:

25 THE ONLY THING THAT IS

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1 COVERED UNDER THE STATUTE IS THAT HE IS IN
2 CHARGE OF THE COMMISSION'S OFFICE. THAT'S IT.
3 THE REST OF THE DUTIES ARE THE RESPONSIBILITY
4 OF THE COMMISSION AND THAT'S SOMETHING WE JUST
5 NEED TO REALIZE IS THAT ANYTHING THAT WE
6 DELEGATE, WE ARE STILL RESPONSIBLE FOR.

MR. SNYDER:

SURE.

MR. HILLIARD:

I MEAN, IF WE DELEGATE
SOMETHING, WE HAVE GOT TO MAINTAIN -- IF
SOMETHING DOESN'T GET DONE, EVENTUALLY THE BUCK
13 STOPS WITH US. YOU KNOW, IF WE SAID JACK IS
14 RESPONSIBLE FOR IT, YOU KNOW, THAT DOESN'T
15 CHANGE THE FACT THAT THE LAW SAYS WE ARE
16 RESPONSIBLE FOR IT.

17 MR. DUPLESSIS:

18 THE BUCK STARTS WITH US.
19 THE BUCK STOPS WITH US. WHAT I WOULD LIKE TO
20 SEE IS A CLEAN SHEET APPROACH TO WHAT WE ARE
21 DOING --

22 MR. SNYDER:

23 RIGHT.

24 MR. DUPLESSIS:

25 -- VERSUS MERGING TWO JOB

1 DESCRIPTIONS THAT WERE QUITE OVERLAPPING AND
2 ONE OF THE BIGGEST THINGS THAT I SEE IS THERE
3 IS A BLACK HOLE BY WHICH IT SEEMS THAT CASES
4 AND COMPLAINTS DISAPPEAR WITH THIS COMMISSION
5 AND I THINK WE NEED TO RE-LOOK THAT.

6 ONE OF THE THINGS THAT I
7 WOULD SAY ABOUT POLICY 61 IS IT IS NOT -- THE
8 RECOMMENDED CHANGES HAVE NOT BEEN DISCUSSED NOR
9 HAVE THEY BEEN ADOPTED --

10 MR. HILLIARD:

11 RIGHT.

12 MR. DUPLESSIS:

13 -- AND THAT WAS READING
14 MATERIAL FOR US, BUT TO ME, WHEN I PULL OUT
15 THE ONE FILE THAT I'VE LOOKED AT -- AND WE
16 CAN MENTION THAT FILE BY NAME. WE CAN MENTION
17 THE INVESTIGATOR ON IT. I DON'T HAVE A
18 PROBLEM WITH THAT. IT IS A PUBLIC RECORD.
19 THE ONE THING THAT THESE COMMISSIONERS AND
20 EVERYBODY HAS -- SHOULD KNOW AND HAS TO KNOW
21 IS THAT EVERYTHING WE DO HERE IS PUBLIC
22 RECORD.

23 WE CAN REQUEST BY PUBLIC
24 REQUEST -- BY PUBLIC DOCUMENT REQUEST, WE CAN
25 SEE ANYTHING -- THE PUBLIC CAN SEE ANYTHING WE

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1 DO OR ANY RECORD ON FILE AND THIS BULL ABOUT
2 NOT BEING ABLE TO LOOK AT A COMPLAINT IS
3 BULLSHIT. IT IS JUST ONE HUNDRED PERCENT MADE
4 UP. IT IS FICTITIOUS. IT IS PART OF PUBLIC
5 RECORD AND WE MAY TAINT OURSELVES, BUT WE DO
6 HAVE THE RIGHT TO LOOK AT ANY FILE AND ANY
7 RECORD THAT HAS EVER BEEN ASSOCIATED WITH THIS
8 COMMISSION AND SO DOES THE LITTLE GUY NEXT DOOR
9 WORKING IN THE MEXICAN RESTAURANT BY SIMPLY A
10 REQUEST.

11 WHAT I WOULD LIKE TO SEE
12 AFTER REVIEWING THAT FILE WOULD BE, NUMBER
13 ONE, THAT WE ADOPT A JOB DESCRIPTION FOR OUR
14 FIELD INVESTIGATORS THAT, NUMBER ONE, WE
15 LOOK AT THEIR LICENSES, NUMBER TWO, LOOK AT
16 THE TEMP TAGS, NUMBER THREE, IT WOULD LOOK AT
17 CURRENCY OF POSSIBLY THEIR BOND, THEIR
18 TITLES --

19 MS. HUDSON:

20 OWNERSHIP.

21 MR. DUPLESSIS:

22 -- OWNERSHIP, SALESMAN FULL
23 LICENSES. AGAIN, WE SHOULD BE LOOKING AT THE
24 WINDOW STICKER AND THAT IS A STATE LAW. WE ARE
25 OBLIGATED TO LOOK AT THE WINDOW STICKER AND THE

1 ODOMETER STATEMENTS.

2 WITHIN THAT ONE FILE THAT
3 GOT PUT TO THE SIDE, BECAUSE IT WAS HELD OUT AS
4 A CONSUMER BUYER'S REMORSE, I DON'T KNOW HOW
5 VAGUELY YOU CAN APPLY BUYER'S REMORSE WITHOUT
6 GOING IN THE FILE. THE MAN DID WANT HIS MONEY
7 BACK, BECAUSE HIS CAR WOULDN'T START AND WHEN
8 HE FINALLY DID START IT, IT POURED FLUID ALL
9 OVER THE GROUND. NOW, TO DUB THAT FILE AS
10 BUYER'S REMORSE AND WHAT WE FOUND WITHIN THAT
11 FILE IS WE FOUND WE HAD AN OWNERSHIP PROBLEM
12 THAT THE SALESMAN WAS THE OWNER AND THE OWNER
13 WAS THE SALESMAN, THAT WE DIDN'T HAVE A WINDOW
14 STICKER AND WE DIDN'T HAVE AN ODOMETER
15 STATEMENT. WE DIDN'T CHECK TEMP TAGS, WHICH WE
16 HAVE HEARD A HUNDRED TIMES OUT HERE.

17 WELL, HOW DO THEY SIT OUT
18 THERE WITH THOSE TITLES? OH, LET'S GIVE THEM
19 THEIR "T" TAG. THAT IS A VIOLATION OF STATE
20 LAW.

21 MR. TORRANCE:

22 AND WE VIOLATED THEM FOR
23 THAT.

24 MR. DUPLESSIS:

25 YOU CAN --

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1 MR. HILLIARD:

2 HOW OFTEN DO YOU CHECK?

3 MR. DUPLESSIS:

4 HOW OFTEN DO YOU CHECK?

5 MR. TORRANCE:

6 WELL, WHENEVER WE HAVE A
7 COMPLAINT, WE CHECK THEM OR WE HAVE AN AUDIT
8 AND CHECK THEM AT THAT TIME. WE DON'T JUST
9 PERIODICALLY GO OUT THERE AND RANDOMLY PICK A
10 DEALER AND GO DO HIS FILES.

11 MR. DUPLESSIS:

12 IF YOU HAVE A COMPLAINT THAT
13 YOU --

14 MR. TORRANCE:

15 IF WE HAVE A COMPLAINT, THEN
16 WE DO AN AUDIT OR AN INVESTIGATION AND WE COVER
17 THOSE BASES YOU JUST DESCRIBED.

18 MR. DUPLESSIS:

19 THAT DID NOT TAKE PLACE
20 IN THE SINGLE FILE THAT I PICKED UP. IN FACT,
21 THE BASIS OF THE COMPLAINT WAS THAT, "I DIDN'T
22 GET A WORTHY CAR THAT WOULD START AND ACTUALLY
23 RUN OFF THE LOT", AND THEN, IT WAS SPUN INTO --
24 IT HAD A SPIN FACTOR THAT IT WAS BUYER'S
25 REMORSE.

1 WELL, YES, I GUESS THE GUY
2 DID WANT HIS MONEY BACK SINCE HE COULDN'T
3 REMOVE HIS CAR FROM THE LOT THAT HE WASN'T
4 ALLOWED TO TEST DRIVE OR TAKE TO A MECHANIC,
5 BECAUSE IT PHYSICALLY WOULDN'T GO DOWN THERE.

6 MR. HILLIARD:

7 WELL, WHEN YOU GO BACK TO
8 LOOKING AT -- Y'ALL DO NOT HAVE A COPY OF THIS,
9 BUT THIS IS THE FIELD STAFF'S DUTIES AND
10 RESPONSIBILITIES, FIFTEEN PERCENT OF THEIR
11 DUTIES IS TO INSPECT LICENSED DEALER'S RECORDS
12 TWICE A YEAR TO INSURE THE REQUIREMENTS AND
13 FACTORS AS PRESCRIBED BY THE LOUISIANA
14 RECREATIONAL AND USED MOTOR VEHICLE COMMISSION
15 LAWS HAVE BEEN MET, SPECIFICALLY THE BACKS OF
16 TITLES ARE SIGNED, TITLES ARE DELIVERED TO THE
17 CONSUMERS, SENDING IN THE WARRANTIES, ISSUING
18 CERTIFICATES OF TITLE TO CONSUMERS WITHIN THE
19 TIME THAT IS PRESCRIBED BY LAW, SENDING IN
20 MONTHLY REPORTS TO THE OFFICE OF MOTOR
21 VEHICLES, MAKE SURE THE NEW PRODUCT TO NEW
22 DEALER HAS A CONTRACT FOR EACH TITLE PROVIDED
23 TO INSURES THAT ALL SALESMEN ARE LICENSED,
24 CONDUCT PHYSICAL INSPECTIONS OF NEW LICENSEES
25 TO INSURE PROPER BUILDING SIGN, PARKING, ZONING

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1 AND ALL SALES PERSONS HAVE APPLIED FOR A
2 LICENSE.

3 MS. HUDSON:

4 WELL, I CAN TELL YOU THAT
5 TWICE A YEAR HASN'T BEEN DONE.

6 MR. HILLIARD:

7 I'M NOT --

8 MS. HUDSON:

9 I CAN TELL YOU RIGHT NOW
10 AND I'M NOT EVEN A DEALER.

11 MS. MATERNE:

12 WELL, YOU KNOW -- BUT,
13 HE SAYS THAT WE CONDUCT INVESTIGATIONS WHEN
14 THERE ARE COMPLAINTS. OBVIOUSLY, THEY
15 AREN'T BEING DONE PROPERLY. TO JUST GO INTO
16 A DEALER AND DO THAT TWICE A YEAR, I MEAN,
17 MY STANDPOINT AS A DEALER, THAT IS AN AWFUL
18 IMPOSITION AND INTERRUPTION OF BUSINESS. I
19 DON'T THINK I CAN AFFORD TO SIT DOWN AND DO
20 THAT TWICE A YEAR.

21 MR. HILLIARD:

22 BUT, THAT IS IN THE --

23 MR. TORRANCE:

24 WHAT THAT SHOULD ENCOMPASS
25 WAS THAT THEY HAVE GOT THE RIGHT AND THEY DO

1 GO OUT AND PERIODICALLY VISIT WITH THE DEALERS,
2 BUT THEY DO NOT GO THROUGH ALL THAT STUFF, BUT
3 THE DO GO OUT AND ASK THEM IF THEY HAVE ANY
4 PROBLEMS OR NEED ANY HELP. SO, THAT WHAT WE DO
5 AT THE PRESENT TIME.

6 MR. HILLIARD:

7 THEIR JOB DESCRIPTION IS
8 SAYING NO DIFFERENT.

9 HOW MANY DEALERS DO WE HAVE,
10 RIGHT NOW?

11 MR. TORRANCE:

12 USED VEHICLE DEALERS, ABOUT
13 TWENTY-THREE HUNDRED AND TOTAL WITH EVERYONE
14 ELSE, THREE THOUSAND SOMETHING.

15 MS. MATERNE:

16 HOW MANY FIELD INSPECTORS
17 ARE THERE?

18 MR. TORRANCE:

19 HOW MANY WHAT?

20 MS. MATERNE:

21 HOW MANY FIELD INSPECTORS?

22 MR. TORRANCE:

23 TWELVE.

24 MR. HILLIARD:

25 TWELVE?

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1 MR. TORRANCE:

2 TWELVE.

3 MS. MATERNE:

4 SO, THOSE TWELVE HAVE TO --

5 WOULD HAVE TO INSPECT TWENTY-THREE HUNDRED --

6 MR. HILLIARD:

7 TWO THOUSAND TWICE A YEAR --

8 MR. TORRANCE:

9 THAT'S NOT COUNTING THE

10 MOTORCYCLE AND MARINE AND OTHER -- PLUS, THEY

11 HAVE INSPECTIONS AND PLUS THEY HAVE ALL KIND OF

12 OTHER DUTIES, COMPLAINTS AND THAT IS WHAT THEY

13 DO. I MEAN, THEY PRETTY MUCH -- EVERY NEW

14 DEALER, THEY HAVE TO GO OUT AND PHYSICALLY

15 INSPECT THEIR LOT AND THERE'S THIRTY TO FORTY

16 NEW DEALERS EACH MONTH STATEWIDE. I MEAN --

17 MR. DUPLESSIS:

18 THEN, OBVIOUSLY, MR.

19 CHAIRMAN, THE -- OUR FIELD INSPECTOR'S

20 JOB DESCRIPTION HAS TO BE RE-WRITTEN TO

21 COMPLY.

22 I WANT TO GO BACK TO THE

23 BLACK HOLE BY WHICH THE FILES DISAPPEAR INTO,

24 AND THEN, IT IS DUBBED THAT WE CAN'T SEE A

25 FILE, BECAUSE WE ARE GOING TO TAINT OUR

1 ABILITY TO ADJUDICATE THE FILE THAT -- THE
2 CASE THAT WE WILL HEAR. SO, THEREFORE, WE
3 NEED TO COME UP WITH A SYSTEM WITHIN --
4 WITH -- EITHER IN THE JOB DESCRIPTION OF THE
5 EXECUTIVE DIRECTOR AND/OR LEGAL COUNSEL OR
6 THE HEARING COMMITTEE OR THE HEARING OFFICER,
7 ALL OF WHICH SHOULD BE CHANGED TO ELIMINATE
8 THAT.

9 IF I WERE TO GO IN THAT
10 OFFICE TODAY, I WOULD SUSPECT THAT WE -- EVERY
11 TIME WE HAVE ASKED MS. HEMPHILL TO BRING FILES
12 FORWARD, THEY SEEM TO DISAPPEAR, AND THEN, WE
13 GET THEM RESURRECTED. I THINK THAT IS THE ONE
14 THING THAT WE NEED TO ADDRESS TODAY AND WE NEED
15 TO MAKE SURE THAT MR. TORRANCE IS IN THE OFFICE
16 ON A REGULAR BASIS AND WE HAVE REGULAR
17 INSPECTIONS, WE HAVE REPORTS THAT WE CAN SEE
18 AND I THINK TODAY WE WILL LOOK AT ONE JOB
19 DESCRIPTION, BUT WE NEED TO HAVE MANY MORE JOB
20 DESCRIPTIONS IN LINE.

21 MR. SNYDER:

22 SURE.

23 MR. DUPLESSIS:

24 I WOULD URGE THAT WE HAVE A
25 CLEAN SHEET APPROACH AND NOT TRY TO FIX AND

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1 RESURRECT THE OLD APPROACH.

2 MR. HILLIARD:

3 OKAY.

4 COMING FROM THAT, AS FAR
5 AS LOOKING AT A CLEAN SHEET APPROACH ON
6 THIS, THE COMMISSION IS -- I MEAN, WHAT WOULD
7 YOU RECOMMEND AS FAR AS -- HOW WOULD YOU
8 PROCEED WITH THAT, LOOKING AT WHAT THE
9 COMMISSIONERS' RESPONSIBILITIES ARE AND GO
10 DOWN FROM THERE?

11 MR. DUPLESSIS:

12 I THINK WE HAVE TO LOOK AT,
13 NUMBER ONE, CURING THE BLACK HOLE. THAT IS THE
14 NUMBER ONE -- YOU KNOW, THAT IS THE NUMBER ONE
15 OBLIGATION WE HAVE AS COMMISSIONERS, TO MAKE
16 SURE THAT -- IT SEEMS LIKE WE HAVE HAD ALL
17 THESE CASES STAGNATING AND WE ARE AFRAID TO
18 VIOLATE THEM ON ONE OR TWO ISSUES, BUT WE ARE
19 NOT AFRAID TO VIOLATE THEM ON THIRTY-FOUR
20 ISSUES WHEN THEY ARE COMPLETELY BROKE AND THE
21 CONSUMERS ARE OUT THE HAUL (PHONETIC). I MEAN,
22 I HAVE A PROBLEM WITH THAT.

23 SO, YOU KNOW, I'M GOING TO
24 NEED SOME INPUT FROM SOME OTHER COMMISSIONERS
25 HERE.

1 MR. HILLIARD:

2 WELL, I THINK THAT -- I
3 MEAN, I THINK THE CHANGES TO POLICY 61, WHICH
4 HAVE NOT YET BEEN VOTED ON WHAT IS A GOOD STEP
5 TOWARD REMEDYING SOME OF THAT. WE ARE GOING TO
6 VOTE ON THEM TOMORROW AT TOMORROW'S MEETING. I
7 THINK THAT IS A GOOD STEP IN THAT DIRECTION.

8 I THINK THAT WAS DONE -- THE
9 STAFF SAT DOWN WITH ROBERT AND THEY ALL WENT
10 THROUGH IT AND CAME UP WITH SOME STUFF. I
11 THINK SOME CHANGES HAVE BEEN SENT IN FROM SOME
12 OF THE COMMISSIONERS. I THINK THEY NEED TO
13 COMPILE THE LATEST THING AND I THINK THERE WILL
14 BE SOME MORE CHANGES BEFORE THE MEETING TIME
15 TOMORROW, BUT I THINK THAT IS A START IN THE
16 RIGHT DIRECTION.

17 IT BASICALLY SETS A TIME
18 FRAME. IT REALLY SETS A TIME FRAME OF SIXTY-
19 FIVE DAYS FROM THE FIRST -- FROM THE COMPLAINT
20 BEING MADE, FIVE DAYS FOR THE COMPLAINT TO BE
21 ENTERED, THIRTY DAYS FOR THE -- UP TO THIRTY
22 DAYS -- NOT THIRTY, BUT UP TO THIRTY DAYS
23 FOR THE INITIAL INVESTIGATION. IF MORE
24 INVESTIGATION IS NEEDED, THERE IS AN ADDITIONAL
25 THIRTY DAYS. BY THE END OF THE SIXTY-FIVE

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1 DAYS, THE COMPLAINT SHOULD BE RESOLVED OR
2 BROUGHT BEFORE OR SCHEDULED FOR HEARING.

3 MR. TORRANCE:

4 MR. CHAIRMAN, KIM AND I HAVE
5 WORKED OUT A SOLUTION WHERE ANYTHING -- ANY
6 VIOLATION PAST FIVE, I BE NOTIFIED IMMEDIATELY,
7 UP TO THIRTY DAYS I BE NOTIFIED OF AN ONGOING
8 INVESTIGATION. I WILL TAKE THIS REPORT AND
9 FURNISH IT TO ALL THE COMMISSIONERS TO KEEP YOU
10 ABREAST OF WHAT THE TIME LINE IS ON THE
11 COMPLAINTS AND THEY ARE INSTRUCTED IN 61 --
12 POLICY 61 TO WORK IT WITHIN THAT TIME FRAME OR
13 WE WILL KNOW WHY -- OR I WILL KNOW WHY, AT
14 LEAST. BEFORE, THAT IT WENT TO THE ASSISTANT
15 DIRECTOR, BUT NOW IT GOES TO ME AND ACCORDING
16 TO 61, THAT IS WHAT WE WILL DO.

17 MR. DUPLESSIS:

18 WE DON'T WANT TO SEE THE
19 NAME ON THE COMPLAINT. WE WOULD LIKE TO SEE
20 THE FILE AND I WOULD LIKE TO SEE A JOINT
21 SIGNATURE BY PROSECUTING LEGAL COUNSEL AND THE
22 EXECUTIVE DIRECTOR TO CLOSE EACH CASE ONCE IT
23 IS ASSIGNED A CASE NUMBER.

24 MS. HUDSON:

25 I DON'T SEE ANYTHING WRONG

1 WITH THAT.

2 MR. HILLIARD:

3 I THINK ANOTHER THING THAT
4 WOULD BE HELPFUL IS A MONTHLY REPORT SHOWING
5 HOW MANY CASES ARE OPEN AND THE DATE THE CASE
6 WAS STARTED AND THE CURRENT STATUS OF THE CASE.

7 MR. TORRANCE:

8 UNTIL Y'ALL HAVE KNOWLEDGE
9 OF A CASE, ONGOING INVESTIGATION, THAT CAME
10 FROM THE ATTORNEY. IF Y'ALL --

11 MR. HILLIARD:

12 WHOEVER HAS KNOWLEDGE OF IT
13 CANNOT HEAR THAT CASE.

14 MR. TORRANCE:

15 THAT'S RIGHT.

16 MR. DUPLESSIS:

17 WE ARE NOT LOOKING FOR THE
18 NAME OF THE CASE. WE ARE LOOKING FOR THE FILE
19 NUMBER.

20 MR. HILLIARD:

21 RIGHT.

22 EVEN THE NAME OF THE CASE,
23 WE CAN HAVE THAT INFORMATION, BUT IS SOMEBODY
24 ACTUALLY GOING TO LOOK AND SEE WHAT --

25 MR. TORRANCE:

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1 THE FORM THAT YOU ARE
2 GETTING ON THE -- WOULD HAVE THE CASE NUMBER
3 AND THE NAME OF THE DEALER.

4 MR. DUPLESSIS:

5 IF Y'ALL ARE GOOD WITH THE
6 NAME OF THE DEALER, I'M FINE WITH IT, BUT --

7 MR. TORRANCE:

8 WE WILL GIVE YOU THAT
9 FORM --

10 MR. DUPLESSIS:

11 -- THAT IS A QUESTION --

12 MR. TORRANCE:

13 -- WITHIN THIRTY DAYS OF
14 ALL THE COMPLAINTS, THE LENGTH, THE NUMBER OF
15 CASES THEY ARE VIOLATING AND EVEN WHAT THE
16 VIOLATION IS, BUT AS FAR AS PARTICULARS, THAT
17 HAS TO BE, ACCORDING TO THE ATTORNEY, HELD
18 BEFORE THE COMMISSION WHEN Y'ALL HEAR THE
19 CASE.

20 MR. DUPLESSIS:

21 THEN, I'M FINE WITH IT.

22 MR. HILLIARD:

23 IF WE DECIDE THAT WE NEED
24 SOME OVERSIGHT FROM THE COMMISSION, THEN YOU
25 APPOINT ONE PERSON, PROBABLY EITHER THE HEARING

1 CHAIRPERSON OR A SEPARATE PERSON WHO WOULD BE
2 THE LIAISON TO LOOK THROUGH THE CASES AND GIVE
3 THEIR -- AND THEY WOULD BASICALLY WOULD NOT BE
4 ALLOWED TO HEAR THE CASES. THEY ARE ALLOWED TO
5 LOOK AT IT UP FRONT AND MAKE RECOMMENDATIONS TO
6 THE COMMISSION. THAT IS ANOTHER OPTION, BUT
7 YOU WOULD HAVE ONE PERSON -- I WOULD THINK
8 MAYBE TWO, BUT I WOULDN'T RECOMMEND MORE THAN
9 ONE OR TWO, BECAUSE YOU ARE REMOVING OUR
10 POSSIBLE FIELD OF HEARING CASES AND WE HAVE TO
11 HAVE A QUORUM OF THE FULL COMMISSION TO HEAR --

12 MR. DUPLESSIS:

13 YOU HAVE A PERSECUTING
14 ATTORNEY. YOU HAVE YOUR HEARING PERSON,
15 WHICH --

16 MR. HILLIARD:

17 OFFICER.

18 MR. DUPLESSIS:

19 -- OFFICER, WHICH WOULD BE
20 LOIS?

21 MR. HILLIARD:

22 LOIS IS THE HEARING
23 OFFICER.

24 MR. DUPLESSIS:

25 LOIS, AND THEN, THE OTHER

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1 TIE BREAKER CAN BE YOUR OTHER ATTORNEY.

2 MR. HILLIARD:

3 THEN, NOT HAVE TO DEAL

4 WITH --

5 MR. DUPLESSIS:

6 RIGHT.

7 YOU WOULDN'T HAVE TO DEAL

8 WITH ANOTHER COMMISSIONER, BUT WE NEED TO HAVE

9 AT LEAST A SIGN OFF BY ONE ATTORNEY TO SEE THAT

10 THE CASES DON'T DISAPPEAR AND THAT THE CASES

11 ARE WORKED AND WHEN WE DO PULL THAT CASE, WE

12 HAVE A STANDARD CHECKLIST.

13 WHEN THEY COME IN FOR A

14 COMPLAINT AND IT IS AS BAD AS THAT ONE --

15 MR. HILLIARD:

16 RIGHT.

17 MR. DUPLESSIS:

18 -- THAT WAS A BAD COMPLAINT.

19 I THINK THE GUY -- HERE WE ARE, WE ARE

20 LICENSING -- WE HAVE FOUND A WAY TO LICENSE A

21 REVOKED DEALER, BUT YET WE DIDN'T CHECK FOR

22 TEMP TAGS, WINDOW STICKERS. IT DIDN'T HAVE AN

23 ODOMETER STATEMENT.

24 MR. HILLIARD:

25 RIGHT.

1 MR. DUPLESSIS:

2 I'VE GOT AN ISSUE WITH THAT.

3 I'VE GOT A SEVERE ISSUE WITH ALL OF IT.

4 MR. HILLIARD:

5 YOU ARE ASKING FOR TROUBLE
6 DOWN THE ROAD BY HE HAS ALREADY BEEN IN TROUBLE
7 ONCE FOR ISSUES LIKE THIS AND HE IS BACK IN
8 BUSINESS AND IF HE DOES SOMETHING ELSE WRONG,
9 HE IS NOT CHECKED, BUT THAT IS A --

10 MR. DUPLESSIS:

11 WELL, THAT SHOULD ALSO BE IN
12 THE JOB DESCRIPTION OF -- WHO IS GOING TO SET
13 THE JOB DESCRIPTIONS? I THINK THE PERSONNEL
14 COMMITTEE. WHAT THIS JOB DESCRIPTION SAYS IS
15 THAT THE EXECUTIVE DIRECTOR DOES IT. AT THIS
16 POINT IN TIME, I WOULD RECOMMEND THE PERSONNEL
17 COMMITTEE PLAY A ROLE IN SETTING THE JOB
18 DESCRIPTIONS OF THE FIELD PEOPLE AND OFFICE
19 STAFF.

20 MR. HILLIARD:

21 I THINK THE MONTHLY REPORT
22 SHOULD ALSO SHOW CLOSED CASES AND WHAT THE
23 RESOLUTION WAS, SHOW A LIST OF THE CASES THAT
24 ARE CURRENTLY OPEN AND A LIST OF THE CASES THAT
25 WERE CLOSED IN THE LAST MONTH AND WHAT THE

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1 RESOLUTION WAS, A VIOLATION THAT WAS PAID OR IT
2 CAME BEFORE A HEARING, A PLEA AGREEMENT --

3 MR. DUPLESSIS:

4 THE DISPOSITION, RIGHT.

5 MR. HILLIARD:

6 -- WHATEVER THE DISPOSITION.

7 THAT IS SOMETHING THAT CAN

8 BE GENERATED BY C.A.V.U.?

9 MS. HUDSON:

10 C.A.V.U., IT HAS EVERYTHING

11 IN THERE, BUT THE DISPOSITION, ALREADY. IT

12 DOESN'T.

13 MR. TORRANCE:

14 EACH FILE NUMBER WOULD HAVE

15 A DISPOSITION, CLOSED, ONGOING, HOW MANY

16 MONTHS, HOW MANY COMPLAINTS, NAME OF THE

17 DEALER, NAME OF THE VIOLATIONS AND THAT SHOULD

18 BE SUFFICIENT.

19 MR. HILLIARD:

20 I DON'T KNOW --

21 MR. DUPLESSIS:

22 FOR PUBLIC RECORD ON THE

23 SURFACE FOR SEARCHING --

24 MR. HILLIARD:

25 RIGHT.

1 MR. DUPLESSIS:
2 FOR SEARCHING PURPOSES, THAT
3 WOULD BE CORRECT.

4 MR. HILLIARD:
5 THEN, AS THE CASE IS CLOSED,
6 WE WILL JUST HAVE TO REPORT WHICH CASES ARE
7 CLOSED.

8 MR. TORRANCE:
9 THAT WILL BE A SEPARATE
10 CASE.

11 MR. HILLIARD:
12 A SEPARATE --

13 MR. TORRANCE:
14 DELETE IT FROM THE GOING
15 FILE TO THE DELETED FILE:

16 MR. HILLIARD:
17 IT WILL SHOW WHAT -- THE
18 STATUS OF IT, YOU KNOW, WHAT HAPPENED TO THIS
19 CASE, WHETHER IT WAS PLEADED OR NOT.

20 MR. TORRANCE:
21 THE DEALER MADE
22 RESTITUTION, THE DEALER PAID THE FINE OR
23 WHATEVER.

24 MR. HILLIARD:
25 SO, ON OUR CLEAN SHEET,

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1 WE HAVE ONE ITEM. I JUST WANT TO PUT THAT
2 -- I MEAN, AS FAR AS THESE GOING THROUGH
3 RESPONSIBILITIES AND -- OBVIOUSLY, I AGREE.
4 I THINK THAT THE REPORTING -- WE CAN'T AS A
5 COMMISSION MONITOR ALL THE CASES. WE HAVE
6 TO RELY UPON THE EXECUTIVE DIRECTOR TO DO
7 THAT.

8 MR. DUPLESSIS:

9 AS WELL AS LEGAL COUNSEL.

10 MR. HILLIARD:

11 RIGHT, BUT I WOULD PROPOSE
12 WE DO NEED TO BE ABLE TO MONITOR -- JUST LIKE
13 HE CAN'T DO EVERYTHING LYNETTE IS DOING AND
14 LOIS IS DOING AND LARRY IS DOING, BUT HE HAS TO
15 MONITOR WHAT THEY DO, WE CAN'T DO EVERYTHING
16 THAT WE ASSIGN HIM TO DO, BUT WE MONITOR -- IT
17 IS OUR RESPONSIBILITY TO MONITOR WHAT HIS
18 ACTIVITIES ARE AND THAT IS HOW WE SHOULD BE SET
19 UP IN THE CHAIN OF COMMAND FROM WHATEVER -- THE
20 LOWEST PERSON IN HERE WHO -- NOT LOIS, THE
21 LOWEST PERSON IN HERE UP THROUGH THEIR
22 DIFFERENT SUPERVISORS, IT SHOULD BE THE SAME
23 THING FOR US. YOU DON'T WORRY ABOUT EVERY
24 DETAIL OF THEIR JOB, JUST MAKE SURE THEIR JOB
25 IS DONE.

1 MR. SNYDER:

2 I THINK THE EXECUTIVE
3 DIRECTOR NEEDS TO DEVELOP TOOLS TO DO THE
4 MONITORING.

5 MR. HILLIARD:

6 AS FAR AS THE REPORTS AND
7 STUFF LIKE THAT?

8 MR. SNYDER:

9 YES. RIGHT.

10 MR. HILLIARD:

11 IN THE PAST, I MEAN, A
12 LOT OF THAT HAS BEEN DONE THROUGH POLICY AND
13 PROCEDURE AND VOTED ON BY THE ENTIRE
14 COMMISSION. HE WOULD RECOMMEND POLICY AND
15 PROCEDURE AND THE COMMISSION VOTES ON IT.

16 MR. SNYDER:

17 I THINK IT COMES DOWN
18 WITH YOUR SUPERVISING PEOPLE TO ACCOUNTABILITY
19 AND HAVING SOMETHING IN PLACE THAT SHOWS
20 ACCOUNTABILITY OR AT LEAST IT OPENS UP AN
21 AREA THAT POSSIBLY THERE ARE SOME PROBLEMS.
22 SO, YOU CAN GET INTO THEM AND DO SOMETHING
23 ABOUT THEM. THAT IS JUST GOOD MANAGEMENT,
24 TO ME AND I'M NOT SURE WE HAVE ANY OF THAT
25 PRESENTLY WITHIN THE COMMISSION.

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1 I THINK THERE IS SOME
2 INFORMAL TYPES OF PROCEDURE AND MONITORING
3 THAT GOES ON, BUT I WOULD SUGGEST MORE
4 FORMAL TYPES, SO PEOPLE UNDERSTAND THAT
5 THEY ARE GOING TO BE HELD ACCOUNTABLE FOR
6 THEIR JOB.

7 MS. HUDSON:
8 FOR THEIR ACTIONS OR LACK OF
9 ACTION.

10 MR. SNYDER:
11 RIGHT.

12 MS. HUDSON:
13 SO, JACK, DO YOU AGREE WITH
14 THAT?

15 MR. TORRANCE:
16 YES, I DO.

17 MS. HUDSON:
18 I MEAN, WE ARE JUST SAYING
19 AS COMMISSIONERS, YOU KNOW, YOU TOLD US LAST
20 PERSONNEL MEETING THAT BASICALLY WE KNOW THAT
21 EVERYBODY HERE HAS PRETTY MUCH GOT A CLEAN
22 SLATE. THEIR PERSONNEL FOLDER HAS NOTHING
23 IN THERE FROM YOU SAYING THEY HAVE DONE
24 ANYTHING WRONG AND WE, AS BUSINESS PEOPLE,
25 KNOW THAT EMPLOYEES ARE GOING TO DO

1 SOMETHING WRONG. THEY HAVE TO. YOU KNOW,
2 WE DO.

3 I THINK WHAT MR. SNYDER IS
4 SAYING IS WHEN THAT OCCASION DOES ARISE, WE ARE
5 LOOKING AT YOU TO MAKE SURE THAT YOU DO PUT IT
6 IN WRITING AND YOU PUT IT IN THEIR FOLDER.
7 ULTIMATELY, YOU ARE THE ONE THAT HAS TO WORK
8 WITH THEM.

9 MR. TORRANCE:

10 RIGHT.

11 MS. HUDSON:

12 WE ONLY SEE THEM A COUPLE OF
13 TIMES A MONTH, BUT WE, AS COMMISSIONERS, CANNOT
14 HELP YOU OUT OR GET YOU MORE STAFF MEMBERS OR
15 REDUCE YOUR STAFF OR HELP YOU HIRE NEW STAFF OR
16 GET BEHIND YOU IF EVERYBODY HAS GOT A CLEAN
17 SLATE.

18 MR. TORRANCE:

19 I UNDERSTAND, BUT PEOPLE
20 HAVE GOT TO DO SOMETHING WRONG BEFORE I CAN
21 WRITE THEM UP.

22 MR. SNYDER:

23 IT'S NOT NECESSARILY WRITING
24 PEOPLE UP. IT'S PUTTING IN PLACE A SYSTEM THAT
25 BRINGS THINGS TO THE SURFACE, GOOD THINGS AS

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1 WELL AS BAD THINGS.

2 MR. TORRANCE:

3 OKAY. I UNDERSTAND.

4 MR. SNYDER:

5 YOU KNOW, WE WANT TO ALSO BE
6 ABLE TO CONGRATULATE PEOPLE FOR WHAT THEY DO.

7 MR. TORRANCE:

8 OKAY. WE --

9 MR. SNYDER:

10 WE ARE LOOKING FOR A
11 SYSTEM THAT CAN BRING THIS ALL TO THE SURFACE
12 AND --

13 MR. TORRANCE:

14 IN THE PAST, WE HAVE PUT
15 IN THE PACKETS LIKE PEOPLE SENDING THANK YOU
16 NOTES OR WHATEVER THAT THE STAFF ARE DOING A
17 GOOD JOB. WE PASS THAT ON TO Y'ALL. I MEAN, I
18 UNDERSTAND.

19 MS. MATERNE:

20 WELL, DO YOU HAVE SOME SORT
21 OF SYSTEM WHERE YOU EVALUATE THE EMPLOYEES ON A
22 REGULAR BASIS?

23 MR. TORRANCE:

24 THE ONES THAT I SUPERVISE,
25 YES, AND THEN, LOIS, SHE DOES HERS, AND THEN,

1 LARRY DOES HIS.

2 MS. MATERNE:

3 IS A WRITTEN REPORT PREPARED
4 AT THAT TIME TO PUT IN THEIR FILE?

5 MR. TORRANCE:

6 YES, IT IS AND WE COULD GET
7 YOU A COPY OF THAT.

8 MS. HUDSON:

9 WHO DO YOU ACTUALLY PREPARE
10 THAT REPORT ON, WHAT EMPLOYEES?

11 MR. TORRANCE:

12 LYNETTE AND LOIS.

13 MS. HUDSON:

14 SO, YOU ACTUALLY PREPARE --

15 MR. TORRANCE:

16 LYNETTE PREPARES HERS FOR
17 HER SECTION AND LOIS DOES HER AND KIM DOES HERS
18 AND LARRY DOES HIS.

19 MR. HILLIARD:

20 YOU SAID LYNETTE AND LOIS,
21 BUT ALSO LARRY AS WELL?

22 MR. TORRANCE:

23 RIGHT.

24 MR. DUPLESSIS:

25 SO, JACK, ARE YOU TELLING US

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1 THAT LARRY REPORTS TO LOIS OR DOES LARRY REPORT
2 TO YOU?

3 MR. TORRANCE:

4 WELL, ALL OF THEM REPORT TO
5 ME, BUT THEY --

6 MR. DUPLESSIS:

7 I UNDERSTAND.

8 MR. TORRANCE:

9 -- BUT, THEY -- AS I SAID,
10 THEY DO THE PREPARATION OF THE AUDIT ON THE
11 INDIVIDUALS UNDER THEIR JURISDICTION.

12 MR. DUPLESSIS:

13 OKAY. SO, YOU HAVE
14 ESSENTIALLY THREE DEPARTMENT HEADS OR TWO?

15 MR. TORRANCE:

16 WELL, ACTUALLY, THREE --

17 MR. DUPLESSIS:

18 OKAY.

19 MR. TORRANCE:

20 -- REALLY FOUR, COURTNEY,
21 LOIS, LYNETTE AND LARRY.

22 MR. HILLIARD:

23 WHAT IS COURTNEY?

24 MR. TORRANCE:

25 SHE IS OVER THE RECREATIONAL

1 PART.

2 MR. HILLIARD:

3 BUT, SHE REPORTS TO LOIS?

4 MR. TORRANCE:

5 RIGHT, AND SO DOES KIM. KIM
6 IS OVER THE DEALER SUPPORT TECHS.

7 MR. HILLIARD:

8 WHICH DOES USED CARS?

9 MR. TORRANCE:

10 EVERYTHING. THEY KIND OF DO
11 -- WHEN THEY DO A LICENSE, THEY KIND OF GO BACK
12 AND FORTH TO THE RECREATIONAL SIDE AND THE USED
13 CAR SIDE.

14 MR. HILLIARD:

15 YES. THAT'S SOMETHING THAT
16 SOMEONE -- I WAS TALKING WITH SOMEBODY ABOUT AN
17 ISSUE THAT CAME UP ON LICENSING AND WE WERE
18 TRYING TO FIND -- WE JUST DIDN'T KNOW HOW THE
19 STAFF WORKED IT WHEN THERE ARE -- I KNOW THAT
20 VIVIAN DOES THE RENT TO OWN AND --

21 MR. TORRANCE:

22 WELL, THAT'S --

23 MR. HILLIARD:

24 -- DIFFERENT PEOPLE DO A
25 CERTAIN SECTION --

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1 MR. TORRANCE:

2 RIGHT.

3 MR. HILLIARD:

4 -- BUT, WHEN WE HAVE A DUAL
5 DEALER --

6 MR. TORRANCE:

7 WHOEVER GETS THE PACKET
8 FIRST DOES THE -- BOTH AND THE OTHER ONE IS
9 NOTIFIED THAT THE LICENSE HAS BEEN PREPARED AND
10 ISSUED. IT IS ALL ON C.A.V.U. IT IS ALL ON
11 THE SCREEN.

12 MR. HILLIARD:

13 SO, THEY HAVE ONE CONTACT
14 PERSON INSTEAD OF TWO?

15 MR. TORRANCE:

16 RIGHT.

17 MR. HILLIARD:

18 IF THERE IS A SPECIFIC
19 QUESTION THEY CAN GO TO --

20 MR. TORRANCE:

21 IF YOU HAVE A U.D. AND
22 AN A.D., THEN THEY WOULD DO BOTH RATHER
23 THAN DO THIS ONE NOW AND JUST SEND IT OVER
24 THERE AND NOT BE ISSUED AT A LATER TIME.
25 THEY DO THEM ALL AT ONE TIME TO KEEP CONTROL

1 OF IT.

2 MR. HILLIARD:

3 THE A.D. IS --

4 MR. TORRANCE:

5 AUCTION, A.U., I'M SORRY.

6 MR. HILLIARD:

7 A.U. --

8 MR. TORRANCE:

9 AUCTIONS.

10 I JUST USED THAT AS A --

11 MR. HILLIARD:

12 YES. I JUST DIDN'T KNOW

13 WHAT A.D. WAS.

14 MR. TORRANCE:

15 I'M SORRY.

16 MR. HILLIARD:

17 SO, MAKING SURE THAT ALL

18 COMPLAINTS ARE HANDLED IN A TIMELY MANNER, I

19 WOULD SAY THAT IS ONE OF THE PRIMARY

20 RESPONSIBILITIES. SUPERVISING THROUGH DIRECT

21 REPORTS, FINANCIAL OFFICE AND FIELD AND FIELD

22 WANTS TO MAKE SURE THAT THEIR POLICY IS SET UP

23 TO DETERMINE -- I DON'T KNOW --

24 MS. HUDSON:

25 THE QUALITY --

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1 MR. HILLIARD:

2 -- COMPLETENESS.

3 MR. SNYDER:

4 OF WHAT?

5 MR. HILLIARD:

6 OF THE SUPERVISED EMPLOYEES

7 THAT THEY ARE DOING THEIR --

8 MR. TORRANCE:

9 ACCOUNTABILITY?

10 MR. HILLIARD:

11 ACCOUNTABILITY.

12 MR. TORRANCE:

13 TO KEEP A HANDLE ON THE

14 LENGTH OF THE COMPLAINT AND THE PROCEDURE OF

15 THE COMPLAINT.

16 MR. HILLIARD:

17 YES. THAT WAS AN EASIER ONE

18 FOR ME.

19 MS. HUDSON:

20 YES.

21 MR. HILLIARD:

22 THE SUPERVISOR --

23 MS. HUDSON:

24 THAT IS EASY. THAT IS JUST

25 -- YOU KNOW, BECAUSE YOU HAVE GOT A POLICY,

1 FIVE DAYS YOU DO THIS, DA DA DA DA, BUT THE
2 REST OF THEM, THAT PARTICULAR POLICY REALLY
3 DOES NOT APPLY TO LYNETTE OR TO HER --

4 MR. TORRANCE:

5 RIGHT.

6 MS. HUDSON:

7 -- TO HER TECH PERSON.

8 SO, WHAT WE ARE ASKING IS,
9 WE NEED AN ACROSS THE BOARD POLICY THAT YOU
10 KNOW WHAT IS GOING ON.

11 MR. TORRANCE:

12 RIGHT.

13 MS. HUDSON:

14 YOU CAN FILL IT OUT FOR THE
15 GOOD AND THE BAD, LIKE PHIL SAID.

16 MR. TORRANCE:

17 THAT'S RIGHT. I CAN DO
18 THAT.

19 MS. HUDSON:

20 I DON'T FEEL LIKE THAT THAT
21 HAS BEEN DONE OR THAT THAT IS BEING DONE. I
22 THINK YOU ARE RELYING ON YOUR DEPARTMENT HEADS
23 TO DO ALL OF THAT FOR YOU.

24 MR. TORRANCE:

25 WELL, THAT WAS THEIR

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1 ASSIGNMENT AT THE TIME.

2 MS. HUDSON:

3 RIGHT.

4 MR. TORRANCE:

5 IF Y'ALL WANT TO CHANGE IT,
6 WE WILL CHANGE IT.

7 MS. HUDSON:

8 WELL, YES, WE ARE LOOKING TO
9 YOU, NOW.

10 MR. TORRANCE:

11 I WILL MAKE SURE YOU GET THE
12 INFORMATION YOU REQUEST.

13 MR. DUPLESSIS:

14 WELL, THE DEPARTMENT HEADS
15 ARE GOING TO HAVE TO EVALUATE THEIR PEOPLE --

16 MS. HUDSON:

17 SURE.

18 MR. DUPLESSIS:

19 -- AND JACK IS GOING TO HAVE
20 TO EVALUATE HIS DEPARTMENT HEADS AND I THINK
21 THERE SHOULD BE THREE DEPARTMENT HEADS,
22 OBVIOUSLY, FIELD SUPPORT, ACCOUNTING AND OFFICE
23 SUPERVISION, WHICH I DON'T THINK HAS BEEN DONE
24 AND I THINK THE COMMISSION SHOULD BE ABLE TO
25 SEE THOSE AND LOOK AT EVALUATIONS ON A MACRO

1 BASIS AND A REGULAR -- A QUARTERLY REVIEW OF
2 EVERYBODY'S GRADE, HOWEVER YOU WANT TO DO IT,
3 ONE TO TEN, PAST FAILED -- NOT PAST, THAT IS A
4 BAD IDEA, "A" THROUGH "F" AND I THINK IT IS
5 GOING TO BE REAL SIMPLE.

6 IF EVERYBODY AROUND HERE
7 GETS STRAIGHT "A"S, I'M GOING TO HAVE AN ISSUE
8 WITH THAT. IT SEEMS LIKE, IN MY OPINION, THE
9 QUESTIONS THAT WE HAVE ASKED, EVERYBODY GETS
10 GRADED ON A CURVE AND THEY ALL GET STRAIGHT
11 "A"S. I NEVER WAS FORTUNATE ENOUGH TO GO TO A
12 SCHOOL OR HAVE A JOB LIKE THAT.

13 SO, I THINK QUARTERLY, AT
14 THIS POINT, WE SHOULD LOOK AT REVIEWS. WE
15 SHOULD LOOK AT THE NUMBER OF CRITERIA,
16 TIMELINESS AND WE SHOULD BE ABLE TO LOOK AT
17 TIME CARDS.

18 JACK, DO YOU HAVE A TIME
19 CLOCK HERE?

20 MR. TORRANCE:

21 (SHAKES HEAD NEGATIVELY.)

22 MR. DUPLESSIS:

23 NO TIME CLOCK?

24 MS. HUDSON:

25 YES, YOU DO. YES, YOU DO.

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1 MR. TORRANCE:

2 MINE?

3 MR. DUPLESSIS:

4 NO. IS THERE --

5 MR. TORRANCE:

6 YES. THERE IS A TIME CLOCK.

7 EVERYBODY PUNCHES IN.

8 MR. DUPLESSIS:

9 EVERYBODY PUNCHES A TIME

10 CLOCK.

11 THEIR ATTENDANCE RECORD AND

12 COME UP WITH A SERIES OF EVALUATIONS THAT WOULD

13 MAKE FOR A GOOD JOB REVIEW AND WE SHOULD BE

14 ABLE TO SEE THOSE ON A QUARTERLY BASIS AT LEAST

15 FOR NOW, AND THEN, JACK SHOULD HAVE A QUARTERLY

16 REVIEW OF HIS THREE DEPARTMENT HEADS.

17 MR. TORRANCE:

18 RIGHT.

19 MR. DUPLESSIS:

20 THEN, WE WILL GIVE JACK HIS

21 REVIEW.

22 MR. TORRANCE:

23 WE HAVE THAT AT THE PRESENT

24 TIME. WE HAVE A MONTHLY ACTIVITY SHEET THAT

25 THEY SIGN TO WHERE -- THEIR HOURS WORKED AND

1 EVERYTHING LIKE THAT. WE DO THAT ALREADY.

2 MR. DUPLESSIS:

3 THAT IS WAY TOO MUCH FOR US
4 TO TAKE A LOOK AT AND IF WE COULD HAVE -- IF WE
5 COULD PUT TOGETHER A CONDENSED VERSION THAT WE
6 COULD ALL TAKE A LOOK AT ON A QUARTERLY BASIS
7 AND ANY DISCIPLINARY ACTION TAKEN.

8 I KNOW THERE'S A COUPLE
9 DISCIPLINARY ACTIONS THAT WE SHOULD BE TAKING
10 NOW THAT WE HAVEN'T SEEN AND I DON'T THINK THAT
11 WE WILL SEE, AS A PERSONAL OBSERVATION. I
12 THINK I WOULD LIKE TO SEE THOSE.

13 MR. HILLIARD:

14 SO, YOU ARE SAYING A
15 QUARTERLY -- WELL, THIS IS NOT A JOB
16 DESCRIPTION. THIS IS A QUARTERLY REVIEW --

17 MR. DUPLESSIS:

18 HE SHOULD BE RESPONSIBLE --
19 THIS JOB DESCRIPTION IS -- PART OF HIS JOB
20 DESCRIPTION IS -- MY POINT IS TO PUT TOGETHER A
21 QUARTERLY REVIEW THROUGH HIS THREE DEPARTMENT
22 HEADS AND OVERSEE THE REVIEWS AND APPROVE THE
23 REVIEWS AND FOR HIM TO DO THE THREE JOB
24 DESCRIPTIONS THAT -- THE THREE REVIEWS OF HIS
25 MAIN DEPARTMENT HEADS, AND THEN, THEREFORE WE

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1 CAN GIVE MR. TORRANCE, AS THE COMMISSION SINCE
2 WE HAVE THE APPOINTING AUTHORITY, HIS JOB
3 REVIEW.

4 MR. HILLIARD:

5 SO, A QUARTERLY REVIEW OF
6 ALL EMPLOYEES COMPILED BY DEPARTMENT HEADS --

7 MR. DUPLESSIS:

8 JACK WOULD THEN REVIEW --

9 MR. HILLIARD:

10 -- NOT EXCLUSIVE, BUT
11 LISTING TIMELINESS.

12 DO WE -- DOES THE COMMITTEE
13 WANT TO ESTABLISH WHAT QUALIFIES AS TIMELINESS
14 AND WHAT DOESN'T?

15 MR. DUPLESSIS:

16 THAT IS GOING TO HAVE TO BE
17 UP TO THE ATTENDANCE -- I THINK ATTENDANCE AND
18 TIMELINESS, COURTEOUS --

19 MR. HILLIARD:

20 NO. I'M SAYING IS THAT
21 SOMETHING THAT THERE NEEDS TO BE A BENCHMARK
22 ESTABLISHED FROM THE COMMITTEE DOWN OR IS THAT
23 SOMETHING YOU ARE GOING TO LEAVE TO THE
24 SUPERVISORS TO SAY WHETHER BEING TARDY ONCE A
25 WEEK IS OKAY OR --

1 MS. MATERNE:

2 WELL, JUST IF YOU HAD A
3 REPORT AND IT WOULD SAY HOW MANY TARDIES IN A
4 QUARTER, HOW MANY ABSENCES --

5 MR. HILLIARD:

6 OKAY.

7 MR. TORRANCE:

8 THE TIME CARDS REFLECT THAT.
9 I WILL JUST HAVE TO TAKE A TIME CARD AND GIVE
10 YOU THEIR TARDINESS OR WHATEVER.

11 MR. HILLIARD:

12 I THINK WHAT RON IS SAYING
13 IS THAT THE -- YOUR SUPERVISOR WILL BE
14 RESPONSIBLE -- YOUR THREE DIRECT REPORTS WILL
15 EACH COMPILE A REPORT OF THEIR EMPLOYEES, THE
16 NUMBER OF TARDIES -- YOU KNOW, ON THESE ISSUES,
17 TARDINESS, ATTENDANCE, ATTITUDE, JOB
18 PERFORMANCE.

19 MR. DUPLESSIS:

20 JOB PERFORMANCE.

21 MR. HILLIARD:

22 I'M JUST TRYING TO -- I'VE
23 GOT A -- I'M JUST TRYING TO MAKE NOTES, SO I
24 CAN GET THIS TO ONE OF THE ATTORNEYS TO GET
25 SOME --

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1 MR. TORRANCE:

2 I WOULD LIKE TO MAKE A
3 STATEMENT RIGHT NOW, PLEASE.

4 WE HAVE GOT THE BEST
5 STAFF AT THIS OFFICE WE EVER HAD. THEY
6 ARE MORE COURTEOUS TO THE DEALER AND THE
7 CONSUMER. WE HAVE NEVER HAD ANY COMPLAINTS
8 OTHER THAN A FEW THAT -- I KNOW WHAT YOU ARE
9 REFERRING TO, RON, BUT THESE PEOPLE ARE VERY
10 ENERGETIC. THEY HELP THE CONSUMER. THEY
11 HELP THE DEALER TREMENDOUSLY. WE HAVE A REAL
12 GOOD STAFF HERE.

13 MR. HILLIARD:

14 I DON'T THINK THAT -- I
15 DON'T THINK HE IS TRYING TO COME AT THIS SAYING
16 THAT -- YOU KNOW, WHAT I THINK HE IS TRYING TO
17 COME UP WITH IS TO SET UP SOMETHING, SO THAT
18 YOU CAN REVIEW --

19 MR. TORRANCE:

20 I UNDERSTAND.

21 MR. HILLIARD:

22 -- YOUR EMPLOYEES TO MAKE
23 SURE THEY ARE REVIEWING THEIR --

24 MR. TORRANCE:

25 I JUST WANT TO MAKE SURE

1 THAT Y'ALL UNDERSTOOD THAT THESE EMPLOYEES WE
2 HAVE HERE TODAY DO, DO A GREAT JOB.

3 MR. HILLIARD:

4 I KNOW IN A SUBJECTIVE WAY,
5 IT IS EASIER TO DO A SUBJECTIVE REPORT OF WHO
6 DOES WHAT.

7 MR. TORRANCE:

8 RIGHT.

9 MR. HILLIARD:

10 WHEN YOU START LOOKING AT IT
11 OBJECTIVELY, THERE HAS GOT TO BE A RANKING OF
12 WHO IS DOING A VERY, VERY GOOD JOB --

13 MR. TORRANCE:

14 I UNDERSTAND.

15 MR. HILLIARD:

16 -- AND WHO HAS GOT -- THEY
17 MIGHT ALL RANK ON ATTITUDE GREAT, BUT THEY ARE
18 NOT ALL GOING TO RANK ON ATTENDANCE GRADE AND
19 TIMELINESS GRADE AND JOB PERFORMANCE GRADE.

20 I'VE GOT AN EMPLOYEE WHO IS
21 A GREAT GUY, BUT HE IS -- YOU KNOW, I HAVE TO
22 FIGHT WITH HIM TO KEEP HIM SHOWING UP ON TIME
23 AND COMPARED TO ANOTHER EMPLOYEE WHO SHOWS UP
24 EARLY EVERYDAY, THEY BOTH DO THEIR JOB. THEY
25 ARE BOTH GOOD EMPLOYEES. THEY ARE BOTH NICE TO

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1 THE CUSTOMER, BUT THERE IS A DIFFERENCE
2 BETWEEN, YOU KNOW, ONE OF THEM WHO NEVER HAS A
3 TARDY ISSUE AND ANOTHER ONE WHO DOES, BUT THAT
4 IS JUST PART OF THE -- THERE IS NO POLICY IN
5 PLACE ON ESTABLISHING --

6 MR. TORRANCE:

7 I UNDERSTAND, BUT THAT'S NO
8 PROBLEM. I JUST WANT TO MAKE IT CLEAR THAT
9 THESE EMPLOYEES DO, DO A GOOD JOB AND I -- WE
10 START AT 8:00. EVERYBODY IS HERE AT 7:20
11 EVERYDAY. I AM HERE AT 7:10 AND SOME OF
12 THEM ARE HERE. THEN, EVERYBODY IS IN PLACE
13 IN THIS BUILDING FOR 7:30 EVERYDAY. SO,
14 THAT -- I'M JUST TELLING Y'ALL THAT, BUT I
15 UNDERSTAND WHERE RON IS COMING FROM AND I WILL
16 PREPARE THE DOCUMENT AND WILL INSTRUCT THE
17 SUPERVISORS AND I WILL HAVE Y'ALL A REPORT
18 EVERY QUARTER.

19 MS. MATERNE:

20 I THINK MORE, TOO -- I MEAN,
21 AREN'T WE IN CHARGE OF APPROVING RAISES FOR
22 PEOPLE?

23 MR. TORRANCE:

24 THAT IS ALL CIVIL SERVICE.
25 THE ONLY ONE Y'ALL APPROVE IS MINE AND THE

1 ASSISTANT.

2 MS. MATERNE:

3 OH, OKAY.

4 MR. DUPLESSIS:

5 THAT IS INCORRECT, JACK.

6 MR. TORRANCE:

7 SIR?

8 MR. DUPLESSIS:

9 THAT IS INCORRECT.

10 MR. TORRANCE:

11 WHAT?

12 MR. DUPLESSIS:

13 THERE ARE OPTIONAL -- THAT'S

14 WHAT LOIS INDICATED TO THE COMMISSION, THAT IS

15 COMPLETELY AND TOTALLY INCORRECT.

16 THE JOB EVALUATIONS WERE

17 WRITTEN AND THE JOB STUDIES WERE DONE AND

18 THERE HAS BEEN ESSENTIALLY NO SUPPORTING

19 DOCUMENTATION OF ANYBODY IN THE PERSONNEL

20 FILES. NOBODY HAS BEEN WRITTEN UP IN FOUR

21 YEARS. I HAVE A HARD TIME BELIEVING THAT.

22 MR. TORRANCE:

23 RON, I DON'T UNDERSTAND

24 WHERE YOU ARE COMING FROM WITH THAT. IF THEY

25 DON'T DO NOTHING WRONG, YOU DON'T WRITE THEM UP.

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1 MR. DUPLESSIS:

2 JACK, I THINK THAT THERE ARE
3 A LOT OF THINGS THAT THEY ARE NOT BEING WRITTEN
4 UP FOR AND WE WOULD LIKE TO SEE THAT THE
5 EVALUATIONS BE CORRECT.

6 LOIS -- WHEN I CAME ON AS
7 THE CHAIR OF THE COMMISSION, SHE WANTED ME TO
8 SIGN AND APPROVE THE RAISES. SOME OF THOSE
9 WERE DISCRETIONARY, JACK. THEY WEREN'T
10 MANDATORY BY CIVIL SERVICE.

11 MR. TORRANCE:

12 WELL, RAISES ARE JUST COST
13 OF LIVING RAISES, FOUR PERCENT --

14 MR. DUPLESSIS:

15 NO. IT WAS THE SEVEN
16 PERCENTS AND THE FOURTEEN PERCENTS.

17 MR. TORRANCE:

18 THAT WAS A DIFFERENT
19 SITUATION.

20 MR. DUPLESSIS:

21 THAT'S A DIFFERENT
22 SITUATION, BUT DON'T TELL THE COMMISSION THAT
23 IT IS CIVIL SERVICE AND THERE IS NOTHING YOU
24 CAN DO WHEN THAT IS NOT THE CASE.

25 THERE WAS A THREE PRONG

1 RAISE. THERE WAS THE STANDARD COST OF LIVING
2 RAISE, WHICH WE NEVER SEE. THEN, THERE IS THE
3 -- THERE IS A JOB STUDY EVALUATION RAISE OR A
4 CLASSIFICATION CHANGE RANGE. THEN, THERE WAS
5 AN OPTIONAL RAISE THAT I WAS LED AND THE
6 COMMISSION WAS LED TO BELIEVE THAT WAS A
7 MANDATORY -- IT IS UNDER THE GUISE OF SMOKING
8 MIRRORS WITH CIVIL SERVICE AND WE CAN'T DO
9 ANYTHING ABOUT IT. THAT WAS INCORRECT.

10 MR. TORRANCE:

11 YOU'RE RIGHT. I'M WITH YOU
12 ON THAT.

13 MR. DUPLESSIS:

14 THAT'S INCORRECT.

15 I WANT YOU TO KNOW THE BASIS
16 BEHIND THE JOB DESCRIPTIONS AND THE RAISES THAT
17 WERE DEEMED TO BE MANDATED BY CIVIL SERVICE.
18 THEY REQUIRE A JOB DESCRIPTION -- AN ACCURATE
19 JOB DESCRIPTION, A CHANGE OF JOB DESCRIPTION
20 AND MORE DUTIES AND AN EVALUATION PER EMPLOYEE
21 THAT THERE WAS NOT A CONSISTENT H.R. PROGRAM IN
22 PLACE TO -- FOR THE COMMISSIONERS OR ANYBODY
23 ELSE TO LOOK AND SAY THAT THIS IS AN H.R.
24 PROGRAM THAT VALIDATES THIS RAISE OR THIS
25 CHANGE IN THIS JOB DESCRIPTION OR THIS JOB

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1 STUDY. NONE OF THAT WAS UNDERTAKEN. THAT IS
2 WITHIN THE CONFINES AND THE OBLIGATIONS THAT WE
3 HAVE AS COMMISSIONERS.

4 MS. HUDSON:

5 SO, YOUR ANSWER IS, YES?

6 MR. TORRANCE:

7 WHAT YOU ARE REFERRING TO --

8 MR. DUPLESSIS:

9 IS WHAT?

10 MS. HUDSON:

11 WE DO --

12 MS. MATERNE:

13 SO, THERE IS A DISCRETIONARY
14 RAISE AND THERE IS NOTHING IN A FILE TO SUPPORT
15 WHETHER SOMEONE IS DOING AN OUTSTANDING JOB OR
16 JUST A REGULAR, DON'T REALLY DESERVE MORE THAN
17 A COST OF LIVING --

18 MR. TORRANCE:

19 OKAY. WE CAN GO -- WE HAVE
20 TO ABIDE BY THE CIVIL SERVICE RULES. WHAT RON
21 IS REFERRING TO IS -- JOANIE WAS ON THE
22 COMMISSION AND THEY WANTED TO UPGRADE THE JOB
23 DUTIES OF THE FIELD AND THE OFFICE, SO THEY DID
24 THAT. THEY CHANGED THE JOB DESCRIPTIONS TO
25 ENHANCE THEM TO GIVE THEM A RAISE. THAT WAS

1 THE PURPOSE FOR THAT. CIVIL SERVICE HAD TO
2 APPROVE THAT. THAT IS THE SEVEN PERCENT RON IS
3 REFERRING TO.

4 NOW, AFTER THAT -- THEY
5 APPROVED THAT RAISE, THEN IT IS IMPLEMENTED.
6 THEN, AFTER THAT, THEY HAVE STEPS THEY FOLLOW
7 UNTIL THEY GET TO THE MAX. THEN, AFTER THAT,
8 IT IS SET IN STONE. THERE IS NOTHING WE CAN DO
9 AS A COMMISSION TO GIVE THEM A RAISE AFTER
10 THAT.

11 THAT WAS ALL DONE TO HELP
12 GIVE THE EMPLOYEES HERE A RAISE. THAT'S WHY
13 THEY CHANGED THEIR JOB DUTIES. THAT WAS SENT
14 TO CIVIL SERVICE FOR APPROVAL AND CIVIL SERVICE
15 WAS ALREADY IN THE PROCESS OF DOING THAT AND
16 THAT IS WHAT CAME ABOUT THAT RON IS REFERRING
17 TO. WE -- ONCE THEY ARE GIVEN THE JOB
18 DESCRIPTION CHANGE AND THEY GET THEIR PAY
19 GRADE, IT GOES BY WHATEVER LEVEL THEY ARE
20 AT.

21 THEN, AFTER THAT, THEN
22 THEY'VE GOT TO FOLLOW THE FOUR PERCENT UNTIL
23 THEY MAX OUT. THAT IS HOW THAT GOES.

24 MR. HILLIARD:

25 BUT, THE FOUR PERCENT --

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1 THEY GET A COST OF LIVING RAISE.

2 MR. TORRANCE:

3 FOUR PERCENT A YEAR IF THEIR
4 DUTIES ARE PERFORMED IN THE PROPER MANNER.

5 MR. DUPLESSIS:

6 IF THEIR EVALUATIONS --

7 MR. HILLIARD:

8 NO. THEY GET A COST OF
9 LIVING RAISE -- ISN'T THERE A COST OF LIVING
10 AND A FOUR PERCENT RAISE?

11 MR. TORRANCE:

12 NO.

13 MR. DUPLESSIS:

14 THEY GET UP TO A FOUR
15 PERCENT COST OF LIVING RAISE IF THEIR
16 EVALUATIONS --

17 MR. HILLIARD:

18 ARE GOOD?

19 MR. DUPLESSIS:

20 -- ARE GOOD.

21 I'M NOT SURE WHAT I LOOKED
22 AT --

23 MR. HILLIARD:

24 WE HAVE PRETTY MUCH GONE
25 THROUGH FOUR PERCENT ON EVERYBODY?

1 MR. TORRANCE:
2 EVERYBODY.
3 EVERYBODY AT CIVIL
4 SERVICE GETS A FOUR PERCENT BASED ON THEIR
5 EVALUATION --

6 MR. HILLIARD:
7 UP TO FOUR PERCENT?

8 MR. TORRANCE:
9 A YEAR FOR FOUR PERCENT.

10 MR. HILLIARD:
11 WHAT WE HAVE DONE IS WE
12 HAVE JUST GONE FOUR PERCENT TO EVERYBODY. SO,
13 EVERYBODY IS DOING A GOOD JOB.

14 MR. DUPLESSIS:
15 WITHOUT -- NOBODY IN THIS
16 ENTIRE COMMISSION, I CAN TELL, HAS GOTTEN A
17 SINGLE BLACK MARK AND I'M OKAY WITH THAT IF
18 THEY DO IT CORRECTLY, BUT, YOU KNOW, I DON'T
19 WANT YOU GUYS TO BE MISLED THAT UNDER THE GUISE
20 OF CIVIL SERVICE, WE CAN SIT HERE AND DO
21 NOTHING.

22 THERE IS A WHOLE SERIES OF
23 PROCEDURES THAT WE ARE RESPONSIBLE FOR THAT WE
24 NEED TO SEE AND IF YOU DON'T DO IT, YOU DON'T
25 SEE IT, YOU DO, DO NOTHING, BUT IT IS THERE.

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1 YOU SHOULD BE OBLIGATED AS A COMMISSIONER TO
2 TAKE A LOOK AT IT AND SET FORTH GOOD MANAGEMENT
3 PERSONNEL POLICIES, PERIOD.

4 MR. TORRANCE:

5 WELL, LET ME SAY THIS.
6 WHEN THE SUPERVISOR FILLS OUT THE EVALUATION
7 SHEET, SHOULD WE GIVE A COPY TO THE
8 COMMISSIONERS?

9 MR. DUPLESSIS:

10 I THINK, YOU KNOW, WE SHOULD
11 LOOK AT OUR OWN CRITERIA, AS WELL AS CIVIL
12 SERVICE, SEE IT QUARTERLY BY THE SUPERVISORS --

13 MR. TORRANCE:

14 CIVIL SERVICE IS SOMETHING
15 ON THEIR OWN. I MEAN, WE CAN'T HARDLY GO
16 AGAINST CIVIL SERVICE.

17 MR. HILLIARD:

18 I THINK THE POINT IS YOU CAN
19 GO UP TO A FOUR PERCENT RAISE.

20 MR. TORRANCE:

21 WELL, THAT IS A STANDARD
22 FOUR PERCENT COST OF LIVING RAISE IF YOUR
23 EVALUATION SHEET IS A CERTAIN NUMBER.

24 MR. HILLIARD:

25 IF THE EVALUATION IS NOT --

1 MR. TORRANCE:
2 IF IT IS NOT, THEN YOU DON'T
3 GET THE FOUR PERCENT.

4 MR. HILLIARD:
5 IT CAN BE UP TO FOUR. IT
6 COULD BE ZERO, ONE, TWO, THREE OR FOUR?

7 MR. TORRANCE:
8 IT IS FOUR PERCENT. I DON'T
9 KNOW IF THEY PRORATE IT OR NOT.

10 (SHORT BREAK.)

11 MR. SNYDER:
12 WE ARE BACK IN SESSION.

13 MR. HILLIARD:
14 WE ARE TRYING TO KEEP MOVING
15 ON THIS.

16 MR. DUPLESSIS:
17 WELL, WHAT IS THE CONCLUSION
18 ON THE PERSONNEL -- MR. CHAIRMAN, I THINK THAT
19 THERE NEEDS TO BE A PERSONNEL EVALUATION OF
20 SOME SORT IN PLACE.

21 Y'ALL DO IT HOWEVER YOU WANT
22 TO DO IT, BUT I DO THINK THAT IS ONE OF THE
23 THINGS INCUMBENT UPON THE EXECUTIVE DIRECTOR AS
24 THE OFFICE MANAGER, HOLDING THESE PEOPLE
25 ACCOUNTABLE AND LETTING THE COMMISSIONERS KNOW

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1 ACTUALLY WHAT THE ACCOUNTABILITY IS.

2 MR. HILLIARD:

3 YOU MENTIONED ONE COMMENT
4 THAT I WANT TO MAKE SURE WE GET ON THE RECORD
5 WAS THAT YOU REALLY -- THE LICENSING AND STUFF
6 LIKE THAT, WE HAVEN'T HEARD ANY COMPLAINTS
7 THAT LICENSES AREN'T BEING ISSUED ON TIME
8 OR STUFF LIKE THAT, BUT THERE HAVE BEEN
9 NUMEROUS ISSUES WHERE IT SEEMS LIKE THE FIELD
10 STAFF -- SOME THINGS AREN'T GETTING
11 INVESTIGATED, THINGS AREN'T BEING CLOSED AND
12 STUFF LIKE THAT.

13 SO, I THINK THAT'S -- YOU
14 KNOW, WHEN WE JUST SAY THERE ARE CONCERNS,
15 THERE IS NOTHING GOING WRONG, YOU KNOW, WHEN
16 YOU SEE -- WHEN SOMETHING IS INVESTIGATED AND
17 THERE'S OBVIOUS COMPLAINTS AND IT GETS CLOSED,
18 SOMEBODY DIDN'T DO THEIR JOB RIGHT. I DON'T
19 KNOW WHETHER IT WAS MIKE AS THE ASSISTANT
20 EXECUTIVE DIRECTOR OR NOT, YOU KNOW, MAKING
21 SURE THAT THEY FOLLOWED UP WITH IT. IF THEY
22 SAID TO MIKE, "HEY, THIS GUY DIDN'T HAVE AN
23 ODOMETER STATEMENT" AND THE GUY SAID -- MIKE
24 SAYS IT'S NOT A BIG DEAL WITH THIS ONE ISSUE OR
25 IF IT WAS THE INVESTIGATOR SAYING, "THIS ISN'T

1 A BIG DEAL, I'M NOT GOING TO BRING IT UP TO MY
2 SUPERVISOR", BUT WHEN YOU HAVE CASES CLOSED
3 WHERE THERE ARE VIOLATIONS AND THEY WEREN'T
4 ADDRESSED -- IF THEY ARE ADDRESSED AND DEALT
5 WITH IN -- YOU KNOW, IN LIEU OF THE FINE, YOU
6 KNOW, THIS WAS DONE. THE CUSTOMER -- I MEAN,
7 THE LICENSEE MADE, YOU KNOW, CORRECTIONS IN
8 THEIR PROCESSES OR WHATEVER ELSE, THAT'S ONE
9 THING, BUT WHEN THERE IS NOTHING LISTED AS TO
10 WHAT WAS DONE, I THINK THAT IS ONE OF OUR
11 CONCERNS.

12 MR. TORRANCE:

13 WELL, I SEE THE PROBLEM,
14 YES.

15 MR. HILLIARD:

16 I THINK THAT'S ONE
17 OF THE CONCERNS, WHERE THINGS AREN'T
18 GETTING --

19 MR. DUPLESSIS:

20 IT WASN'T -- YOU KNOW,
21 MY COMMENTS WEREN'T DIRECTED AT THE OFFICE
22 STAFF. THEY WERE DIRECTED AT WHAT IS GOOD
23 POLICY AND GOOD BUSINESS AND TO ME, A COMPANY
24 THAT RUNS WITHOUT A PERSONNEL POLICY IS NOT A
25 WELL RUN COMPANY.

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1 MR. HILLIARD:

2 THIS IS ONE OF THE --

3 MR. TORRANCE:

4 JUST FOR Y'ALL'S

5 INFORMATION, THIS IS WHAT WE HAVE DONE SO FAR

6 WITH THE ONLINE RENEWAL. I MEAN, Y'ALL CAN

7 TAKE THAT AND LOOK AT IT.

8 MR. HILLIARD:

9 LET'S LOOK AT IT LATER.

10 MR. DUPLESSIS:

11 WHY DON'T WE TABLE THIS AND

12 MOVE ON?

13 MR. HILLIARD:

14 WE WILL TABLE THIS AND LOOK

15 AT IT --

16 MS. MATERNE:

17 I THINK WE ARE ALL

18 SAYING THE SAME THING. WHAT PHIL IS SAYING,

19 TO MOVE THINGS ALONG, IS THAT LET'S PAINT THE

20 JOB DESCRIPTION IN BROAD STROKES, AND THEN, WE

21 CAN COME BACK AND FILL IN --

22 MR. SNYDER:

23 THAT'S RIGHT.

24 MS. MATERNE:

25 -- THE SPECIFICS OF HOW WE

1 WANT HIM TO ACCOMPLISH THOSE.

2 MR. DUPLESSIS:

3 THEN, WHAT IS YOUR PROPOSAL
4 ON THE PERSONNEL ISSUE?

5 MS. MATERNE:

6 WELL, I WOULD SAY SOMETHING
7 BROADER HE'S RESPONSIBLE FOR, YOU KNOW,
8 PERSONNEL EVALUATIONS OR PERSONNEL --

9 MR. HILLIARD:

10 I HAVE WRITTEN DOWN
11 QUARTERLY REVIEW OF ALL EMPLOYEES COMPILED BY
12 DEPARTMENT HEADS REGARDING SPECIFICALLY
13 TIMELINESS, ATTENDANCE, ATTITUDE, JOB
14 PERFORMANCE.

15 DOES THAT COVER IT?

16 MS. MATERNE:

17 I GUESS -- YES, THAT COULD
18 BE, LIKE, A DESCRIPTION OF WHAT IT IS, PROPER
19 SUPERVISION OF EMPLOYEES OR SOMETHING OR THE
20 SUPERVISORS -- ALL EMPLOYEES AND OFFICE AND
21 STAFF -- OR PERFORMANCE --

22 MR. DUPLESSIS:

23 PERFORMANCE EVALUATIONS.

24 MS. MATERNE:

25 YES.

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1 MR. DUPLESSIS:
2 THEN, JACK WOULD DO THE
3 EVALUATION OF THE SUPERVISORS --

4 MR. HILLIARD:
5 RIGHT.

6 MR. DUPLESSIS:
7 -- THE THREE SUPERVISORS
8 AND WE WOULD -- BASED ON THAT, WE WOULD PREPARE
9 A PERFORMANCE EVALUATION OF JACK BASED UPON
10 EVERYTHING SUBMITTED TO US FROM THE OTHER
11 EVALUATIONS.

12 THESE EVALUATIONS SHOULD
13 BE INCLUDED IN THEIR PERSONNEL FILES FOR CIVIL
14 SERVICE PURPOSES.

15 MR. HILLIARD:
16 OKAY.

17 MR. SNYDER:
18 ISN'T THAT WHAT IS EXACTLY
19 SAID HERE IN NO. 2?

20 MS. HUDSON:
21 YES.

22 MR. SNYDER:
23 -- AS FAR AS SUPERVISING,
24 PLANNING AND COORDINATION OF THE OFFICE STAFF
25 AND THE FIELD STAFF?

1 MS. HUDSON:

2 YES.

3 MR. SNYDER:

4 NOW, WE CAN PUT UNDER THAT
5 THINGS ABOUT QUARTERLY REPORTS AND SO FORTH.

6 MS. HUDSON:

7 I HAVE AN ISSUE WITH PART OF
8 THAT, PHIL.

9 MR. SNYDER:

10 OKAY.

11 MS. HUDSON:

12 I'M SORRY, MR. PERSONNEL
13 CHAIRMAN SNYDER.

14 MR. SNYDER:

15 PHIL, PLEASE.

16 MS. HUDSON:

17 WHERE IT SAYS,
18 "RESPONSIBILITY FOR PERSONNEL MATTERS AS
19 RELATES TO HIRING AND FIRING, PROMOTIONS AND
20 DEMOTIONS, PREPARING JOB DESCRIPTIONS", I DON'T
21 THINK THAT THE SUPERVISOR GETS TO PREPARE HIS
22 OWN JOB DESCRIPTION. I DON'T THINK THE FIELD
23 STAFF SHOULD PREPARE THEIR OWN JOB DESCRIPTION.
24 I THINK THE JOB DESCRIPTION SHOULD COME BEFORE
25 THIS COMMITTEE AND WE PREPARE IT AND I THINK

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1 MR. TORRANCE SHOULD MAKE SURE THAT THEY ARE
2 BEING ADHERED TO. IF WE SAY --

3 MR. TORRANCE:

4 WITH THE JOB DESCRIPTIONS
5 Y'ALL BRING FORTH. I THOUGHT THAT'S HOW WE DID
6 IT.

7 MR. DUPLESSIS:

8 NO. IT DOESN'T SAY THAT.
9 IT SAYS THAT YOU PREPARE THAT.

10 MR. HILLIARD:

11 I THINK ALL JOB DESCRIPTIONS
12 ARE PREPARED BY LOIS OR BY SOMEBODY ELSE IN THE
13 OFFICE.

14 MR. TORRANCE:

15 WELL, WE DO IT TOGETHER.
16 LIKE I SAY, WHEN WE WENT TO CIVIL SERVICE TO
17 BRING UP THEIR PAY GRADE TO TRY TO HELP THEM
18 GET A RAISE, THAT WAS BEFORE ALL OF THIS TOOK
19 PLACE WITH THE OTHER MATTER AND WE HAD MONEY
20 THEN AND NOW THAT WE DON'T -- WELL, AS A MATTER
21 OF FACT, THE LAST ONE THAT WAS DONE, I PUT A
22 STOP TO IT AT CIVIL SERVICE. I HALTED IT
23 BECAUSE OF THE COST TO THE COMMISSION.

24 MR. HILLIARD:

25 THIS LAST ONE WAS DONE AND

1 WE HAD A BUNCH OF RAISES AND WE ARE FIVE YEARS
2 INTO A DEFICIT.

3 MR. DUPLESSIS:
4 WERE THOSE ACCURATE JOB
5 DESCRIPTIONS? THAT'S THE PROBLEM I HAVE WITH
6 IT.

7 MR. HILLIARD:
8 WE WOULD HAVE TO GO BACK AND
9 LOOK AT THEM. I DON'T KNOW.

10 MR. DUPLESSIS:
11 IF THEY ARE NOT ACCURATE,
12 THEN THEY ARE POSSIBLY FRAUDULENT.

13 MR. HILLIARD:
14 OKAY. WELL, WE WILL --

15 MR. DUPLESSIS:
16 THAT IS AN ISSUE.

17 MR. HILLIARD:
18 BUT, THE JOB DESCRIPTIONS
19 NEED TO COME BEFORE THIS COMMITTEE --

20 MR. DUPLESSIS:
21 RIGHT.

22 MR. HILLIARD:
23 -- AND THEY NEED TO BE
24 LOOKED AT OVER TIME. I MEAN, WE ARE ONLY
25 GOING TO GET SO MANY -- THIS ONE DONE TODAY,

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1 I THINK.

2 THERE IS AN ISSUE OR A
3 QUESTION ISSUE AS FAR AS RELATES TO HIRING AND
4 FIRING, PROMOTIONS AND DEMOTIONS. THAT
5 AUTHORITY IS ACTUALLY GIVEN TO THE COMMISSION.

6 HOW MUCH OF THAT DO WE WANT
7 TO DELEGATE TO THE EXECUTIVE DIRECTOR? IS
8 THERE SOME OF IT THAT YOU WANT TO MAINTAIN, YOU
9 KNOW, OR NOT? I MEAN, THAT IS SOMETHING --

10 MS. HUDSON:

11 WELL, ON ONE SIDE, IF MR.
12 TORRANCE COMES IN AND HE BLATANTLY SEES ONE OF
13 HIS EMPLOYEES TAKING COMPUTERS OUT THE BACK
14 DOOR --

15 MR. HILLIARD:

16 RIGHT.

17 MS. HUDSON:

18 -- I THINK YOU SHOULD FIRE
19 THAT EMPLOYEE ON THE SPOT, BUT ON THE OPPOSITE
20 SIDE OF THE COIN, I DON'T KNOW THAT WE WANT TO
21 ONE HUNDRED PERCENT GIVE HIM THE APPOINTING
22 AUTHORITY FOR THE PROMOTIONS, THE DEMOTIONS, IF
23 SOMEBODY GETS ON HIS BAD SIDE AND HE HAS A BAD
24 DAY, YOU KNOW -- BUT, I DON'T THINK THAT WE CAN
25 MICRO MANAGE.

1 MR. SNYDER:
2 IF WE HAVE AN ACTIVE
3 PERSONNEL COMMITTEE, WHICH IT SOUNDS LIKE
4 THAT'S WHAT WE ARE HEADING TOWARDS, THEN IT
5 SEEMS TO ME ALL OF THOSE NEED TO COME HERE.

6 MR. TORRANCE:
7 CAN I SAY ONE OTHER THING?
8 EVEN IN THE OLD COMMISSION, EVERYTHING THAT WAS
9 DONE HERE WENT TO THE CHAIRMAN AND EVENTUALLY
10 TO THE FULL BOARD. I NEVER DONE NOTHING HERE
11 ON MY OWN.

12 MR. HILLIARD:
13 THE ONE PROBLEM I SEE IS I
14 DON'T WANT -- AS THE CHAIRMAN, I DON'T WANT ALL
15 THE RESPONSIBILITY TO COME BACK TO ME AND I
16 THINK A LOT OF STUFF WAS DONE IN THE PAST WHERE
17 -- AND I THINK MIKE ROBERTS HAD ALL GOOD
18 INTENTIONS, BUT I DON'T THINK THAT IS
19 NECESSARILY THE BEST WAY TO DO IT. I THINK
20 THERE NEEDS TO BE A CHAIN OF COMMAND IN THIS
21 PERSONNEL COMMITTEE. EVENTUALLY, I WOULD LIKE
22 TO NOT COME TO MEETINGS.

23 MR. TORRANCE:
24 OKAY. EVERYTHING WOULD GO
25 BEFORE MR. SNYDER AND Y'ALL -- TO THE COMMITTEE

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1 AND GRADUALLY TO THE FULL BOARD.

2 MR. DUPLESSIS:

3 YOU OUGHT TO BE ABLE TO FIRE
4 AN EMPLOYEE.

5 MR. SNYDER:

6 SURE.

7 MR. DUPLESSIS:

8 HE SHOULD BE ABLE TO --
9 THE EXECUTIVE DIRECTOR SHOULD BE ABLE TO FIRE
10 IMMEDIATELY PENDING THE RATIFICATION OF THE
11 FULL COMMISSION.

12 MR. TORRANCE:

13 WELL, --

14 MR. DUPLESSIS:

15 IF HE SEES SOMEBODY DOING
16 SOMETHING, HE HAS THE --

17 MS. HUDSON:

18 MR. DUPLESSIS, I WANT YOU
19 TO ASK MR. TORRANCE HOW MANY TIMES HE EVER
20 FIRED ANYBODY.

21 MR. DUPLESSIS:

22 MR. TORRANCE, HOW MANY TIMES
23 HAVE YOU EVER FIRED ANYBODY?

24 MR. TORRANCE:

25 NEVER. I'VE GOT TO GO BY

1 THE RULES AND REGULATIONS BY CIVIL SERVICE.

2 MR. HILLIARD:

3 BUT, IF THERE IS --

4 MS. MATERNE:

5 YES, BUT IF --

6 MR. TORRANCE:

7 I MEAN, IF THERE IS A
8 BLATANT -- LIKE A THEFT OR SOMETHING, THAT IS A
9 DIFFERENT ANIMAL. THEN, I CAN TAKE THE POWER
10 AS THE CHAIRMAN, "I HAVE THIS -- ON THIS
11 PARTICULAR EMPLOYEE A RECOMMENDATION, PLEASE"
12 AND HE TELLS ME TO FIRE THEM, SO, I'LL FIRE
13 THEM.

14 MR. DUPLESSIS:

15 MR. TORRANCE, IT IS MY
16 IMPRESSION THAT IF YOU SEE SOMEONE ENGAGING IN
17 ILLICIT BEHAVIOR -- AND WE ARE ADULTS. WE CAN
18 IMAGINE WHAT ILLICIT BEHAVIOR IS, OR THEFT OR A
19 FELONY, THAT YOU DO NOT HAVE THE POWER TO FIRE
20 THEM?

21 MR. TORRANCE:

22 YES, I DO.

23 MR. DUPLESSIS:

24 YOU DO. YOU ARE THE
25 APPOINTING AUTHORITY. THEN, IT HAS TO BE --

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1 MR. TORRANCE:

2 APPROVED BY THE COMMITTEE.

3 MR. DUPLESSIS:

4 RIGHT, AND THEN, IT HAS TO

5 BE UPHELD BY CIVIL SERVICE. THERE IS NOT,

6 AGAIN, THIS GUISE OF WE CAN'T FIRE ANYBODY.

7 THAT IS ALL BULL.

8 MS. MATERNE:

9 NO, NOT IF YOU HAVE

10 DOCUMENTED IT.

11 MR. DUPLESSIS:

12 RIGHT.

13 SO, I THINK HE SHOULD HAVE

14 THE AUTHORITY TO TERMINATE WITH RATIFICATION,

15 TERMINATE, IMMEDIATELY SUSPEND WITH

16 RATIFICATION OF THE FULL COMMISSION. AS FAR AS

17 OTHER ACTIVITIES, PROMOTION, DEMOTION AND OTHER

18 THINGS, AND HIRING, I'VE GOT TO TELL YOU, I

19 DON'T -- I'M NOT COMFORTABLE RIGHT NOW WITH OUR

20 BUDGET ALLOWING ANY MORE PEOPLE TO BE HIRED

21 WITHOUT THE VOTE OF THE COMMISSION.

22 MR. HILLIARD:

23 THAT WAS MY NEXT QUESTION.

24 THE CURRENT RESPONSIBILITY FOR PERSONNEL

25 MATTERS RELATES TO HIRING, FIRING, PROMOTIONS

1 AND DEMOTIONS. WE HAVE ALREADY TALKED ABOUT
2 MOVING THE JOB DESCRIPTION PART, BUT DO YOU --
3 DOES IT NEED TO SAY RESPONSIBILITY FOR
4 PERSONNEL MATTERS THAT RELATE TO HIRING,
5 FIRING, PROMOTIONS, DEMOTIONS WITH RATIFICATION
6 OF THE PERSONNEL COMMITTEE OR PENDING
7 RATIFICATION -- OR WHAT IS THE CORRECT
8 TERMINOLOGY WE NEED TO USE? WE HAVE JUST GOT
9 TO GET SOME HARD FAST STUFF OR WE ARE GOING TO
10 BE HERE UNTIL THE MEETING TOMORROW MORNING.

11 MR. DUPLESSIS:
12 TERMINATION AND SUSPENSION,
13 AND THEN, DEMOTIONS, PROMOTIONS, THEY ARE NOT
14 URGENT. THAT SHOULD BE HELD AT THE FULL -- IT
15 SHOULD BE BROUGHT TO THE PERSONNEL COMMITTEE
16 FOR RECOMMENDATION OF THE FULL COMMISSION.

17 MS. HUDSON:
18 NOT EVERY SINGLE ONE, RON.

19 MR. DUPLESSIS:
20 HOW MANY HAVE YOU HAD IN THE
21 LAST FIVE YEARS?

22 MS. HUDSON:
23 NONE.

24 MR. DUPLESSIS:
25 SO, I GUESS THE URGENCY

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1 ISN'T REALLY JUST THAT CATASTROPHIC.

2 MR. TORRANCE:

3 DOESN'T SOMEBODY HAVE TO DO
4 SOMETHING WRONG TO BE FIRED?

5 MR. HILLIARD:

6 NO. NO. I THINK WE ARE
7 JUST TAKING A LOOK AT THE POLICY, I MEAN, JUST
8 TO LOOK AT HOW IT NEEDS TO BE WORDED, NOT THAT
9 SOMEBODY NEEDS TO BE FIRED OR SHOULD HAVE BEEN
10 FIRED. IT IS JUST MORE HOW --

11 MR. TORRANCE:

12 TO PROCEED.

13 MR. HILLIARD:

14 I'VE GOT TO WRITE IT DOWN.

15 MR. SNYDER:

16 MY POINT ABOUT HAVING AN
17 ACTIVE PERSONNEL COMMITTEE WASN'T NECESSARILY
18 TO HAVE THE AUTHORITY, BUT TO BE ABLE TO HAVE
19 BETTER MONITORING IN PLACE, SO THAT WE SEE
20 THINGS COMING AND THAT IF THE DIRECTOR IS
21 GIVING US REPORTS -- QUARTERLY REPORTS, WE
22 CERTAINLY SHOULD BE ABLE TO SEE THINGS
23 DEVELOPING AND EITHER PUT THINGS IN PLACE TO
24 STOP THOSE DEVELOPMENTS OR THEN GO TO THE NEXT
25 STEP AND THAT IS TO RECTIFY IT AND COME UP WITH

1 SOMEONE ELSE.

2 MR. HILLIARD:

3 SO, WHAT DO I WRITE DOWN?

4 THE CURRENT ONE SAYS, "THE
5 EXECUTIVE DIRECTOR IS RESPONSIBLE FOR PERSONNEL
6 MATTERS, HIRING, FIRING, PROMOTIONS,
7 DEMOTIONS." WHAT NEEDS TO CHANGE ABOUT THAT OR
8 DOES IT NEED TO STAY THE SAME?

9 MR. TORRANCE:

10 WITHOUT THE AUTHORITY OF THE
11 PERSONNEL COMMITTEE.

12 MS. HUDSON:

13 WELL, HE HAS THE
14 RESPONSIBILITY. IT DOESN'T SAY ANYTHING ABOUT
15 AUTHORITY.

16 MR. HILLIARD:

17 WELL, THAT IS IMPLIED.

18 MS. HUDSON:

19 COULD YOU PUT IN DAY TO DAY
20 PERSONNEL MATTERS?

21 MR. DUPLESSIS:

22 WELL, THIS JOB DESCRIPTION
23 SAYS THE DAILY MANAGEMENT OF THE OFFICE, BUT
24 WHAT IT DOESN'T GIVE HIM UNDER THE STATUTE AND
25 THE LAW IS APPOINTING AUTHORITY. THE

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1 APPOINTING AUTHORITY IS WITH THE COMMISSION.

2 MR. HILLIARD:

3 THE COMMISSION IS THE
4 ONLY ONE THAT ACTUALLY CAN HIRE. OBVIOUSLY,
5 THAT'S --

6 MR. DUPLESSIS:

7 THAT'S CORRECT, AND THAT HAS
8 NOT BEEN THE CASE.

9 MR. HILLIARD:

10 I UNDERSTAND, BUT THAT
11 DIRECTION NEEDS TO COME FROM THE COMMISSION
12 DOWN, SO WE UNDERSTAND THE SITUATION.

13 MS. HUDSON:

14 MAYBE YOU SHOULD SKIP THAT
15 AND PUT HE IS RESPONSIBLE FOR SUPERVISING
16 PERSONNEL MATTERS --

17 MR. DUPLESSIS:

18 RIGHT.

19 MS. HUDSON:

20 -- AND REPORTING TO THE
21 PERSONNEL COMMITTEE.

22 MR. DUPLESSIS:

23 MAKING RECOMMENDATIONS.

24 MR. HILLIARD:

25 SUPERVISING AND PLANNING

1 AND COORDINATION OF THE OFFICE STAFF AND
2 FIELD STAFF AND MAKING RECOMMENDATIONS AS TO
3 PROMOTIONS, DEMOTIONS, HIRING AND FIRING.

4 MS. HUDSON:

5 YES.

6 MR. DUPLESSIS:

7 HE SHOULD BE GIVEN THE
8 AUTHORITY TO FIRE IMMEDIATELY WITH
9 RATIFICATION. YOU HAVE GOT TO BE ABLE TO
10 EMPOWER HIM TO MAKE THAT ABRUPT CHANGE.

11 MR. SNYDER:

12 WELL, --

13 MR. HILLIARD:

14 THAT IS THE SAME.

15 MR. DUPLESSIS:

16 BECAUSE, DON'T FORGET, WE
17 CAN'T DO ANYTHING WITHOUT A MEETING.

18 MR. HILLIARD:

19 MAKING RECOMMENDATIONS.

20 MR. DUPLESSIS:

21 RIGHT, AND IF HE SCREWS UP
22 AND WE HAVE TO TAKE THEM BACK, ALL WE HAVE TO
23 DO IS PAY THEM THEIR BACK WAGE, BUT HE CAN
24 IMMEDIATELY PUT AN END TO A SITUATION HE DEEMS
25 NOT CORRECT.

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1 MR. HILLIARD:
2 I'M JUST ADDING TO,
3 "COORDINATION OF THE OFFICE AND FIELD STAFF,
4 MAKING RECOMMENDATIONS TO THE PERSONNEL
5 COMMITTEE IN REGARDS TO HIRING AND FIRING,
6 PROMOTIONS AND DEMOTIONS, WITH THE
7 UNDERSTANDING THAT BLATANT VIOLATIONS WILL
8 BE DEALT WITH IMMEDIATELY OR" -- HELP ME
9 HERE.

10 MS. HUDSON:
11 THAT BLATANT VIOLATIONS WILL
12 BE AN AUTHORIZED AND IMMEDIATE SUSPENSION.

13 MR. TORRANCE:
14 WELL, YOU UNDERSTAND, YOU
15 HAVE GOT TO LIST CERTAIN VIOLATIONS FOR THAT TO
16 TAKE EFFECT. IF NOT, YOU HAVE GOT TO GO BY
17 CIVIL SERVICE RULES.

18 MR. HILLIARD:
19 RIGHT, AND WE -- I THINK
20 WHAT RON IS TRYING TO MAKE SURE IS THAT --

21 MS. HUDSON:
22 IF YOU DO --

23 MR. HILLIARD:
24 -- WE DON'T SET UP THE JOB
25 DESCRIPTION WHERE YOU WALK IN AND CATCH

1 SOMEBODY, YOU KNOW, SLEEPING ON THE JOB OR
2 WHATEVER AND YOU CAN'T DO ANYTHING ABOUT IT
3 IMMEDIATELY, YOU HAVE TO WAIT UNTIL THE NEXT
4 COMMITTEE MEETING. I THINK HE IS TRYING TO --

5 MR. TORRANCE:

6 I SEE. I UNDERSTAND.

7 MR. HILLIARD:

8 -- MAKE SURE THAT YOU HAVE
9 THE AUTHORITY TO SAY --

10 MS. MATERNE:

11 YOU HAVE THE AUTHORITY TO
12 SAY, "YOU ARE OUT OF HERE."

13 MR. HILLIARD:

14 -- "YOU ARE OUT OF HERE",
15 YOU KNOW, "YOU ARE SUSPENDED UNTIL THE NEXT
16 MEETING", AND THEN, RECOMMENDATIONS -- YOU
17 RECOMMEND THAT THEY ARE FIRED OR SUSPENDED
18 WITHOUT PAY.

19 MS. HUDSON:

20 AUTHORIZED IMMEDIATE
21 SUSPENSION.

22 MR. HILLIARD:

23 THE EXECUTIVE DIRECTOR MAY
24 SUSPEND WITHOUT PAY EMPLOYEES WHO VIOLATE
25 COMMISSION POLICY OR --

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1 MR. SNYDER:

2 I THINK WE ARE GOING TOO
3 DEEP HERE.

4 MR. HILLIARD:

5 WELL, WE HAVE TO GIVE HIM
6 SOME AUTHORITY TO BE ABLE TO DO IT.

7 MR. SNYDER:

8 I JUST THINK WE CAN DO IT IN
9 MEMO'S. I MEAN, THIS IS -- I ASSUME IS GOING
10 TO BE A JOB DESCRIPTION THAT IS GOING TO BE --

11 MR. HILLIARD:

12 I MEAN, THE JOB DESCRIPTION
13 SHOULD CHANGE AS THE SITUATIONS CHANGE, BUT IF
14 WE DON'T GIVE ANY AUTHORITY IN THE JOB
15 DESCRIPTION TO ACTUALLY SUSPEND OR DO ANYTHING
16 TO SOMEBODY -- I THINK HE SHOULD OFFICIALLY
17 HAVE IT.

18 MS. HUDSON:

19 WELL, I THINK HE SHOULD
20 OFFICIALLY HAVE THE IMMEDIATE SUSPENSION IF HE
21 NEEDS IT, BUT WE ARE ONLY SAYING IMMEDIATE
22 SUSPENSION. WE ARE NOT SAYING TERMINATION.

23 MR. HILLIARD:

24 RIGHT.

25 HOW ABOUT IF WE HAVE, "THE

1 EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY TO
2 IMMEDIATELY SUSPEND WITHOUT PAY AN EMPLOYEE FOR
3 VIOLATION OF RULES", ET CETERA.

4 MR. DUPLESSIS:

5 I'LL BE HONEST WITH YOU, I
6 WOULDN'T EVEN MINUS THE PAY, BECAUSE THE SMALL
7 AMOUNT OF MONEY THAT YOU ARE -- YOU KNOW, YOU
8 ARE PAYING TO ALLEVIATE AN IMMEDIATE SITUATION
9 VERSUS LITIGATION --

10 MR. HILLIARD:

11 "IMMEDIATELY SUSPEND", I
12 WILL LEAVE IT --

13 MR. DUPLESSIS:

14 "IMMEDIATELY SUSPEND", THEN
15 LET HIM MAKE THE DETERMINATION. JACK IS SMART
16 ENOUGH TO CALL THE COMMISSION. HE IS SMART
17 ENOUGH TO CALL THE LAWYERS. WE WILL TAKE THE
18 SMELL TEST TO MAKE A DECISION.

19 MR. HILLIARD:

20 AN EMPLOYEE FOR --

21 MR. DUPLESSIS:

22 IMPROPER BEHAVIOR.

23 MR. HILLIARD:

24 IMPROPER BEHAVIOR IN
25 VIOLATION OF COMMISSION POLICY, ET CETERA?

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1 MR. DUPLESSIS:
2 JUST LEAVE IT AT IMPROPER.

3 MS. MATERNE:
4 IMPROPER BEHAVIOR OR
5 CONDUCT.

6 MR. HILLIARD:
7 OKAY. SO, WE HAVE GOT THE
8 PERSONNEL THING DONE.

9 "INCUMBENT IS RESPONSIBLE
10 FOR SUPERVISING AND PLANNING -- SUPERVISING,
11 PLANNING AND COORDINATION OF THE OFFICE AND
12 STAFF AND FIELD STAFF AND MAKING
13 RECOMMENDATIONS TO THE PERSONNEL COMMITTEE IN
14 REGARDS TO HIRING AND FIRING, PROMOTION AND
15 DEMOTION. THE EXECUTIVE DIRECTOR SHALL HAVE
16 THE AUTHORITY TO IMMEDIATELY SUSPEND AN
17 EMPLOYEE FOR IMPROPER BEHAVIOR."

18 MR. DUPLESSIS:
19 DONE.

20 MS. HUDSON:
21 BEHAVIOR OR CONDUCT, PUT
22 CONDUCT.

23 MR. HILLIARD:
24 BEHAVIOR/CONDUCT.
25 WE HAVE DONE ONE.

1 MS. HUDSON:

2 ALL RIGHT.

3 MR. HILLIARD:

4 IN REGARD TO POLICY 61,
5 SOMETHING TO THE EFFECT OF -- WE NEED TO GET
6 THESE THINGS IN ORDER FOR THE ATTORNEYS, BUT
7 THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR
8 MAINTAINING --

9 MS. HUDSON:

10 THE ENFORCEMENT OF
11 POLICY 61 THROUGHOUT THE STAFF AND
12 COMMISSION, PERIOD. DON'T REPEAT WHAT IS IN
13 THAT POLICY.

14 MR. DUPLESSIS:

15 RIGHT.

16 MR. HILLIARD:

17 I WOULDN'T EVEN SAY
18 POLICY 61, JUST RESPONSIBLE FOR MAINTAINING
19 -- FOR ENFORCING COMMISSION POLICY IN
20 REGARDS TO TIMELINESS OF VIOLATIONS REPORTS,
21 ET CETERA? BECAUSE, I MEAN, IF YOU CHANGE
22 POLICY 61, THEN YOU HAVE GOT TO GO BACK AND
23 CHANGE THE JOB DESCRIPTION.

24 MS. HUDSON:

25 SURE.

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1 MR. HILLIARD:
2 JUST DESCRIBE WHAT --
3 MR. DUPLESSIS:
4 NO. YOU JUST CHANGE 61,
5 BECAUSE HE IS GOING TO ENFORCE 61.

6 MS. HUDSON:
7 BUT, WHY DIDN'T --

8 MR. TORRANCE:
9 61 HASN'T BEEN APPROVED,
10 YET.

11 MR. HILLIARD:
12 RIGHT.

13 MR. DUPLESSIS:
14 BUT, IT DOESN'T MATTER. IT
15 IS GOING TO BE YOUR RESPONSIBILITY TO ENFORCE
16 THE ENFORCEMENT.

17 MR. TORRANCE:
18 I UNDERSTAND THAT.

19 MR. HILLIARD:
20 IT'S APPROVED.
21 IT JUST NEEDS TO BE
22 CHANGED.

23 MS. HUDSON:
24 HOW ABOUT ENFORCEMENT OF ALL
25 POLICY --

1 MS. MATERNE:
2 ALL POLICY AND PROCEDURES,
3 AND THEN, NOT JUST ONE SPECIFIC ONE?

4 MR. HILLIARD:
5 ESPECIALLY, IN REGARDS TO
6 TIMELINESS OF COMPLAINTS BEING INVESTIGATED AND
7 DEALT WITH?

8 MR. DUPLESSIS:
9 WHY -- I MEAN, OUR MAJOR
10 ROLE HERE IS 61.

11 MR. HILLIARD:
12 THAT'S --

13 MR. DUPLESSIS:
14 I DON'T SEE WHY WE
15 WOULD NOT MENTION POLICY 61. THAT IS
16 PARAMOUNT. THAT IS THE NUMBER ONE THING
17 THAT WE ARE HERE TO DO IS PROTECT THE
18 CONSUMER.

19 MR. SNYDER:
20 I AGREE. I THINK WE
21 SHOULD --

22 MS. HUDSON:
23 INCLUDING, BUT NOT LIMITED
24 TO POLICY 61, JUST ADD THAT ON, INCLUDED, BUT
25 NOT LIMITED TO POLICY 61.

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1 MR. DUPLESSIS:
2 SPECIFICALLY, POLICY 61 AS
3 WELL AS ALL OTHER POLICIES.
4 (OFF-THE-RECORD DISCUSSION.)

5 MR. HILLIARD:
6 IN ADDITION TO ALL OTHER --
7 OKAY. SO, WE HAVE GOT FIELD STAFF. DO WE WANT
8 TO -- WE HAVE DEALT WITH THE FIELD STAFF. SO,
9 DO YOU WANT TO HAVE SPECIFICALLY IN THERE AS
10 FAR AS WHAT -- THE REVIEW THING THAT WE TALKED
11 ABOUT EARLIER, THE QUARTERLY REVIEW, OR THAT
12 JUST NEEDS TO BE HANDLED OUTSIDE OF THE JOB
13 DESCRIPTION?

14 MS. HUDSON:
15 NO. THAT NEEDS TO BE IN THE
16 JOB DESCRIPTION.

17 MR. DUPLESSIS:
18 IT NEEDS TO BE IN THE JOB
19 DESCRIPTION.

20 MR. HILLIARD:
21 THAT WILL BE PUT IN AFTER
22 THE DEAL WITH -- ON REVIEW. OKAY.

23 OTHER ISSUES, THE ANNUAL
24 BUDGET -- I MEAN -- AND JACK KNOWS THIS IS
25 ONE OF MY BIG ISSUES. I HAVE A PROBLEM

1 WITH THE WAY THAT THIS HAS BEEN DONE OVER
2 THE LAST FIVE YEARS. THE BUDGET HAS BEEN
3 DONE AND APPROVED AND THE COMMISSION HAS
4 APPARENTLY VOTED ON IT EACH -- BEFORE EACH
5 DECEMBER AND APPROVED THE BUDGET THAT --

6 MS. HUDSON:

7 THAT YOU DON'T EVEN HAVE.

8 MS. MATERNE:

9 IT IS NOT IN BALANCE.

10 MR. HILLIARD:

11 RIGHT.

12 MR. TORRANCE:

13 THAT YOU HAVE TO AMEND
14 THROUGHOUT THE YEAR.

15 MR. HILLIARD:

16 WELL, YOU ARE APPROVING A
17 BUDGET KNOWING THERE IS NO WAY YOU ARE GOING TO
18 LIVE WITHIN THE -- YOU ARE NOT LIVING WITHIN
19 THE MEANS YOU ARE GOING TO COLLECT. YOU ARE
20 APPROVING A BUDGET THAT EXCEEDS WHAT YOUR
21 EXPECTED REVENUE IS.

22 MS. MATERNE:

23 YES.

24 MR. HILLIARD:

25 IT IS NOT A BALANCED

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1 BUDGET AND IT HAS BEEN DONE FOR FIVE YEARS,
2 SIX YEARS, AND I JUST -- I MEAN, I HAVE A
3 HUGE PROBLEM WITH THAT. I CAN'T BLAME YOU,
4 BECAUSE THE COMMISSION HAS APPROVED IT WITHOUT
5 SOMEBODY SAYING, "WAIT A MINUTE, WE ONLY
6 COLLECTED ONE POINT FIVE MILLION DOLLARS THIS
7 YEAR AND WE ARE SPENDING ONE POINT NINE
8 MILLION. THERE IS A PROBLEM. WE CAN'T DO
9 THIS."

10 MR. SNYDER:

11 PREPARING A BALANCED ANNUAL
12 BUDGET.

13 MS. HUDSON:

14 THAT'S --

15 MR. HILLIARD:

16 I'M ALL IN FAVOR OF THAT,
17 BUT, I MEAN, I'M MORE -- I'M EXTREMELY SOCIALLY
18 CONSERVATIVE, BUT I'M EVEN MORE FISCALLY
19 CONSERVATIVE. I MEAN, THAT'S JUST -- YOU KNOW,
20 I JUST -- I THINK IT IS RIDICULOUS THAT STATE
21 GOVERNMENT OPERATES THE WAY IT DOES AND THEY
22 SPEND MORE AND MORE MONEY EACH YEAR. WE ARE IN
23 THE SITUATION WE CAN'T DO IT.

24 IF WE RUN OUT OF MONEY,

25 JACK, WE ARE OUT OF BUSINESS --

1 MS. HUDSON:

2 YES.

3 MR. HILLIARD:

4 -- RIGHT?

5 MR. TORRANCE:

6 THAT'S RIGHT.

7 MS. HUDSON:

8 AT SOME POINT, YOU KNOW THIS
9 IS COMING. WE ARE GOING TO LOOK AT YOU AND
10 SAY, "OKAY. MR. TORRANCE, WE NEED TO MAKE CUTS
11 IN THE FIELD. WE NEED TO MAKE CUTS IN THE
12 OFFICE. WE NEED TO MAKE CUTS ALL AROUND. WHO
13 DO YOU RECOMMEND?" YOU ARE GOING TO HAVE TO
14 TELL US.

15 MR. TORRANCE:

16 I KNOW.

17 MR. HILLIARD:

18 I TALKED WITH LYNETTE. YOU
19 KNOW, LYNETTE'S COMMENT TO ME OVER THIS BUDGET
20 THING, SHE SAID THAT, "WE ARE HOPING THAT THIS
21 YEAR WE WILL BE ABLE TO GET THE FEE INCREASED
22 THROUGH THE LEGISLATURE." WELL, THAT'S NOT
23 ACCEPTABLE, BECAUSE EVEN IF WE GO THROUGH AND
24 WE GET THE INCREASE, IT IS NOT GOING TO GO INTO
25 EFFECT UNTIL NEXT SUMMER. WE ARE GOING TO BE

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1 OUT OF MONEY BEFORE THEN. YOU KNOW, SOMETHING
2 NEEDS TO BE DONE NOW TO HELP US LIVE WITHIN OUR
3 MEANS.

4 MS. HUDSON:

5 IN PRIVATE INDUSTRY, WE GO,
6 "OKAY. IS THERE ANYBODY THAT IS ELIGIBLE FOR
7 RETIREMENT? CAN WE GET THEM EARLY RETIREMENT
8 TO GET THEM OFF THE PAYROLL? ANYBODY WHO HAS
9 WRITE UPS IN THEIR FOLDER?" YOU KNOW, THAT IS
10 HOW WE DO IT IN PRIVATE INDUSTRY. I DON'T KNOW
11 HOW YOU ARE GOING TO DO THAT AROUND HERE, BUT I
12 DO FEEL LIKE --

13 MR. TORRANCE:

14 SAME METHOD.

15 MS. HUDSON:

16 I MEAN, WE ARE WAY OVER
17 STAFFED IN THE FIELD COMPARED TO THE AMOUNT
18 OF MONEY WE HAVE COMING IN. I DIDN'T SAY
19 WORK. I DIDN'T SAY PERSONALITIES. I KNOW
20 THEY ARE GREAT PEOPLE AND WE KNOW THEY ARE
21 GREAT, BECAUSE THEIR FOLDERS SAY THEY ARE
22 GREAT, BUT COMPARED TO THE MONEY -- THE REVENUE
23 WE HAVE. SO, AT SOME POINT, YOU ARE -- YOU
24 NEED TO START THINKING ABOUT THAT, BECAUSE WE
25 ARE GOING TO ASK YOU AND IT IS GOING TO BE

1 PRETTY SOON, BECAUSE WE WON'T HAVE THE DOLLARS
2 TO PAY.

3 MR. HILLIARD:

4 WE ARE GOING TO HIT AN ISSUE
5 SOON WITH THE AUTOMOBILES. WHEN IS THE LAST
6 YEAR --

7 MR. TORRANCE:

8 WE HAVE DEALERS NOW NOT
9 RENEWING. WE DON'T KNOW WHAT THAT IS GOING TO
10 -- WHEN THE END OF THE YEAR COMES, WE DON'T
11 KNOW HOW MANY PEOPLE ARE GOING TO BE OUT OF
12 BUSINESS. A LOT OF THE MANUFACTURERS TODAY ARE
13 GOING OUT OF BUSINESS. A LOT OF THE BOAT
14 DEALERS, THEY ARE IN TROUBLE.

15 MR. HILLIARD:

16 BUT, WE HAVE TO -- JUST LIKE
17 IN OUR BUSINESS, SALES HAVE GONE DOWN. WE HAVE
18 CUT, CUT, CUT --

19 MS. HUDSON:

20 OVERHEAD.

21 MR. HILLIARD:

22 -- AND CUT. WE HAVE GOT TO
23 REDUCE OVERHEAD AND LOOKING -- FROM WHAT I HAVE
24 LOOKED AT THE BUDGET, THERE'S NOT A WHOLE BUNCH
25 OF MONEY TO CUT OTHER THAN THE STAFF.

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1 MR. TORRANCE:

2 WELL, WE DONE CUT IT. WE
3 HAVE CUT THE FIRE OUT OF IT. WE HAVEN'T BOUGHT
4 A NEW CAR IN TWO OR THREE YEARS.

5 MS. HUDSON:

6 WE KNOW THAT. SO, THAT'S
7 WHAT WE ARE ASKING YOU, MR. TORRANCE, HOW CAN
8 WE BRING THIS BUDGET IN LINE? TELL US WHAT
9 STAFF THAT WE CAN CUT OR COMBINE THE FIELD
10 ACTIVITIES.

11 ONE OF MY SUGGESTIONS WOULD
12 BE MAKE THEIR AREA OF RESPONSIBILITY LARGER AND
13 THAT WAY YOU CAN GET RID OF THREE OR FOUR AND
14 IT MIGHT BE A TEMPORARY THING. WE MAY PUT THEM
15 ON, YOU KNOW, INDEFINITE LEAVE FOR A YEAR, AND
16 THEN, IN 2010 WE GET A FLURRY OF DEALERS AND
17 MANUFACTURERS AND WE MAY NEED THEM BACK, BUT WE
18 DON'T KNOW WHO IS ELIGIBLE FOR THAT. WE ARE
19 GOING TO HAVE TO ASK YOU. YOU ARE THE ONE --

20 MR. HILLIARD:

21 WE NEED TO GET BACK TO THE
22 PERSONNEL THING, BUT THAT'S --

23 MR. TORRANCE:

24 I UNDERSTAND. WE HAVE
25 TALKED ABOUT IT.

1 MR. HILLIARD:
2 ON THE BUDGET, THE DUTIES
3 SHOULD INCLUDE PREPARING A BALANCED BUDGET.

4 MR. SNYDER:
5 BALANCED ANNUAL BUDGET.

6 MR. DUPLESSIS:
7 HOW ARE YOU GOING TO TERM
8 GOING INTO THE CD'S?

9 MR. HILLIARD:
10 THAT'S NOT OUR BALANCED
11 BUDGET. I MEAN, THE CD'S EXIST. WE HAVE HAD
12 REVENUE IN THE PAST AND WE HAVE NEEDED THE
13 CD'S, BECAUSE ALL THE REVENUE COMES IN AT ONE
14 TIME. SO, THERE ARE TIMES WE HAVE TO DIP INTO
15 OUR RESERVE FOR CASH FLOW --

16 MR. TORRANCE:
17 BUT, WE ALWAYS PUT IT BACK.

18 MR. HILLIARD:
19 -- AND THEN, IT GETS PUT
20 BACK IN AND I THINK THAT IS WHAT THE CD'S NEED
21 TO BE USED FOR, NOT --

22 MR. TORRANCE:
23 WELL, LET ME EXPLAIN WHAT
24 HAPPENED. THE BOURGET'S MATTER COST US A
25 HUNDRED AND SOMETHING THOUSAND DOLLARS IN

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1 ATTORNEYS' FEES, WHICH WAS -- SHOULDN'T HAVE
2 HAPPENED. THE SEMINARS CAME IN. WE WERE
3 TRYING TO GET FEES FOR THE SEMINARS. THEY
4 WOULDN'T LET US CHARGE A FEE. SO, WE HAD TO DO
5 IT FOR FREE. THE COST OF LIVING HAS WENT UP.

6 LOOK, AT COST OF FUEL -- ALL
7 OF THESE DOCUMENTS THAT I HAD PREPARED AND
8 BROUGHT TO THE COMMERCE COMMITTEE, HE WAS GOING
9 TO HELP ME PREPARE A BILL, BECAUSE I HAD TRIED
10 TO GET IT PASSED FOR TWO OR THREE YEARS PRIOR,
11 I'M JUST SAYING. HE SAID HE WAS GOING TO GO TO
12 THE DIVISION OF ADMINISTRATION AND GIVE THIS TO
13 THEM. HE WAS GOING TO GO DO THAT THIS YEAR,
14 BUT HE RAN OUT OF TIME. WE HAD NO BILL TO
15 ATTACH IT TO AND WE RAN OUT OF TIME TO PRESENT
16 THE BILL.

17 WITH THIS COMING SESSION, WE
18 ARE GOING TO TRY ONE MORE TIME TO GET A HUNDRED
19 DOLLAR FEE INCREASE AND ONLY UTILIZE FIFTY
20 DOLLARS OF THAT HUNDRED DOLLARS. WE WOULD
21 ALREADY HAVE FIFTY DOLLARS IN RESERVE IN THE
22 EVENT THAT WE NEEDED TO USE THAT MONEY. WE
23 WOULD HAVE TO GO BACK TO THE COMMERCE COMMITTEE
24 TO GET AUTHORITY TO USE IT. THAT'S THE WAY WE
25 PREPARED THE BILL.

1 HE SAID HE WOULD PRESENT IT
2 NEXT SESSION AND LIKE I SAY, WE HAVEN'T HAD A
3 FEE INCREASE AT THIS COMMISSION SINCE WE WENT
4 INTO EXISTENCE, WHICH WAS 1984. THE ONLY FEE
5 WE HAD AN INCREASE WAS A SALESMAN'S FEE FROM
6 FIFTEEN TO TWENTY-FIVE, WHICH WAS TEN DOLLARS,
7 THAT WE IMPLEMENTED.

8 MR. HILLIARD:

9 WELL, WE DID HAVE A FEE
10 INCREASE THIS YEAR. YOU HAD THE DEALERS WENT
11 FROM ONE LICENSE AND MULTIPLE LICENSE.

12 MR. TORRANCE:

13 THAT WAS A FEE INCREASE,
14 YES, BUT WE LOST IT. WE LOST THE DEALERS AND
15 WE LOST THAT.

16 MR. HILLIARD:

17 WE ARE GOING TO CONTINUE TO
18 LOSE DEALERS IN THIS ECONOMY, BUT --

19 MR. TORRANCE:

20 I UNDERSTAND THAT.

21 MR. HILLIARD:

22 -- WE HAVE GOT TO BALANCE
23 THE BUDGET. SO, WE HAVE GOT TO LIVE WITHIN OUR
24 MEANS. IT IS NOT FUN. IT IS NOT EASY. IT IS
25 NOT FUN AS A PRIVATE BUSINESS.

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1 MR. TORRANCE:

2 WELL, I LOOKED INTO THE
3 EMPLOYEE SITUATION, HOW MANY IS ELIGIBLE FOR
4 RETIREMENT, AND I DO HAVE THAT INFORMATION.

5 MR. HILLIARD:

6 WELL, THAT IS ANOTHER
7 DISCUSSION FOR ANOTHER MEETING, BUT WE HAVE GO
8 TO -- THAT IS COMING UP QUICK AND THAT IS JUST
9 -- WE JUST CAN'T KEEP STICKING OUR HEAD IN THE
10 SAND AND HOPING SOMETHING GOOD COULD HAPPEN
11 DOWN THE ROAD, BECAUSE IT IS GOING TO GET WORSE
12 BEFORE IT GETS BETTER AS FAR AS OUR --

13 MS. HUDSON:

14 WELL, I MAKE A
15 RECOMMENDATION THAT WE HEAR THAT SEPTEMBER.

16 MR. HILLIARD:

17 YES.

18 MR. DUPLESSIS:

19 JEFF, YOU ARE GOING TO HAVE
20 TO ATTACH A FEATURE -- LET'S FACE IT, OUR
21 BUDGET IS BASED ON THREE THINGS OTHER THAN THE
22 LITIGATION. OUR EXPENSES EITHER ROLL AROUND ON
23 FOUR WHEELS AND NEED TO BE INSPECTED OR THEY
24 WALK AROUND ON TWO FEET AND WHAT WE HAVE DONE
25 IS WE HAVE FOREGONE OUR BID CARDS OF TWO

1 HUNDRED BUCKS FOR FIVE DOLLARS AND WE ARE NOT
2 ENFORCING THAT.

3 OUR FIELD AGENTS HAVE
4 RECENTLY BEEN HANDED DOWN AN INTERPRETATION BY
5 THIS COMMISSION TO GO FORWARD AND COLLECT THAT.
6 WE ARE NOT COLLECTING THE FEES WE ARE ENTITLED
7 TO. WE NEED TO LOOK AT REDUCING OUR FORCE.
8 MR. TORRANCE, IT SHOULD BE PART OF HIS ANNUAL
9 EVALUATION OF HIS PEOPLE TO RECOMMEND THE
10 PROPER STAFFING FOR THE BUDGET. SO, HIS
11 RECOMMENDATION SHOULD CONTAIN -- MAKE SPECIFIC
12 RECOMMENDATIONS THAT VEHICLES -- BECAUSE, NOT
13 BUYING VEHICLES IN TWO, THREE, FOUR YEARS, IT
14 IS A REGRESSIVE EXPENSE. IT IS ONE THAT --

15 MR. HILLIARD:

16 IT IS GOING TO COME BACK UP
17 SOON.

18 MR. DUPLESSIS:

19 THAT'S CORRECT. WE WON'T
20 END UP WITH A TWENTY THOUSAND DOLLAR PROBLEM,
21 BUT WE ARE GOING TO END WITH A HUNDRED AND
22 TWENTY THOUSAND DOLLAR PROBLEM AND NOW WE START
23 TO LOOK AT THE BALANCE AND --

24 MR. HILLIARD:

25 AN EXCUSE FOR THEM NOT TO DO

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1 THEIR JOB.

2 MR. DUPLESSIS:

3 THAT'S CORRECT.

4 SO, WE NEED TO SET --

5 WE NEED TO LOOK AT THESE BUDGET RECOMMENDATIONS

6 BASED ON PROPER STAFFING FOR A BALANCED

7 BUDGET.

8 MR. HILLIARD:

9 OKAY.

10 SO, BALANCED BUDGET FOR

11 AGENCY PERSONNEL MATTERS TO BE DEALT WITH,

12 PREPARATION AND PROMULGATION OF RULES --

13 MR. DUPLESSIS:

14 WELL, HOLD ON. I MEAN,

15 LET'S GO BACK TO THAT. LET'S NOT GET OFF OF

16 IT, BECAUSE, I MEAN, THAT'S WHAT WE HAVE GOT TO

17 DO. HE HAS GOT TO MAKE SPECIFIC

18 RECOMMENDATIONS IN THE BUDGET FOR PROPERLY

19 BEING BALANCED WITHIN THAT BUDGET.

20 MR. HILLIARD:

21 YES, BUT IS THAT PART OF --

22 THE JOB DESCRIPTION PROVIDES A BALANCED BUDGET.

23 WE WILL GIVE DIRECTION AS A COMMISSION AS TO

24 WERE -- HE CAN MAKE RECOMMENDATIONS AND WE WILL

25 HAVE TO MAKE A DECISION BASED UPON THAT.

1 MR. DUPLESSIS:

2 HE IS THE GENTLEMAN THAT
3 SUPERVISES THE FIELD FOR US AND HE IS GOING TO
4 KNOW WHO TO REDUCE.

5 MR. SNYDER:

6 RIGHT.

7 MR. HILLIARD:

8 YES, BUT DOES THAT NEED TO
9 BE IN THE JOB DESCRIPTION?

10 MR. DUPLESSIS:

11 I THINK IT SHOULD BE.

12 MR. SNYDER:

13 WELL, I DO, TOO. I THINK IN
14 A PERFECT WORLD, HE WOULD GO TO HIS PEOPLE AND
15 SAY, "HEY, HOW ARE WE GOING TO MAKE THIS
16 HAPPEN", Y'ALL ARE THE ONES THAT DEAL WITH IT.

17 MR. DUPLESSIS:

18 YES. SO, THE GENTLEMAN WHO
19 IS DOING CRAPPY (PHONETIC) WORK IS GETTING
20 READY TO RETIRE. THAT IS INFORMATION HE NEEDS
21 TO BRING TO THE COMMISSION, SO WE ARE PREPARED
22 -- TO PREPARE A BALANCED BUDGET.

23 MS. HUDSON:

24 ALL YOU NEED TO DO IS ADD
25 THE WORD "RECOMMENDATION".

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1 MR. DUPLESSIS:

2 YES, A PERSONNEL
3 RECOMMENDATION FOR A BALANCED BUDGET.

4 MR. HILLIARD:

5 "DUTIES PREPARE AN ANNUAL
6 BALANCED BUDGET FOR THE AGENCY INCLUDING --

7 MR. DUPLESSIS:

8 "DUTIES WHICH WOULD INCLUDE
9 PERSONNEL RECOMMENDATIONS AND STAFFING NEEDS".

10 MR. HILLIARD:

11 I JUST DON'T KNOW WHAT
12 THE JOB DESCRIPTION -- I MEAN, THAT IS --
13 OBVIOUSLY, YOU HAVE GOT TO MAKE A DECISION AS
14 A GROUP. DOESN'T IT -- IN THEIR PERSONNEL
15 RECOMMENDATIONS --

16 MR. DUPLESSIS:

17 WHO IS YOUR HEAD GUY?

18 MR. SNYDER:

19 I'M NOT SURE I WOULD SAY
20 PERSONNEL, JUST RECOMMENDATIONS FOR A BALANCED
21 BUDGET, WHICH INCLUDES EVERYTHING.

22 MS. MATERNE:

23 YES.

24 MR. HILLIARD:

25 THAT'S WHAT I'M SAYING, IF

1 YOU PREPARE A BALANCED BUDGET, I MEAN,
2 OBVIOUSLY, HE HAS GOT TO MAKE -- YOU KNOW, OR
3 MAKE RECOMMENDATIONS FOR A BALANCED BUDGET
4 INSTEAD OF --

5 MS. HUDSON:

6 THERE YOU GO, MAKE
7 RECOMMENDATIONS FOR A BALANCED BUDGET.

8 MR. HILLIARD:

9 RIGHT, BUT ISN'T HE STILL
10 RESPONSIBLE FOR PREPARING IT?

11 MS. MATERNE:

12 NO.

13 MR. DUPLESSIS:

14 WELL, HE IS GOING TO HAVE TO
15 PREPARE IT IN CONJUNCTION WITH LYNETTE.

16 MR. TORRANCE:

17 RIGHT.

18 MR. DUPLESSIS:

19 RIGHT, BUT HOW DO WE DO IT
20 IN OUR BUSINESS?

21 MR. SNYDER:

22 RECOMMENDING AND PREPARING A
23 BALANCED BUDGET, RECOMMENDING AND PREPARING.

24 MR. DUPLESSIS:

25 WHICH I WILL GO FOR "WHICH

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1 WOULD INCLUDE".

2 MR. HILLIARD:

3 I THINK THAT'S SOMETHING
4 THAT -- I MEAN, I THINK THAT IS A TOOL. I
5 JUST DON'T THINK IT NEEDS TO BE IN THE JOB
6 DESCRIPTION, BECAUSE IT IS, I MEAN, A PART OF
7 WHAT HE HAS TO DO TO GET IT BALANCED.

8 MR. TORRANCE:

9 RIGHT.

10 MR. HILLIARD:

11 IF THE BUDGET IS BALANCED
12 AND HE DOESN'T HAVE TO MAKE ANY REDUCTION IN
13 FORCE, I DON'T THINK IT NEEDS TO BE IN THERE,
14 BUT, I MEAN, OBVIOUSLY, WE HAVE TO MAKE --

15 MR. DUPLESSIS:

16 THEN, IT WOULDN'T BE AN
17 ISSUE.

18 MR. HILLIARD:

19 I UNDERSTAND, BUT, I MEAN, I
20 JUST --

21 MR. DUPLESSIS:

22 WHAT IF HE NEEDS TO EXPAND?

23 MR. HILLIARD:

24 IT SHOULD -- I MEAN, THAT'S
25 WHAT I'M SAYING, I WOULD SAY THE BALANCED

1 BUDGET, BECAUSE THEN YOU ARE NOT SPECIFYING
2 SPECIFICALLY WHAT HAS TO BE DONE TO DO IT.

3 MS. MATERNE:

4 IT PUTS EVERYTHING ON THE
5 TABLE.

6 MR. HILLIARD:

7 IT PUTS EVERYTHING ON THE
8 TABLE INCLUDING REDUCTION OF FORCE, INCLUDING
9 -- AND WE MIGHT FIND THAT THROUGH -- WE ARE
10 GOING TO HAVE A COST INCREASE TO GET THE
11 COMPUTERS ONLINE. IN THE LONG RUN, IT SHOULD
12 SAVE US MONEY AND WE MIGHT NOT NEED AS MANY
13 EMPLOYEES IN THE OFFICE, WHICH NOBODY IN THERE
14 WANTS TO HEAR THAT. I UNDERSTAND THAT STAFF
15 DOESN'T WANT TO HEAR THAT, BUT, YOU KNOW, WE
16 HAVE GOT TO LIVE WITHIN OUR MEANS AND IF WE CAN
17 -- AND IF EVERYTHING GOES TO COMPUTER AND WE
18 REALIZE THAT WE CAN DO THINGS WITH LESS PEOPLE,
19 THEN WE MAY HAVE TO DO THINGS WITH LESS PEOPLE.

20 I MEAN, OUR ULTIMATE
21 RESPONSIBILITY HAS GOT TO BE -- IF WE RUN OUT
22 OF MONEY --

23 MR. DUPLESSIS:

24 WE ARE -- LET ME TELL YOU,
25 WE DO THAT AND WE ARE IN BIG TROUBLE.

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1 MR. HILLIARD:
2 IF WE RUN OUT OF MONEY?

3 MR. DUPLESSIS:
4 YES.

5 MR. HILLIARD:
6 OH, YES. WE ARE IN BIG
7 TROUBLE.

8 MR. DUPLESSIS:
9 Y'ALL ARE SITTING HERE
10 TALKING ABOUT THIS JOB DESCRIPTION AND WHAT
11 WORDS BELONG AND WHAT DON'T, I LOOK AT THE
12 ULTIMATELY REALITY. WHEN YOUR ASS IS BROKE,
13 WE ARE GOING TO BE LOOKING BACK AT WHAT WE DID
14 WRONG.

15 I THINK YOU NEED TO INCLUDE
16 IT IN THE JOB DESCRIPTION AND YOU NEED TO HAVE
17 AT LEAST A FORTY-FIVE DAY WINDOW PERIOD BEFORE
18 IT IS DUE FOR US TO REVIEW IT, FIFTEEN DAYS
19 BEFORE THE FIRST MEETING, AND THEN, ANOTHER
20 MEETING IN THE MIDDLE IF WE NEED TO HAVE
21 EMERGENCY MEASURES, BECAUSE WHEN WE START
22 BLEEDING -- MR. TORRANCE SAYS THIS ECONOMY IS
23 GOING DOWN AND WE HAD A POOR RENEWAL. THAT
24 FOUR HUNDRED GRAND, THAT BANK ACCOUNT IS
25 POURING OUT OF HERE, YOU ARE ON A MILLION FOUR

1 BUDGET OR A MILLION -- WHAT IS YOUR VESTED
2 INTEREST, THREE MILLION, FOUR?

3 MR. HILLIARD:

4 A MILLION EIGHT -- A MILLION
5 SEVEN OR A MILLION EIGHT. WE HAD A DECLINE IN
6 REVENUE LAST YEAR AND I THINK OUR BUDGET WAS A
7 MILLION EIGHT LAST YEAR.

8 MR. DUPLESSIS:

9 YOU HAVE HOW MUCH IN RESERVE
10 IN THE --

11 MR. HILLIARD:

12 THREE HUNDRED THOUSAND.

13 MR. DUPLESSIS:

14 THREE HUNDRED THOUSAND.

15 MR. HILLIARD:

16 WELL, IT'S FOUR HUNDRED
17 NOW, BUT AT THE END OF LAST YEAR, IT WAS THREE
18 HUNDRED THOUSAND.

19 MR. TORRANCE:

20 BUT, RENEWALS HAVEN'T WENT
21 OUT, YET. SO, WE ARE BRINGING IN --

22 MR. HILLIARD:

23 RIGHT.

24 MR. DUPLESSIS:

25 THAT'S RIGHT, BUT START

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1 THE TIME CLOCK TICKING ON BLEEDING ON THAT
2 PUPPY.

3 MR. HILLIARD:

4 I UNDERSTAND COMPLETELY,
5 BUT THIS IS WHAT IS CRAZY IN THIS MATTER,
6 WE WILL VOTE -- I LIKE YOUR IDEA OF HAVING
7 FORTY-FIVE DAYS FOR THE BUDGET TO BE -- TO COME
8 IN, BUT THE BUDGET HAS TO BE APPROVED BY
9 DECEMBER 31ST?

10 MR. TORRANCE:

11 NO.

12 MR. HILLIARD:

13 BY DECEMBER 1ST?

14 MR. TORRANCE:

15 JUNE --

16 MS. HUDSON:

17 JUNE 30TH.

18 MR. HILLIARD:

19 SHE SAID WE HAVE TO VOTE --
20 WE VOTE ON THE BUDGET BY THE END OF THE YEAR
21 FOR THE NEXT FISCAL YEAR.

22 MR. TORRANCE:

23 RIGHT.

24 MR. HILLIARD:

25 SO, WE VOTE ON THE BUDGET --

1 MS. HUDSON:

2 WHOA --

3 MR. DUPLESSIS:

4 IS MS. BINNING STILL HERE?

5 MS. HUDSON:

6 -- WHY DO YOU NEED TO VOTE
7 ON THAT AT THE END OF DECEMBER WHEN OUR FISCAL
8 YEAR --

9 MR. TORRANCE:

10 ENDS JUNE 30TH.

11 MR. HILLIARD:

12 THAT'S WHAT SHE TOLD ME.

13 SHE SAID -- I ASKED HER WHEN THE BUDGET --

14 MR. DUPLESSIS:

15 JACK, WOULD YOU ASK HER TO
16 STEP IN?

17 MR. HILLIARD:

18 -- BECAUSE, I ASKED HER WHEN
19 WE VOTED ON THE BUDGET --

20 MR. TORRANCE:

21 IT'S THE 30TH. IT'S JUNE
22 30TH. Y'ALL DO IT PRIOR TO JUNE 30TH AND IT
23 COMES IN EFFECT JUNE 30TH.

24 MR. HILLIARD:

25 ASK HER IN HERE, BECAUSE

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1 SHE -- WE HAVEN'T VOTED ON THIS YEAR'S BUDGET.

2 MR. DUPLESSIS:

3 NO KIDDING.

4 MR. HILLIARD:

5 SHE SAID IT WAS DONE IN

6 DECEMBER.

7 (OFF-THE-RECORD DISCUSSION.)

8 MR. SNYDER:

9 BACK ON THE RECORD.

10 MR. HILLIARD:

11 WHAT IS THE SITUATION WITH
12 THE BUDGET, DIDN'T YOU SAY WE NEED TO BE VOTING
13 ON THE BUDGET AT THE END OF THE CALENDAR YEAR
14 FOR THE NEXT FISCAL YEAR?

15 MS. BINNING:

16 YES, SIR.

17 MR. HILLIARD:

18 EXPLAIN HOW THAT WORKS,
19 BECAUSE THEY ARE ALL LOOKING AT ME LIKE I'M
20 CRAZY.

21 MS. BINNING:

22 USUALLY, ABOUT NOVEMBER OR
23 DECEMBER, WE VOTE ON THE BUDGET FOR THE NEXT
24 FISCAL YEAR, BUT IT DOESN'T COME INTO EFFECT
25 UNTIL JULY 1ST THE NEXT YEAR AND IT HAS TO BE

1 DONE WAY AHEAD OF TIME.

2 MS. HUDSON:

3 WHY?

4 MS. BINNING:

5 THAT'S JUST THE WAY THE
6 STATE IS. THE STATE HAS TO REPORT TO ALL OF
7 THE DIFFERENT AGENCIES.

8 MS. HUDSON:

9 OKAY. WELL, LET ME ASK
10 YOU THIS. SO, WHEN IS YOUR -- WHEN IS THE
11 COMMISSION'S DEADLINE? I ASSUME --

12 MS. BINNING:

13 TO HAVE IT PREPARED?

14 MS. HUDSON:

15 YES.

16 MR. HILLIARD:

17 TO TURN IN THE BUDGET.

18 MS. BINNING:

19 IT IS SUBMITTED DECEMBER
20 31ST.

21 MS. HUDSON:

22 YOU SUBMIT THAT TO THE
23 LEGISLATIVE AUDITOR?

24 MS. BINNING:

25 THE LEGISLATIVE AUDITOR, THE

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1 LEGISLATIVE FISCAL OFFICE, I HAVE A WHOLE LIST
2 OF --

3 MR. TORRANCE:

4 WHOEVER DOES OUR AUDITS.

5 MR. DUPLESSIS:

6 BUT, YOU ARE ON A FISCAL
7 YEAR OF JULY 1; IS THAT --

8 MR. HILLIARD:

9 RIGHT, FISCAL YEAR JULY 1.

10 MR. DUPLESSIS:

11 THAT'S CORRECT.

12 MR. HILLIARD:

13 BY THE DECEMBER MEETING,
14 DECEMBER, WHATEVER, THE 18TH, 19TH, WHENEVER
15 OUR MEETING IS, WE WILL VOTE FOR NEXT YEAR'S
16 FISCAL BUDGET --

17 MR. TORRANCE:

18 SIX MONTHS IN ADVANCE --

19 MR. HILLIARD:

20 RIGHT. THE BUDGET BEGINS
21 SIX MONTHS IN ADVANCE. WE VOTE SIX MONTHS
22 BEFORE THE BUDGET BEGINS.

23 MR. DUPLESSIS:

24 BUT, THAT BUDGET HAS NOT
25 BEEN ACCURATELY FORECAST. YOU HAVE TO REDO THE

1 BUDGET -- YOU HAVE TO AMEND THE BUDGET. AS BAD
2 AS THE BUDGET IS, THE ONLY PENALTY IS YOU HAVE
3 GOT TO AMEND IT.

4 MR. TORRANCE:

5 RIGHT.

6 MR. DUPLESSIS:

7 IS THAT ABOUT RIGHT?

8 MR. HILLIARD:

9 WELL, WE ALSO HAVE TO DO IT
10 WITHIN TEN PERCENT OF THE --

11 MS. BINNING:

12 FIVE PERCENT.

13 MR. TORRANCE:

14 FIVE PERCENT.

15 MR. HILLIARD:

16 FIVE PERCENT OF WHAT THE
17 OUTLAY IS. OUR REVENUE WAS -- I MEAN, OUR
18 BUDGET IS NOT THAT FAR OUT OF WHACK. THE FACT
19 THAT OUR BUDGET EXCEEDS OUR REVENUE IS WHERE WE
20 ARE OUT OF WHACK, BECAUSE LAST YEAR -- IN '06,
21 '07 -- IF YOU HAVE TIME, BUT, I MEAN, I THINK
22 YOU ARE GOING TO HAVE THE REPORT FOR THE FISCAL
23 YEAR '07/'08, RIGHT?

24 MR. TORRANCE:

25 IT IS IN THE SAME REPORT.

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1 MS. BINNING:

2 THE PRELIMINARY REPORT IS
3 THERE, BUT WE ARE STILL WAITING FOR THE AUDITOR
4 TO FINISH HER REPORT FOR THE FINAL --

5 MR. HILLIARD:

6 IF WE CAN JUST GET A COPY OF
7 JUST THE -- YOU KNOW, THE BREAKDOWN OF EXPENSES
8 FOR TOMORROW'S MEETING, SO WE CAN DISCUSS THE
9 BUDGET. IT IS REALLY GOING TO BE DISCUSSED AT
10 THE NEXT MEETING, BUT FOR '06/'07, THE BUDGET
11 WAS ONE POINT EIGHT. THE REVENUES WAS ONE
12 POINT FIVE --

13 MR. DUPLESSIS:

14 RIGHT.

15 MR. HILLIARD:

16 -- AND IT WAS ABOUT THE SAME
17 DIFFERENCE IN THE '06, '07, '08?

18 MS. BINNING:

19 RIGHT.

20 MR. DUPLESSIS:

21 BUT, WE ARE LOOKING AT
22 REVENUE GOING DOWN AND WE ARE LOOKING FOR
23 NON-COLLECTION OF REVENUE.

24 MR. SNYDER:

25 WE NEED A FORECAST --

1 MR. DUPLESSIS:

2 THAT'S RIGHT.

3 MR. SNYDER:

4 -- FORECAST OF REVENUE. SO,
5 THEN WE CAN DETERMINE HOW TO FORECAST EXPENSES.

6 MR. TORRANCE:

7 THAT'S THE WAY WE DO IT.

8 MS. BINNING:

9 WELL, BEFORE, WE COULDN'T
10 HAVE A GOOD PICTURE OF HOW MANY OF THIS TYPE
11 OF LICENSE AND HOW MANY OF THAT TYPE OF
12 LICENSE, BECAUSE OUR COMPUTER SYSTEM IN THE
13 PAST DID NOT ALLOW US TO KEEP TRACK OF THAT.
14 NOW, WE ARE GETTING INTO C.A.V.U. AND WE HAVE
15 GOT A LITTLE BIT HISTORY IN THERE WHERE WE CAN
16 KIND OF PREPARE. SO, THIS COMING YEAR SHOULD
17 BE GOOD.

18 MR. SNYDER:

19 BUT, SOMEONE HAS GOT TO LOOK
20 TO THE FUTURE AND SAY -- MAKE SOME DECISIONS
21 ABOUT -- YOU KNOW, YOU CAN LOOK AT THE
22 HISTORICAL DATA, THAT'S WHAT YOU ARE DOING, YOU
23 KNOW, AND GO IN DEBT REAL QUICK. YOU HAVE GOT
24 TO LOOK AT THE FUTURE ALSO AND SAY WHAT IMPACT
25 IS THE FUTURE GOING TO HAVE ON OUR HISTORICAL

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1 DATA.

2 MR. HILLIARD:

3 SPECIFIC TO THIS ECONOMY AND
4 HOW WE'RE GOING TO LIVE IN THE NEXT SIX MONTHS.

5 MS. BINNING:

6 YES, BUT IF YOU LOOK AT THE
7 REVENUES, THE REVENUES HAVEN'T GONE DOWN EVERY
8 YEAR AND IN ONE YEAR, IT WENT DOWN. IT IS
9 USUALLY GOING UP. IT IS USUALLY INCREASING.

10 MR. SNYDER:

11 BUT, WE ARE NOT FEELING OR,
12 JACK, YOU ARE NOT FEELING THE REVENUES THIS
13 YEAR WILL DEFINITELY GO DOWN?

14 MR. TORRANCE:

15 I'M JUST SAYING SOME OF THE
16 COMPLAINTS THAT WE ARE GETTING FROM THE DEALERS
17 ABOUT THEIR MANUFACTURERS, SOME OF THE DEALERS
18 THAT ARE GOING OUT OF BUSINESS AT THIS PRESENT
19 TIME. SO, I SAY THEY ARE NOT GOING TO RENEW.
20 SO, I'M JUST SAYING MAYBE WE ARE GOING TO HAVE
21 A DECLINE IN OUR --

22 MR. SNYDER:

23 SURE. WE HAVE A FORECAST --

24 MR. TORRANCE:

25 LIKE I SAY, WE HAVE THIRTY,

1 FORTY NEW ONES EACH MONTH. SO, IT MIGHT
2 BE THE SAME. IT MIGHT BE A LITTLE BIT LESS OR
3 A LITTLE BIT MORE. IT IS HARD TO PROJECT.

4 MR. DUPLESSIS:

5 BUT, THAT IS A VERY,
6 VERY SMALL AMOUNT OF MONEY. IF YOU HAVE
7 FOUR HUNDRED NEW DEALERS, HOW MANY DEALERS
8 ARE YOU GOING TO LOSE WITH THIS ECONOMY IS
9 WHAT I'M GETTING AT, THROUGH OBSERVATION?

10 MR. TORRANCE:

11 SEE, THAT'S THE PROBLEM.

12 MS. HUDSON:

13 YES.

14 MR. DUPLESSIS:

15 THAT IS THE PROBLEM THAT YOU
16 HAVE WITH AN ANNUAL RENEWAL DATE. YOU WAKE UP
17 AND YOU GO, "WE ARE BROKE".

18 MR. HILLIARD:

19 WE WON'T KNOW UNTIL DECEMBER
20 WHAT OUR REVENUES --

21 MR. DUPLESSIS:

22 YOU DON'T HAVE A REVOLVING
23 RENEWAL DATE, WHICH YOU CAN ANTICIPATE OUT.
24 YOU MAY HAVE A LUMP, BUT YOU WILL GET IT. YOU
25 WILL BE CREATING MORE HISTORICAL DATA.

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1 MR. HILLIARD:

2 OKAY.

3 MR. DUPLESSIS:

4 SO, YOU KNOW, I THINK
5 WHEN WE ARE LOOKING AT REVENUES, OUR FIELD
6 INVESTIGATORS ARE -- WE ARE FINISHED, MS.
7 BINNING.

8 MS. BINNING:

9 THANK YOU.

10 MR. DUPLESSIS:

11 THANK YOU.

12 YOU KNOW, OUR REVENUE
13 SOURCE THAT WE ARE NOT COLLECTING, THOUGH,
14 IS OUR FIVE DOLLARS. THAT'S IMPORTANT THAT
15 WE ENFORCE THAT, BUT THEN, IF WE MOVE TO
16 REVOLVING AND WE MAKE JACK RESPONSIBLE FOR
17 MAKING RECOMMENDATIONS ON VEHICLES AND
18 PERSONNEL, THOSE ARE GOING -- AND A FORECAST,
19 I THINK IT IS GOING TO BE INCUMBENT TO MAKE A
20 REVENUE FORECAST FOR US AND BREAK IT DOWN.

21 MR. SNYDER:

22 WE PROBABLY OUGHT TO HAVE
23 ONE EVERY QUARTER AT LEAST.

24 MR. DUPLESSIS:

25 I DON'T KNOW IF HE IS GOING

1 TO BE ABLE TO DO IT WITH AN ANNUAL RENEWAL.

2 MS. HUDSON:

3 BECAUSE, YOU DON'T HAVE THE
4 RENEWAL.

5 MR. HILLIARD:

6 ANNUAL RENEWAL, ALL OF OUR
7 MONEY COMES IN BETWEEN NOVEMBER --

8 MR. TORRANCE:

9 ALL THE MONEY SHOULD BE IN
10 BY JANUARY 31ST.

11 MR. HILLIARD:

12 -- NOVEMBER TO JANUARY, ALL
13 THE MONEY COMES IN.

14 MR. TORRANCE:

15 IT RUNS ABOUT APRIL.

16 MR. HILLIARD:

17 EIGHTY PERCENT OF THE MONEY
18 COMES IN, THEN.

19 MS. HUDSON:

20 I'LL TELL YOU, LYNETTE IS
21 GOING TO COME IN HERE AT THE DECEMBER MEETING
22 AND SAY ALL THE RENEWALS ARE NOT IN, YET.
23 THAT'S WHY IT IS SO HARD TO LOOK AT THAT
24 PROPOSED BUDGET. THAT'S EXACTLY WHAT SHE SAID
25 IN NOVEMBER AND EXACTLY WHAT SHE SAID IN

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1 DECEMBER.

2 MR. SNYDER:

3 CAN'T THE FIELD STAFF REPORT
4 ON THEIR GROUP AND SAY, YOU KNOW, "I THINK
5 NINETY-TWO PERCENT OF THEM ARE GOING TO RENEW"
6 OR "I FEEL THIS OR THAT" OR --

7 MR. TORRANCE:

8 SHE IS REFERRING TO A SEND
9 BACK. THAT'S PEOPLE THAT THEIR LICENSES HAVE
10 BEEN SENT BACK AND THEY HAVE NOT BEEN RENEWED.
11 SO, WE MAKE A LIST OF EACH FIELD INVESTIGATOR'S
12 AREA. THEY GO OUT AND THEY PHYSICALLY GO TO
13 THE DEALERSHIPS TO SEE IF THEY ARE OPEN OR
14 HAVEN'T SUBMITTED THEIR APPLICATION, YET.

15 WE CAN GIVE YOU HOW MANY WE
16 HAVE OUT THERE. THAT WOULD GIVE YOU SOME IDEA
17 OF WHAT WE HAVE LEFT TO BE COMING IN.

18 MR. HILLIARD:

19 THAT'S A QUESTION FOR
20 NOVEMBER, DECEMBER. THE PROBLEM IS WE HAVE TO
21 CHANGE THIS --

22 MS. HUDSON:

23 NOW.

24 MR. HILLIARD:

25 -- SEPTEMBER.

1 MS. HUDSON:

2 SO, I WOULD LIKE TO RETRACT
3 MY EARLIER STATEMENT ABOUT WE NEED TO DISCUSS
4 ALL OF THIS IN SEPTEMBER. WE NEED TO DISCUSS
5 IT, LIKE, NOW.

6 MR. DUPLESSIS:

7 JACK, YOUR RENEWAL IS RIGHT
8 NOW, CORRECT?

9 MR. TORRANCE:

10 THEY ARE PREPARING THE
11 RENEWALS AS WE SPEAK.

12 MR. DUPLESSIS:

13 AS WE SPEAK.

14 WHAT OTHER SOURCE OF REVENUE
15 DO WE HAVE TO GET OUR DEALERS MOTIVATED AND TO
16 GET THEM RENEWING TIMELY? I THINK THEY SHOULD
17 BE FINED A SMALL AMOUNT OF MONEY AND IF THEY
18 DON'T RENEW, IN MY BOOK, THEY AIN'T A DEALER.

19 MR. TORRANCE:

20 IF THEY DON'T RENEW BY
21 DECEMBER 31ST, WE DO FINE THEM ONE HUNDRED
22 DOLLARS IN ADDITION TO THE COST OF THE LICENSE.

23 MR. DUPLESSIS:

24 WHY DO YOU GIVE THEM SIX
25 MONTHS LEEWAY, JACK?

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1 MR. TORRANCE:

2 WELL, WE DON'T.

3 MR. HILLIARD:

4 NO. THAT'S WHEN IT IS DUE.

5 MR. SNYDER:

6 THAT'S WHEN IT IS DUE BY.

7 MR. HILLIARD:

8 I THINK WE ALSO -- WELL,

9 THAT'S NOT WORTH TALKING ABOUT.

10 MR. DUPLESSIS:

11 BUT, YOU ARE TALKING ABOUT
12 REVENUE SOURCES HERE THAT WE NEED TO LOOK AT,
13 BECAUSE IF THEY DON'T RENEW, THEY ARE NOT A
14 DEALER.

15 MR. HILLIARD:

16 I THINK ONE THING ON THIS
17 POLICY 61 THAT I WILL BRING UP TOMORROW, I
18 THINK ON ANY PLEAS, IF THEY ARE AGREEING TO A
19 PLEA THAT NEEDS TO BE CONFIRMED OR RATIFIED,
20 THEY NEED TO HAVE A CHECK IN HAND FOR WHAT
21 THEIR FINE IS SAYING --

22 MR. TORRANCE:

23 YES.

24 MR. DUPLESSIS:

25 I AGREE.

1 MR. HILLIARD:

2 -- "I AGREE, HERE IS MY
3 CHECK" AND --

4 MR. TORRANCE:

5 IN SO MANY DAYS, THEY SUBMIT
6 IT. IF THEY DON'T, THEN IT IS NULL AND VOID.

7 MS. HUDSON:

8 YOU SHOULDN'T EVEN NEED --

9 MR. DUPLESSIS:

10 YOU HAVE GOT TO HAVE A CHECK
11 IN THE FILE.

12 MR. TORRANCE:

13 WELL, THE THING OF IT IS,
14 I DIDN'T WANT THE FIELD MEN TO HAVE TO GO OUT
15 THERE AND HAVE THE MONEY, CASH OR CHECKS IN
16 THEIR POSSESSION. I WOULD RATHER GIVE THE
17 DEALER TIME TO SEND THE MONEY IN ON A CERTAIN
18 POSTMARKED DATE, THREE TO FIVE DAYS.

19 MS. HUDSON:

20 JACK, THAT'S A GOOD IDEA AND
21 THAT COULD HAPPEN, BUT I THINK IF YOU ARE GOING
22 TO GO OUT THERE -- WHEN A POLICEMAN PULLS ME
23 OVER FOR SPEEDING, HE DOESN'T SAY, YOU KNOW,
24 "JUST WHENEVER YOU GET AROUND TO IT." HE IS
25 GOING TO GO, "HERE IS YOUR PLEA, SIGN IT."

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1 MR. TORRANCE:
2 YOU'VE GOT A CERTAIN DAY TO
3 SUBMIT THE MONEY OR YOU GO TO COURT, THE SAME I
4 WAS SAYING.

5 MR. HILLIARD:
6 MOST OF THE PLEAS ARE GOING
7 TO BE DONE IN PERSON.

8 MS. HUDSON:
9 YES.

10 MR. DUPLESSIS:
11 OR WE CAN DO IT OVER THE
12 PHONE FOR FIRST OFFENDER.

13 MS. HUDSON:
14 PHONE, YES.

15 MR. TORRANCE:
16 WELL, THE FIRST OFFENDER,
17 THE FIELD INVESTIGATOR WOULD GO OUT AND
18 INVESTIGATE.

19 MR. HILLIARD:
20 RIGHT.

21 MR. TORRANCE:
22 THEY WILL SUBMIT BACK TO US,
23 "THIS PERSON HAS THIS CERTAIN VIOLATION, THIS
24 CERTAIN COST." THE FIELD MAN THEN MUST GO BACK
25 OUT AND SAY, "OKAY, THEY ACCEPTED YOUR PLEA,

1 GIVE ME FIVE HUNDRED DOLLARS" OR WHATEVER,
2 "POSTMARKED BY THIS DATE, THREE DAYS PRIOR TO,
3 AND THAT YOU SIGN THIS AGREEMENT." IF NOT, IT
4 IS NULL AND VOID. THEN, IT GOES BEFORE THE
5 FULL BOARD HEARING.

6 MR. HILLIARD:

7 THAT'S ONE ISSUE WE NEED TO
8 DEAL WITH, SO WE DON'T HAVE THESE ONGOING, BUT
9 EVEN LOOKING AT THE OUTSTANDING FEES WE HAVE,
10 IT IS STILL A DROP IN THE BUCKET FOR OUR BUDGET
11 PROBLEM, BUT LET'S MOVE ON. I WILL ADD IN
12 THERE ON THE BALANCED BUDGET, "INCLUDING
13 RECOMMENDATIONS FOR STAFFING, EQUIPMENT
14 PURCHASE" --

15 MR. DUPLESSIS:

16 "FINE ENFORCEMENT", IF YOU
17 WOULD OR --

18 MR. HILLIARD:

19 -- "AND OTHER MEANS
20 NECESSARY TO BALANCE THE BUDGET."

21 MR. DUPLESSIS:

22 "REVENUE SUPPORT" IS FINE.
23 I DON'T KNOW.

24 MR. TORRANCE:

25 WE EVEN SUGGESTED GOING TO A

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1 FOUR DAY WORK WEEK TO TRY TO CONSERVE THE FUEL
2 THAT IS COSTING SO MUCH, RIGHT NOW.

3 MR. HILLIARD:

4 THERE IS NOTHING IN OUR
5 STATUTE TO KEEP US FROM DOING THAT. I KNOW
6 WE TALKED ABOUT -- THE DECISION WE HAVE TO MAKE
7 IS TO CLOSE ONE DAY A WEEK. IT DOESN'T SAVE
8 YOU A PENNY UNLESS YOU CLOSE ONE DAY OF THE
9 WEEK.

10 MS. MATERNE:

11 YOU CAN'T DO THAT.

12 MS. HUDSON:

13 A STATE OFFICE, DON'T YOU --

14 MR. TORRANCE:

15 YOU CAN'T DO THAT.

16 MS. HUDSON:

17 -- HAVE TO BE OPEN FIVE

18 DAYS?

19 MR. DUPLESSIS:

20 NO. WE ARE ON THIN GROUND
21 IF WE DO THAT. I MEAN, LET'S MOVE ON. THAT'S
22 WHAT THEY ARE CLINGING ONTO IS THE SITUATION IN
23 UTAH WHERE THEY WENT TO FOUR DAYS.

24 MR. HILLIARD:

25 THE WHOLE STATE --

1 MR. DUPLESSIS:
2 THE WHOLE STATE DID THAT AND
3 LET'S GET FINISHED. WE CAN'T TALK ABOUT THAT.

4 MR. HILLIARD:
5 WE HAVE ALREADY TALKED ABOUT
6 IT AND EVERYBODY SAID, NO. ALSO INCLUDED IS
7 THE PREPARATION AND PROMULGATION OF RULES,
8 REGULATIONS AND ORDERS GOVERNING THE POLICY OF
9 THE AGENCY.

10 DO Y'ALL WANT TO LEAVE THAT
11 IN THERE?

12 MR. SNYDER:
13 I WOULD SAY TAKE IT OUT.

14 MR. HILLIARD:
15 THAT'S SOMETHING THAT WE
16 HAVE DONE THROUGH MANY A COMMISSION DECISION,
17 AND THEN, IT HAS BEEN DONE.

18 MS. HUDSON:
19 MAYBE THE COMMISSION
20 ATTORNEY.

21 MR. DUPLESSIS:
22 MR. TORRANCE NEEDS TO MAKE
23 HIS RECOMMENDATIONS TO US ON AN OPEN BASIS.

24 MR. HILLIARD:
25 HE IS DOING THAT DURING THE

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1 COMMISSION MEETINGS. I DON'T KNOW -- RIGHT
2 NOW, WE ARE SAYING THAT IS HIS RESPONSIBILITY.

3 MR. DUPLESSIS:

4 WHAT IS HIS RESPONSIBILITY
5 GOING TO BE TO CONVEY LEGISLATION? I MEAN, I
6 THINK HE IS OBLIGATED TO.

7 MR. HILLIARD:

8 WELL, HE HAS GOT TO GET THE
9 LEGISLATION --

10 MR. DUPLESSIS:

11 RIGHT.

12 MR. HILLIARD:

13 -- BUT, MY BIGGEST THING,
14 HIS RESPONSIBILITY IS TO MAKE SURE THAT THE
15 STAFF IS DOING THEIR JOB AND THE FIELD IS DOING
16 THEIR JOB AND ACCORDING TO THE STATUTE, THAT IS
17 WHAT HIS BIGGEST RESPONSIBILITY IS.

18 MR. DUPLESSIS:

19 AND I AGREE, BUT HE IS
20 GOING TO COLLECT INFORMATION THAT IS GOING TO
21 BE VALUABLE TO US DOWN THE ROAD.

22 MR. HILLIARD:

23 RIGHT.

24 MR. SNYDER:

25 WE ARE NOT HERE EVERYDAY.

1 MR. HILLIARD:
2 EXACTLY AND HE'S -- YOU
3 KNOW, THAT IS HIS JOB. THAT IS HIS JOB, TO
4 MAKE SURE THAT THE PEOPLE WHO WE EMPLOY ARE OUT
5 THERE DOING THEIR JOBS --

6 MR. TORRANCE:
7 CORRECT.

8 MR. HILLIARD:
9 -- THEY ARE OUT THERE
10 WORKING. THAT'S WHAT I'M SAYING ABOUT THE
11 PREPARATION AND PROMULGATION OF RULES, ORDERS
12 GOVERNING THE POLICY AND IT GOES ON TO BE
13 RESPONSIBLE FOR THE COLLECTION OF ALL FUNDS,
14 DEPOSIT THEM, PAY EXPENSES INCURRED AND INVEST
15 SURPLUS MONIES.

16 DO WE WANT TO LEAVE THAT IN
17 TO COVER THE DAY TO DAY OPERATION STUFF?

18 MR. DUPLESSIS:
19 THIS IS GOING TO BE HIS JOB
20 TO INVEST THE MONIES OR IS IT GOING TO BE PART
21 OF THE FINANCE COMMITTEE?

22 MR. HILLIARD:
23 THAT HAS BEEN DONE BY --

24 MR. TORRANCE:
25 ACCOUNTING.

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1 MR. HILLIARD:

2 -- ACCOUNTING, BECAUSE THERE
3 ARE ONLY CERTAIN THINGS YOU CAN DO WITH IT,
4 WHICH IS BASICALLY A CERTIFICATE OF DEPOSIT.

5 MR. TORRANCE:

6 THEY'VE GOT SO MANY DAYS TO
7 DEPOSIT ANY MONEY THAT COMES IN HERE.

8 MR. HILLIARD:

9 THREE DAYS TO DEPOSIT THE
10 MONEY, AND THEN --

11 MR. TORRANCE:

12 THREE DAYS.

13 MR. HILLIARD:

14 -- THERE'S A MAXIMUM AMOUNT
15 SHE CAN DO A CERTIFICATE OF DEPOSIT NUMBER OF
16 DAYS AND THERE'S NOT MUCH LEEWAY AS TO WHAT CAN
17 BE DONE WITH THAT, FROM WHAT I UNDERSTAND.

18 MR. DUPLESSIS:

19 IT IS TIED UP FOR A YEAR,
20 THOUGH.

21 MR. TORRANCE:

22 DO WHAT?

23 MR. DUPLESSIS:

24 THOSE FUNDS ARE TIED UP FOR
25 A YEAR WITHOUT PENALTY.

1 MR. HILLIARD:

2 WELL, THEY GO -- MOST OF
3 THEM ARE SHORTER CERTIFICATES OF DEPOSIT.

4 MR. DUPLESSIS:

5 WELL, SHE HAS TIED THEM UP
6 FOR A YEAR. YOU MIGHT WANT TO LOOK AT HER
7 SCHEDULE, BECAUSE I HAVE LOOKED AT HER
8 SCHEDULE. THE FINANCE COMMITTEE OUGHT TO BE
9 INFORMED ON THAT.

10 MR. HILLIARD:

11 SO, DO WE WANT TO TAKE SOME
12 OF THIS OUT?

13 MR. DUPLESSIS:

14 I THINK WHILE MONEY IS TIGHT
15 AND WE LOOK BACK AND SAY WE MADE A MISTAKE, I
16 THINK YOU PUT IT IN THE HANDS OF THE
17 COMMISSIONERS. IT IS PROBABLY FOR THE
18 EXECUTIVE DIRECTOR TO MAKE THE FINANCE
19 COMMITTEE AND THE COMMISSION AWARE OF EXCESS
20 FUNDS TO BE INVESTED.

21 MR. TORRANCE:

22 YOU ARE TALKING ABOUT IN THE
23 C.D.'S?

24 MR. DUPLESSIS:

25 WHATEVER, WHAT THE

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1 INSTRUMENT IS, JACK, WHATEVER --

2 MR. TORRANCE:

3 SEE, WE ONLY HAVE SO MANY
4 THINGS, OPERATING ACCOUNT, AFTER IT GETS SO
5 MUCH, WE TAKE IT OUT AND GET THE NINETY-NINE
6 THOUSAND DOLLAR AUTHORIZED C.D.

7 MR. DUPLESSIS:

8 RIGHT.

9 MR. TORRANCE:

10 BUT, WHENEVER THE INTEREST
11 RATES GOT SO LOW, WE WERE MAKING MORE INTEREST
12 RATE IN OUR CHECKING ACCOUNT. SO, WE PUT SOME
13 MORE IN THE CHECKING ACCOUNT.

14 MR. HILLIARD:

15 TALK TO ME.

16 MR. DUPLESSIS:

17 DO YOU WANT TO PUT THAT
18 RESPONSIBILITY WITH HIM OR THE FINANCE
19 COMMITTEE?

20 MS. HUDSON:

21 WELL, WHERE EXACTLY DO
22 YOU --

23 MR. TORRANCE:

24 IT IS AN ACCOUNTING
25 RESPONSIBILITY.

1 MS. MATERNE:
2 DO YOU HAVE ANY OPTION OF
3 WHERE YOU PUT THESE MONIES OR IS THERE --

4 MR. TORRANCE:
5 IT IS ON WHO HAS THE HIGHEST
6 INTEREST RATE OR A RECOMMENDATION FROM A BOARD
7 MEMBER THAT HAS A BANK THAT -- WE NORMALLY DO
8 LIKE THAT.

9 MS. HUDSON:
10 WHY DON'T YOU PUT
11 RECOMMENDATION ON SHORT TERM CERTIFICATE OF
12 DEPOSIT, PUT THE WORD "RECOMMENDATION" UNDER
13 THE "INVEST SURPLUS MONIES IN SHORT TERM
14 CERTIFICATE OF DEPOSIT"?

15 MR. HILLIARD:
16 DO WE WANT TO TAKE ANY
17 OF THESE ITEMS OUT AND LEAVE THEM TO THE
18 SOLE DISCRETION OF THE COMMISSION? I'M NOT
19 SAYING WE SHOULD. I'M JUST ASKING BEFORE WE
20 MOVE ON.

21 MR. SNYDER:
22 I DON'T THINK SO.

23 MR. HILLIARD:
24 NOW, THIS NEXT PART,
25 "INCUMBENT SUPERVISES EMPLOYEES AND ASSISTS IN

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1 ROUTING CORRESPONDENCE AND OTHER DOCUMENTS
2 RECEIVED DAILY", I DON'T KNOW MUCH THAT
3 IS AN ACTUAL -- I DON'T THINK THAT ACTUALLY
4 HAPPENS. YOU DON'T GET ALL OF THE MAIL, DO
5 YOU?

6 MR. TORRANCE:

7 NO.

8 MR. HILLIARD:

9 SOMEONE ELSE GOES THROUGH
10 THE MAIL. IT IS IN HIS JOB DESCRIPTION, BUT IT
11 IS NOT A -- HOW THE WORLD --

12 MS. MATERNE:

13 WELL, HE IS RESPONSIBLE FOR
14 THE PERSON WHO DOES THAT, MORE OR LESS, AS PART
15 OF HIS --

16 MR. HILLIARD:

17 THE FIELD STAFF RECEIVES
18 ASSIGNMENTS. THIS IS WHERE WE WANT TO JUMP
19 OVER AND LOOK AT THE ASSISTANT DIRECTOR,
20 BECAUSE THE ASSISTANT DIRECTOR'S
21 RESPONSIBILITIES WERE TO PRIMARILY SUPERVISE
22 THE ENTIRE FIELD OPERATION, ASSIGN CASES,
23 REVIEW COMPLETED WORK AND ASSIST THEM WITH
24 TOUGH CASES, SUPERVISING THEM AND SEEING THAT
25 ALL REPORTS THAT ARE REQUIRED BY THE COMMISSION

1 ARE PRODUCED TIMELY AND REPORT TO THE
2 COMMISSION MONTHLY ON STAFF AND FIELD
3 OPERATIONS.

4 THAT FIRST PART OF THE
5 ASSISTANT DIRECTOR'S JOB DUTIES IS WHAT I
6 SEE AND THE REST OF IT KIND OF FOLLOWS --
7 YOU KNOW, ASSIST THE EXECUTIVE DIRECTOR IN
8 LEGISLATIVE MEETINGS, ASSIST IN THE PREPARATION
9 OF THE BUDGET. I MEAN, THE REST OF THE
10 STUFF IS ALREADY UNDER THE EXECUTIVE
11 DIRECTOR'S JOB DESCRIPTION, BUT THE TOP
12 PART ABOUT SUPERVISING THE FIELD STAFF AND
13 ASSIGNING CASES AND HELP ON TOUGH CASES, THAT
14 IS THE PART THAT IS NOT BEING DONE OR NOT BEING
15 UNDER --

16 MR. TORRANCE:

17 ADDRESSED.

18 MR. HILLIARD:

19 -- ADDRESSED.

20 MR. TORRANCE:

21 JUST TRANSFER IT OVER TO THE
22 EXECUTIVE DIRECTOR'S JOB DESCRIPTION.

23 MS. HUDSON:

24 WELL, IT IS UNDER LARRY'S ON

25 PAGE 7 --

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1 MR. DUPLESSIS:
2 THAT'S WHAT LARRY SHOULD BE
3 DOING.

4 MS. HUDSON:
5 -- "THIS IS A RESPONSIBLE,
6 INVESTIGATIVE AND ENFORCEMENT POSITION CHARGED
7 WITH THE DUTY OF POLICING AND ENFORCING THE
8 STATUTES, RULES AND REGULATIONS", ET CETERA.
9 YOU GUYS CAN READ IT --

10 MR. HILLIARD:
11 RIGHT.

12 MS. HUDSON:
13 -- BUT, I THINK THAT IS YOUR
14 MAIN FIELD SUPERVISOR'S POSITION. THAT'S WHY
15 THEY ARE A SUPERVISOR, BECAUSE YOU HAVE
16 ENFORCEMENT PEOPLE AND YOU HAVE THE SUPERVISORY
17 POSITIONS. SO, I THINK THAT PART SHOULD MAYBE
18 BE UNDER --

19 MR. TORRANCE:
20 THE REST WOULD COME UNDER ME
21 AS HAVING HIS JOB SCRUTINIZED BY ME.

22 MS. MATERNE:
23 YES, RIGHT.

24 MR. DUPLESSIS:
25 YOU SHOULD REVIEW ON A

1 REGULAR BASIS THE FIELD ACTIVITIES, DIFFICULT
2 CASES, WITH THE FIELD SUPERVISOR AND I GUESS --
3 I WOULDN'T EVEN SAY HEARING OFFICER, HUH?

4 MS. HUDSON:

5 NO.

6 MR. HILLIARD:

7 DOES -- LARRY ALSO HAS A
8 TERRITORY, RIGHT?

9 MR. TORRANCE:

10 WHAT?

11 MR. HILLIARD:

12 HE HAS A TERRITORY AS WELL,
13 DOESN'T HE?

14 MR. TORRANCE:

15 YES, HE DOES. THAT'S TO
16 JUSTIFY HIM HAVING A VEHICLE. THAT COULD BE
17 TAKEN AWAY, TOO, TO CONSERVE MONEY AND WE
18 LOOKED AT ALL THAT AND WE LOOKED AT PEOPLE TO
19 RETIRE. WE SAW THIS COMING DOWN THE ROAD AND
20 WE DID LOOK INTO IT.

21 MR. HILLIARD:

22 I'M SORRY, RON, STATE YOUR
23 COMMENTS, AGAIN.

24 MR. DUPLESSIS:

25 THE EXECUTIVE DIRECTOR

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1 SHOULD REVIEW FIELD OPERATIONS PROBABLY ON A
2 WEEKLY BASIS FOR CASE STATUS AND TO HELP OR
3 REVIEW DIFFICULT CASES. THEN, WE ARE BACK TO
4 61.

5 MS. HUDSON:

6 WELL, HE MAY HAVE TO
7 RE-ASSIGN CASES.

8 MR. DUPLESSIS:

9 WELL, THAT'S WHAT HE
10 DOES. I MEAN, HE SHOULD BE MAKING THOSE
11 DECISIONS AT THE TIME. THAT POSITION
12 SHOULD MAKE THAT DECISION TO SAY, "LOOK,
13 THIS IS SOMETHING -- YOU HAVE GOT A
14 CONFLICT. IT IS NOT HAPPENING. SEND A
15 NEW INVESTIGATOR." I MEAN, THAT'S WHAT HE
16 DOES.

17 MR. HILLIARD:

18 THERE IS ONE AREA THAT IS
19 NOT COVERED ON YOUR JOB DESCRIPTION. I
20 UNDERSTAND THAT YOU DO IT A LOT AND I KNOW YOU
21 ENJOY IT AND I DON'T HAVE A PROBLEM WITH
22 SOMEBODY WANTING TO DO -- I KNOW YOU MAKE A
23 LOT OF FIELD CALLS AND CALL ON DEALERS AND
24 STUFF. I THINK ONE OF THE CONCERNS THAT I
25 HAVE AND I THINK WILL VOICE RON'S CONCERN

1 HERE, IS I THINK THAT MAYBE WE NEED TO CUT
2 BACK ON SOME OF YOUR OFF DAY DUTIES UNTIL
3 WE GET THE FIELD -- UNTIL WE GET THE CASES
4 UNDER CONTROL AND GET EVERYTHING ELSE UNDER
5 CONTROL, I THINK THAT SHOULD MAYBE CUT BACK
6 SOME.

7 ANOTHER THING, TOO, AND RON
8 AND I TALKED BRIEFLY, IS I HAVE NOT -- I'M NOT
9 SURE IF ANYBODY HAS, BUT I HAVE NOT SIGNED ANY
10 TRAVEL STUFF. I WAS SUPPOSED TO BE SIGNING
11 TRAVEL. LET'S JUST MAKE SURE WE NEED TO GET
12 WHATEVER WE NEED COVERED ON, BUT I THINK THAT
13 IS SOMETHING THAT NEEDS TO BE CUT BACK AND
14 CURTAILED AT THE TIME UNTIL WE GET THE CASE
15 LOAD THAT WE HAVE UNDER CONTROL.

16 ONCE WE GET THAT DONE AND
17 MAYBE START DOING A LITTLE MORE OF THAT. I
18 KNOW WE HAVE A STAFF OUT THERE THAT THAT'S
19 PART OF THEIR RESPONSIBILITIES IS TO MAKE
20 DEALER CALLS AND SUCH, BUT THAT IS ONE OF
21 THE -- YOU KNOW, THAT IS ONE OF THE CONCERNS
22 I HAVE IS TO MAKE SURE WE GET A HANDLE --
23 UNLESS YOU ARE OVERSEEING AND WATCHING IT,
24 YOU KNOW, JUST LIKE WITH US, THE BUCK STOPS
25 HERE, THE BUCK IS GOING TO STOP WITH YOU ON A

June 19, 2009

Stephen B. Street, Inspector General
Office of the Inspector General
P.O. Box 94095
Baton Rouge, Louisiana 70804-9095

RE: Case #1080021

Dear Mr. Street,

At the time of this report, I am allocated three parishes for my district to handle consumer complaints, inspections, etc. that is not related to my duties as a supervisor. The three parishes consist of over 600 dealers. The importance of supervision is the accuracy, speed, attitude with the subordinates involving the completion of the consumer complaints. These files are obtained in our CAVU system, which the IG investigators had not included in their investigation or report. The board of Commissioners looks mainly at these reports and cases at the monthly Commission meeting as far as closure and percentage of completion. These reports are compiled by me from the examination of each case on each investigator. Cases are given approval or not by me as the supervisor, and then the field related activities are reported to the Commission at the monthly meeting.

As far as the weekly forms we used to record our activity, they are not state issued forms. They are created by this office with Jack and my final approval. The forms are Word documents and are either typed in the computer or handwritten at the discretion of the investigator. I already review the weekly reports every four months, which is recommended in the Recommendation section of the report (#2). In paragraph 5 of "Failure to Properly Supervise Employees", it is stated *"He stated that he does follow up with complaints to verify that investigators satisfactorily address complaints"*. This is completely FALSE. My primary duty is to ensure that all cases are completely investigated and completed in a timely manner. If the complaint is not completely investigated, I have the case reassigned to the investigator until it is to my satisfaction.

In paragraph 6, regarding the time spent at home for administrative activities, I was referring to just the weekly report that is in question. This does not include working on CAVU with the cases, inspections, site visits, etc., communication via phone to dealers and complainants. I check the investigators caseload daily and if the investigators are not making daily remarks with their cases, I contact them to inquire about the case and remind them to document case information on CAVU. All investigators are trained to conduct audits; however, if a case is complicated, I assist them with the completion of the audit.



Larry Hulin
Compliance Investigator 5
Recreational & Used Motor Vehicle Commission

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1 DAY TO DAY BASIS OF, YOU KNOW, STAYING ON IT,
2 YOU KNOW, EVERYDAY.

3 MR. TORRANCE:

4 THAT'S WHAT I DO. ALSO, I
5 GO RIDE WITH THE FIELD. THAT'S WHAT I DO, TOO,
6 BUT I UNDERSTAND WHERE YOU'RE COMING FROM. I
7 WILL JUST SHUT IT DOWN.

8 MS. MATERNE:

9 THAT JUST DOESN'T SEEM TO
10 ME -- AS THE EXECUTIVE DIRECTOR, THAT IS NOT
11 SOMETHING YOU SHOULD BE DOING.

12 MR. TORRANCE:

13 WHY?

14 MS. MATERNE:

15 WELL, BECAUSE THAT IS
16 SOMEBODY ELSE'S JOB. YOU ARE JUST
17 DUPLICATING. WHILE YOU ARE OUT IN THE
18 FIELD, YOU ARE NOT GETTING YOUR
19 RESPONSIBILITIES -- YOU KNOW, YOU ARE NOT
20 BEING ABLE TO WATCH IT.

21 MR. HILLIARD:

22 SOMEBODY IS ALREADY PAID TO
23 DO THAT:

24 MS. MATERNE:

25 I MEAN, DON'T YOU HAVE A

1 FIELD SUPERVISOR? THAT'S WHAT THEY SHOULD BE
2 DOING, HUH?

3 MR. TORRANCE:

4 WELL, --

5 MR. SNYDER:

6 THE FIELD ALSO HAS AN AREA
7 OF RESPONSIBILITY.

8 MR. TORRANCE:

9 RIGHT.

10 I COULD STAY HERE.

11 MS. MATERNE:

12 I DON'T FEEL THAT THE
13 EXECUTIVE DIRECTOR SHOULD BE OUT IN THE FIELD.

14 I MEAN --

15 MR. DUPLESSIS:

16 YES. THAT IS NOT DEEMED
17 A GOOD USE OF YOUR TIME, JACK. THE MOST
18 VALUABLE USE OF YOUR TIME RIGHT NOW IS TO
19 TRY TO CREATE REVENUE ON THESE -- ON THE
20 SALVAGE POOL, GETTING THAT FIVE DOLLAR FEE
21 BACK.

22 MR. HILLIARD:

23 PART, TOO, THE MOST
24 EXPENSIVE PERSON ON THE PAYROLL WE ARE NOT
25 GETTING THE MOST OUT OF, YOU KNOW, AS OPPOSED

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1 TO IF YOU HAVE GOT A FIELD STAFF PERSON OUT
2 THERE DOING THE JOB ON IT, BUT I THINK THAT
3 IS ONE AREA THAT -- LIKE I SAID, ONCE WE
4 GET CONTROL OF THE CASES -- EVERYTHING IS
5 BEING DONE ACCORDING TO RULE 61, WHETHER
6 THE OLD ONE OR THE NEW ONE OR HOWEVER THAT
7 WORKS OUT. ALL OF THESE THINGS WILL FALL
8 IN LINE AND I THINK THERE IS A LITTLE MORE
9 LEEWAY.

10 MS. MATERNE:

11 I AGREE WITH YOU. I MEAN,
12 HE IS AT THIS LEVEL.

13 WHY IS HE DOWN HERE DOING
14 SOMEBODY ELSE'S JOB?

15 MR. TORRANCE:

16 I SUPERVISE THEM AND I
17 SEE IF THEY ARE DOING THEIR JOB IS WHAT I'M
18 DOING.

19 MS. MATERNE:

20 BUT, YOU ARE NOT THEIR
21 SUPERVISOR. YOU ARE THE GENERAL MANAGER.
22 THERE IS A SUPERVISOR THAT REPORTS TO YOU.

23 MR. TORRANCE:

24 I WOULD JUST AS SOON STAY
25 HERE.

1 MS. MATERNE:

2 YES.

3 I MEAN, IT'S LIKE THAT'S
4 MICRO MANAGING EVERYBODY'S JOB. IT'S LIKE --
5 THAT IS A GOOD CASE OF YOU MICRO MANAGING
6 SOMEBODY ELSE'S JOB.

7 MR. HILLIARD:

8 DO WE WANT THAT IN THE JOB
9 DESCRIPTION?

10 MR. DUPLESSIS:

11 YES.

12 MR. HILLIARD:

13 HOW DO WE WANT TO ADDRESS
14 THAT? I MEAN, FIELD STAFF -- I MEAN, IT
15 DOESN'T NEED TO BE ADDRESSED, REALLY.

16 MS. HUDSON:

17 YOU COULD PUT SOMETHING IN
18 THERE LIKE THE EXECUTIVE DIRECTOR SHALL WORK AT
19 THE -- OR SHALL EXECUTE THE ABOVE DUTIES AT THE
20 COMMISSION OFFICE.

21 MR. DUPLESSIS:

22 PUT A PERCENTAGE ON IT.

23 HOW MUCH TIME SHOULD JACK --

24 MS. HUDSON:

25 NINETY PERCENT?

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1 MR. DUPLESSIS:

2 WELL, THAT'S A LITTLE
3 TOUGH. HE IS GOING TO HAVE TO BE -- WHEN
4 YOU SAY THE COMMISSION OFFICE, YOU KNOW, I
5 THINK HE IS GOING TO HAVE TO GO DOWN AND
6 ADDRESS LEGISLATION. THAT IS SOMETHING
7 ELSE THAT WE HAVE TO ADDRESS THAT'S IN
8 HERE.

9 MS. HUDSON:

10 THAT'S NEXT.

11 MR. HILLIARD:

12 THAT'S NEXT.

13 MR. DUPLESSIS:

14 IT MIGHT BE NEXT, BUT I
15 WOULD SAY HE WOULD HAVE TO SPEND EIGHTY
16 PERCENT OF HIS TIME IN THE OFFICE. THAT WOULD
17 BE THIRTY-TWO HOURS OF A FORTY HOUR WEEK AND
18 THAT WILL BE REASONABLE.

19 MR. HILLIARD:

20 GOING ON TO THE
21 LEGISLATIVE, ISN'T THERE AN ISSUE -- WHAT
22 IS REQUIRED -- DIDN'T YOU LOOK INTO GETTING
23 LOBBYISTS -- DIDN'T THEY GIVE YOU SOME HASSLE
24 ABOUT YOU HAVE TO BE A REGISTERED LOBBYIST OR
25 SOMETHING LIKE THAT?

1 MR. TORRANCE:

2 I, AS THE DIRECTOR, CANNOT
3 LOBBY A BILL. I CAN GO DOWN THERE FOR
4 INFORMATIONAL PURPOSES ONLY. LIKE, FOR THE
5 BID CARD BILL INSTANCE, I E-MAILED EVERYBODY
6 ON THE SENATE AND COMMERCE COMMITTEE AND
7 EXPLAINED TO THEM WHAT THIS -- DELETING THAT
8 BID CARD WOULD DO AND WHEN I ENTERED THE
9 COMMITTEE ROOM THE NEXT MORNING, THE AUTHOR
10 OF THE BILL, CHLO FONTENOT, ADDRESSED ME
11 WITH A COPY OF THE ETHICS VIOLATION THAT I
12 WAS INVOLVED WITH AND THAT IF I DID NOT STOP
13 LOBBYING THE BILL, I WOULD HAVE CHARGES PUT ON
14 ME.

15 MR. HILLIARD:

16 DIDN'T SOMEBODY -- MAYBE
17 RON CAN ANSWER THIS BETTER, BUT WASN'T THAT
18 PART OF A TECHNICALITY THAT YOU WEREN'T
19 REGISTERED TO LOBBY? I MEAN, IS THAT
20 SOMETHING HE IS ALLOWED TO BE REGISTERED TO
21 LOBBY?

22 MR. DUPLESSIS:

23 NO.

24 MS. HUDSON:

25 NO.

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1 MR. TORRANCE:

2 NO. WE CANNOT --

3 MR. DUPLESSIS:

4 HE CANNOT BE A LOBBYIST.

5 HE CANNOT BE DOWN THERE LOBBYING HIS OWN

6 BILLS.

7 THIS -- IT WAS FOR A

8 LONG TIME THOUGHT THAT THIS COMMISSION

9 COULD NOT RECOMMEND OR MOVE FORTH THEIR OWN

10 BILLS. THAT IS COMPLETELY AND TOTALLY

11 INCORRECT.

12 JACK CANNOT GO DOWN

13 THERE OR ANY DIRECTOR OF ANY AGENCY CANNOT

14 GO DOWN THERE, PULL A SENATOR OFF TO THE

15 SIDE AND SAY, "BY THE WAY" -- WHAT YOU

16 HAVE TO DO AS CHAIRMAN IS WE WRITE THE BILL.

17 WE SEND IT TO DRAFTING, AND THEN, YOU HAVE

18 GOT TO FIND AN AUTHOR. SO, THAT IS YOUR

19 CONNECTION, AND THEN, ALL OF US ARE THERE

20 FOR INFORMATIONAL AND SUPPORT PURPOSES ONLY,

21 BUT YOU CAN'T GO TO SULLIVAN'S AND TAKE

22 THEM AND TELL THEM WHAT A GREAT BILL. ALL OF

23 THAT IS GONE. THAT HAS BEEN GONE FOR HIM.

24 THAT'S REALLY -- THE LAST TWENTY YEARS, THAT

25 PRIVILEGE HAS NEVER -- HE CAN'T DO ANY OF THAT

1 UP TO THIS YEAR --

2 MR. HILLIARD:

3 HE CAN'T GO TO COMMITTEE

4 MEETINGS AND GET OUR BILL --

5 MR. DUPLESSIS:

6 ABSOLUTELY --

7 MR. TORRANCE:

8 FOR INFORMATIONAL PURPOSES

9 ONLY.

10 MR. DUPLESSIS:

11 IF THEY RUN HIM OUT --

12 MR. TORRANCE:

13 I CAN BRING POINTS OF THIS

14 COMMISSION --

15 MR. DUPLESSIS:

16 EXPLAIN THE RULE.

17 MS. HUDSON:

18 BUT, WE CAN HIRE A

19 LOBBYIST.

20 MR. TORRANCE:

21 WE CANNOT HIRE A

22 LOBBYIST.

23 MR. DUPLESSIS:

24 NO. WE CANNOT HIRE A

25 LOBBYIST.

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1 MS. HUDSON:

2 WHY NOT?

3 MR. DUPLESSIS:

4 IT IS AGAINST THE LAW. WE
5 CAN'T LOBBY OUR OWN BILL.

6 YOU HAVE TO WORK THROUGH --

7 MR. TORRANCE:

8 AN ASSOCIATION.

9 MR. DUPLESSIS:

10 -- YOUR ASSOCIATIONS.

11 NOW, WHAT MR. TORRANCE CAN
12 DO IS HE SIGNS IN ON THE CARD. HE SITS -- THEY
13 CALL HIM AND SAY, "MR. TORRANCE, WOULD YOU
14 TESTIFY?" "YES". "MR. TORRANCE, WHAT DO YOU
15 HAVE TO SAY ABOUT THIS?" "WELL, OUR COMMISSION
16 NEEDS A RAISE FOR THESE REASONS. WE HAVEN'T
17 HAD ONE SINCE 1984" AND, YOU KNOW, THEY ARE
18 GOING TO GIVE HIM GREAT LIBERTY WHEN HE IS
19 TESTIFYING FOR INFORMATION. YOU NEED TO TAKE
20 ALL THE LIBERTY THAT YOU CAN GET AWAY WITH,
21 ESPECIALLY IF YOU ARE GETTING THIS RAISE, AND
22 THEN, SOMEBODY SHUTS YOU DOWN. THAT'S THE
23 DEAL.

24 MR. TORRANCE:

25 I OPENLY OBJECTED TO THE BID

1 CARD.

2 MR. DUPLESSIS:

3 RIGHT.

4 HE CAN DO THAT.

5 MR. TORRANCE:

6 WELL, NOT REALLY. THAT'S
7 WHAT HE SAID I COULD NOT DO.

8 MR. DUPLESSIS:

9 NO. YOU CAN DO THAT, BUT
10 YOU HAVE GOT TO FILL OUT THE YELLOW CARD IN
11 OPPOSITION. THEN, YOU TESTIFY TO THE
12 OPPOSITION AND YOU EXPLAIN WHY FROM YOUR
13 POSITION.

14 WE CAN GO DOWN AND DO THE
15 SAME THING.

16 MR. HILLIARD:

17 IT COULD BE HE WAS SENDING
18 E-MAILS OUT TO PEOPLE.

19 MS. HUDSON:

20 SOLICITATION.

21 MR. HILLIARD:

22 THAT'S WHAT THE DIFFERENCE
23 IS?

24 MR. DUPLESSIS:

25 NO. YOU CAN'T PULL A

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1 SENATOR OFF THE FLOOR. YOU CAN'T, LIKE, SEND
2 CASSIDY -- WHEN I WAS TRYING TO PASS THE FORTY-
3 FIVE-SEVENTY LAW, I SENT A NOTE TO CASSIDY AND
4 SAID, "BILL, COME OVER HERE. I WANT TO EXPLAIN
5 THIS TO YOU. WILL YOU VOTE FOR US?" HE SAID,
6 "YES, RON, HEY, SURE, NOT A PROBLEM. HERE'S
7 WHAT IT DOES" AND, BANG, WE GOT IT PASSED, BUT
8 YOU CAN -- HE CAN BE INVOLVED IN NONE OF THAT.

9 MR. HILLIARD:

10 WELL, HE SAID HE CAN'T BE --
11 HE GOT IN TROUBLE FOR SENDING E-MAILS OUT.

12 MR. DUPLESSIS:

13 HE CAN'T MAKE CONTACT --

14 MR. HILLIARD:

15 ALL HE CAN DO IS GO TO THE
16 COMMITTEE MEETING --

17 MR. DUPLESSIS:

18 THAT'S RIGHT.

19 MR. HILLIARD:

20 -- AND ANSWER QUESTIONS.

21 MR. DUPLESSIS:

22 THAT'S RIGHT.

23 HE CAN MEET --

24 MR. TORRANCE:

25 I CAN'T OBJECT TO THE BILL.

1 MR. DUPLESSIS:

2 YOU CAN GIVE REASONS WHY
3 YOU DON'T THINK IT IS -- YOU CAN SIGN AN
4 OPPOSITION OR YOU CAN PUT FOR INFORMATION
5 PURPOSES ONLY, BUT YOU CAN'T GO GRAB A SENATOR
6 OR A LOBBYIST OR -- THAT IS YOUR ASSOCIATION'S
7 TO DO AND THE WAY YOU CREATE YOUR LEGISLATION
8 IS BY HAVING A MEETING WITH THE MOTORCYCLE
9 DEALERS AND SAYING, "LOOK, WHAT DO Y'ALL WANT
10 TO SEE", AND THEN, YOU SAY, "WELL, BY THE WAY,
11 YOU KNOW, THE ONLY WAY WE CAN DO THAT IS IF WE,
12 AS A COMMISSION, GET A RAISE" AND THAT IS A
13 HINT AND THEY WILL PICK UP FOR IT AND THEY WILL
14 VOTE TO GIVE FIVE OR TEN BUCKS MORE, BUT YOUR
15 ASSOCIATIONS HAVE TO TAKE THEIR LEAD, BUT IF
16 YOUR ASSOCIATION WANTS TO DO SOMETHING WRONG,
17 YOU ARE GOING TO HAVE TO STAND AGAINST YOUR
18 ASSOCIATION.

19 LET'S SAY BOURGET'S WANTED
20 TO SAY, "WELL, LET'S JUST DO AWAY WITH
21 LICENSING", OBVIOUSLY WE CAN'T BE A PART OF
22 THAT. SO, WE CAN GO DOWN THERE AND TESTIFY TO
23 THE COMMITTEES. THE COMMITTEES WILL THEN
24 EITHER MOVE IT FORWARD OR NOT AND PUT IT ON THE
25 FLOOR. SO, THEN THEY HAVE THEIR OWN PLANS AND

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1 THAT'S HOW IT WORKS, BUT HE CAN'T DIRECTLY
2 CONTACT ANY OF THE SENATORS OR LEGISLATORS.

3 MR. HILLIARD:

4 SO, IS THIS STILL --

5 MR. DUPLESSIS:

6 HE RECOMMENDS LEGISLATION TO
7 THE LEGISLATIVE COMMITTEE.

8 MR. TORRANCE:

9 AND THEY AUTHORIZE THE --

10 MR. DUPLESSIS:

11 RIGHT.

12 MR. TORRANCE:

13 -- PREPARING OF THE BILL.

14 MR. DUPLESSIS:

15 THE DRAFTING AND -- BETWEEN
16 SHERI AND ROBERT, THEY WILL PREPARE THE
17 DRAFTING OF THE BILL.

18 MR. HILLIARD:

19 THE DESCRIPTION IS REPRESENT
20 THE CHAIRMAN OF THE COMMISSION IN ADDRESSING
21 LEGISLATIVE COMMITTEES IS WHAT NEEDS TO BE
22 SAID?

23 MR. DUPLESSIS:

24 WITH THE ASSOCIATION RELATED
25 INDUSTRY PARTIES.

1 MR. HILLIARD:

2 YES, BUT YOU JUST SAID MORE
3 THAN THAT, FOLLOWS DIRECTION OF THE COMMISSION
4 IN PURSUING --

5 MR. DUPLESSIS:

6 MAKES RECOMMENDATIONS TO THE
7 LEGISLATIVE COMMITTEE.

8 MS. HUDSON:

9 AND PROFESSIONAL
10 ORGANIZATIONS.

11 MR. DUPLESSIS:

12 HE CAN'T MAKE
13 RECOMMENDATIONS TO PROFESSIONAL ORGANIZATIONS.

14 MS. HUDSON:

15 THAT IS UNDER HIS JOB
16 DESCRIPTION RIGHT THERE.

17 MR. DUPLESSIS:

18 TO MEET WITH THEM --

19 MR. HILLIARD:

20 REPRESENTING.

21 MR. DUPLESSIS:

22 -- REPRESENTING THE

23 COMMISSION AND MEETING WITH --

24 MR. HILLIARD:

25 FOLLOW THE DIRECTION OF THE

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1 COMMISSION IN MAKING RECOMMENDATIONS TO --

2 MR. DUPLESSIS:

3 WITH TRADE ASSOCIATIONS.

4 MR. HILLIARD:

5 NO, TO THE LEGISLATIVE

6 COMMITTEE.

7 MR. DUPLESSIS:

8 TO THE LEGISLATIVE

9 COMMITTEE.

10 MR. HILLIARD:

11 OKAY, MAKING -- THE

12 EXECUTIVE DIRECTOR SHALL FOLLOW DIRECTION OF

13 THE COMMISSION IN MAKING RECOMMENDATIONS TO THE

14 LEGISLATIVE COMMITTEE, REPRESENT COMMISSION IN

15 FRONT OF ALL LEGISLATIVE COMMITTEES? DOES THAT

16 COVER THE SAME THING?

17 MR. DUPLESSIS:

18 IT SHOULD SAY --

19 MR. TORRANCE:

20 I WOULD SAY THE COMMISSION.

21 MR. DUPLESSIS:

22 RIGHT, REPRESENTS THE

23 COMMISSION, MEETS WITH PROFESSIONAL

24 ORGANIZATIONS AND TRADE ASSOCIATIONS AND

25 MAKES RECOMMENDATIONS TO THE LEGISLATIVE

1 COMMITTEE.

2 MR. HILLIARD:

3 YOU SAID "TO THE" OR "TO THE
4 LEGISLATIVE" --

5 MR. DUPLESSIS:

6 "TO THE" -- ARE YOU GOING TO
7 HAVE A LEGISLATIVE COMMITTEE? IF YOU ARE GOING
8 TO HAVE A LEGISLATIVE COMMITTEE --

9 MR. HILLIARD:

10 I'M TALKING ABOUT AS FAR AS
11 -- THIS LEGISLATIVE COMMITTEE IS ADDRESSED IN
12 HERE IS DOWN AT THE CAPITAL, NOT THE
13 COMMISSION.

14 MR. DUPLESSIS:

15 THE COMMISSION'S LEGISLATIVE
16 COMMITTEE.

17 MR. HILLIARD:

18 OKAY, BUT WHAT IS HIS
19 RESPONSIBILITY AS FAR AS --

20 MR. TORRANCE:

21 THE NORMAL PROCEDURE IS THE
22 COMMISSION THROUGH THE COMMITTEE RECOMMENDS
23 WHAT THEY WANT TO PURSUE.

24 MR. DUPLESSIS:

25 RIGHT.

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1 MR. TORRANCE:

2 AFTER THEY RECOMMEND --
3 SAY, LIKE, A FEE INCREASE, ONCE THEY GIVE
4 ME THE AUTHORITY, THEN I CONTACT THE
5 COMMERCE COMMITTEE, WHO HAS OVERSIGHT OVER
6 THIS COMMISSION, AND I WILL EXPLAIN TO HIM
7 WHAT --

8 MR. HILLIARD:

9 WHAT WE ARE LOOKING
10 FOR?

11 MR. TORRANCE:

12 -- WHAT WE ARE LOOKING
13 FOR AND HE WILL DRAFT A BILL, GIVE ME A
14 DRAFT AND I WILL BRING IT BACK TO Y'ALL AND
15 Y'ALL LOOK AT IT AND GIVE ME RECOMMENDATIONS.

16 MR. DUPLESSIS:

17 BUT, HE IS TO DEVELOP
18 INFORMATION FROM YOUR PROFESSIONAL
19 ORGANIZATIONS AND TRADE ASSOCIATIONS.

20 MR. HILLIARD:

21 PROFESSIONAL ORGANIZATIONS
22 AND TRADE ASSOCIATIONS.

23 MS. HUDSON:

24 AND REPORTS TO THE
25 COMMISSION LEGISLATIVE --

1 MR. DUPLESSIS:
2 LEGISLATIVE COMMITTEE.

3 MS. HUDSON:
4 -- COMMITTEE.

5 MR. HILLIARD:
6 WHICH WE DON'T HAVE
7 YET.

8 MR. DUPLESSIS:
9 HE AND THE LEGISLATIVE
10 LAWYER SHOULD REPORT TO THE -- WHO DOES THE
11 DRAFTING FOR YOU?

12 MR. TORRANCE:
13 WELL, IT USE TO BE JOE
14 DEGENERES AT COMMERCE. NOW, IT IS COBY COOK.

15 MR. DUPLESSIS:
16 IT IS UNDER THE COMMERCE
17 COMMITTEE?

18 MR. TORRANCE:
19 IT IS UNDER THE COMMERCE
20 COMMITTEE, THEIR ATTORNEYS, THAT DO THE
21 DRAFTING.

22 MR. DUPLESSIS:
23 THE DRAFTING COMMITTEE.

24 MR. TORRANCE:
25 RIGHT.

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1 MR. DUPLESSIS:

2 YES.

3 MR. HILLIARD:

4 SO -- OKAY. THE EXECUTIVE

5 DIRECTOR --

6 MR. DUPLESSIS:

7 IN CONJUNCTION --

8 MR. HILLIARD:

9 -- UNDER THE GUIDE WITH

10 PROFESSIONAL ORGANIZATIONS -- PROFESSIONAL AND

11 TRADE ORGANIZATIONS AND REPORTS TO THE

12 COMMISSION'S LEGISLATIVE COMMITTEE --

13 MR. DUPLESSIS:

14 CORRECT.

15 MR. HILLIARD:

16 -- IN REGARDS TO PROPOSED

17 LEGISLATION?

18 MR. DUPLESSIS:

19 CORRECT.

20 MR. TORRANCE:

21 I THINK IT NEEDS TO COME THE

22 OTHER WAY.

23 MR. DUPLESSIS:

24 WELL, I MEAN, THAT'S

25 WHERE IT STARTS, AND THEN, THERE IS THE

1 SECOND HALF OF THIS YOU ARE GOING TO HAVE TO
2 ADDRESS.

3 MR. HILLIARD:

4 AND FOLLOWS DIRECTION OF THE
5 COMMISSION --

6 MR. DUPLESSIS:

7 COMMISSION WITH LEGISLATIVE
8 -- WITH THE COMMISSION'S LEGAL STAFF.

9 MR. HILLIARD:

10 DIRECTION OF THE COMMISSION
11 IN PURSUING --

12 MR. DUPLESSIS:

13 COMMISSION AND COMMISSION'S
14 LEGAL STAFF FOR PREPARATION AND DRAFTING OF
15 PROPOSED LEGISLATION, BECAUSE WHEN YOU START
16 TO -- WHEN YOU TURN IT OVER, AIN'T NONE OF
17 US LAWYERS. HE IS GOING TO HAVE TO CONVEY
18 THE MEAT OF IT AND THE LAWYER IS GOING TO HAVE
19 TO PUT THE LEGAL WRANGLING ON IT, SO THE
20 DRAFTERS --

21 MR. TORRANCE:

22 CAN PUT IT IN A --

23 MR. DUPLESSIS:

24 -- CAN PUT IT IN A FORMAT,
25 RIGHT.

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1 MR. HILLIARD:
2 PREPARATION AND DRAFTING

3 OF --

4 MR. DUPLESSIS:
5 PROPOSED LEGISLATION.

6 MR. HILLIARD:
7 OKAY.
8 THE EXECUTIVE DIRECTOR SHALL
9 ALSO REPRESENT THE COMMISSION IN FRONT OF THE
10 LEGISLATURE --

11 MR. DUPLESSIS:
12 LEGISLATURE FOR MONITORING.
13 WE HAVE TO PRACTICE DEFENSE WORK HERE, NOW.

14 MR. TORRANCE:
15 FOR INFORMATION PURPOSES
16 ONLY.

17 MR. DUPLESSIS:
18 AND INFORMATION PURPOSES
19 ONLY, MONITORING ADVERSE -- POSSIBLE ADVERSE --

20 MR. TORRANCE:
21 MONITORING PROGRESS OF THE
22 BILL AND ONLY PROVIDING INFORMATION PURPOSES
23 ONLY.

24 MR. DUPLESSIS:
25 RIGHT, AND MONITORING

1 POSSIBLE ADVERSE LEGISLATION TO THE COMMISSION.

2 MR. TORRANCE:

3 WE DO THAT. WE ARE ON --

4 MR. DUPLESSIS:

5 WELL, PLAYING DEFENSE IS
6 A HUGE PART OF IT. YOU HAVE GOT A LEGISLATORS
7 THAT THEY ARE MAD AT SOMETHING. THEY COME UP
8 WITH SOMETHING FOR THEIR COUSIN, AND THEN,
9 YOU'VE GOT THIS BIZARRE THING. JACK NEEDS
10 TO --

11 MR. TORRANCE:

12 WELL, RIGHT NOW, AND WE PUT
13 IN THERE WHAT WE WANT TO FOLLOW VIA ADDRESSING
14 ANYTHING PERTAINING TO THAT PARTICULAR THING
15 AND THEY NOTIFY US EACH DAY ABOUT ANY BILLS
16 FILED TO RELATE TO THAT ITEM.

17 MR. DUPLESSIS:

18 WELL, JUST LIKE THEY DO THE
19 R.B. (PHONETIC) LAW.

20 MS. HUDSON:

21 ARE WE THROUGH WITH
22 LEGISLATION?

23 MR. HILLIARD:

24 THE EXECUTIVE DIRECTOR SHALL
25 ADDRESS THE COMMISSION AND MEET WITH

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1 PROFESSIONAL AND TRADE ORGANIZATIONS, REPORT TO
2 THE COMMISSION'S LEGISLATIVE COMMITTEE IN
3 REGARDS TO PROPOSED LEGISLATION. THE EXECUTIVE
4 DIRECTOR SHALL FOLLOW THE DIRECTION OF THE
5 COMMISSION AND THE COMMISSION'S LEGAL STAFF FOR
6 PREPARATION AND DRAFTING OF PROPOSED
7 LEGISLATION. THE EXECUTIVE DIRECTOR SHALL
8 REPRESENT THE COMMISSION BEFORE --

9 MR. DUPLESSIS:

10 LEGISLATIVE.

11 MR. HILLIARD:

12 -- BEFORE LEGISLATIVE

13 COMMITTEES FOR INFORMATIONAL PURPOSES AND TO
14 LOBBY THE ADVERSE LEGISLATION.

15 MR. DUPLESSIS:

16 CORRECT.

17 MS. HUDSON:

18 VERY GOOD, GOOD JOB.

19 MR. DUPLESSIS:

20 VERY GOOD.

21 MS. HUDSON:

22 GOOD JOB.

23 MR. DUPLESSIS:

24 MONITOR AND PUT REPORT

25 LEGISLATIVE -- ADVERSE --

1 MR. HILLIARD:
2 REPORT ALL LEGISLATIVE
3 ACTIVITY TO THE COMMISSION.

4 MR. DUPLESSIS:
5 ADVERSE, ESPECIALLY,
6 MONITOR AND REPORT ADVERSE LEGISLATIVE
7 ACTION.

8 YOU GET SOME STUFF THAT
9 POPS UP AND GETS ATTACHED AND, BOY, IT CAN
10 BE A NIGHTMARE IF YOU DON'T GET IN THERE AND
11 FIGHT IT AND TESTIFY.

12 IT'S KIND OF LIKE THE
13 TRUCK BILL WE HAD THIS YEAR THAT SOMEBODY
14 THOUGHT THEY WERE DOING GOOD AND IT TURNED INTO
15 A MESS.

16 MR. HILLIARD:
17 WHAT ELSE?

18 MR. SNYDER:
19 I DON'T SEE ANYTHING ELSE.

20 MR. HILLIARD:
21 IT HAS, ANSWER QUESTIONS
22 FROM THE COMMISSIONERS AND ADVISING STATUS OF
23 THE AGENCY.

24 DO YOU WANT TO KEEP THAT IN
25 THERE, TOO?

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1 MS. HUDSON:
2 THAT IS A PRETTY BROAD
3 TERM.

4 MR. HILLIARD:
5 WE WILL LEAVE THAT.

6 MR. SNYDER:
7 ALL OTHER DUTIES AS
8 ASSIGNED.

9 MR. HILLIARD:
10 ALL OTHER DUTIES AS
11 ASSIGNED.

12 I'M GOING TO DO MY BEST
13 TO HAVE THIS TYPED UP FOR Y'ALL TO LOOK AT
14 TOMORROW, AND THEN, WE WILL HAVE TO PASS IT
15 BY THE LEGAL PEOPLE BEFORE WE MAKE
16 RECOMMENDATIONS.

17 MY THOUGHTS ON TRYING TO
18 HAVE COMMITTEE MEETINGS ON MONDAY IS IT KEEPS
19 THE OUT OF TOWN PEOPLE FROM HAVING TO MAKE TWO
20 TRIPS TO BATON ROUGE AND CAUSES A PROBLEM. THE
21 PROBLEM IS IT DOESN'T LEAVE US AS MUCH TIME TO
22 GET STUFF READY FOR THE NEXT DAY. SO, WE MIGHT
23 HAVE TO --

24 MR. SNYDER:
25 THAT'S FINE.

1 MR. HILLIARD:

2 I WOULD LIKE -- IT'S EASY
3 FOR RON AND I TO GET HERE, YOU KNOW, BUT I'M
4 JUST TRYING TO THINK OF YOU OUT OF TOWNERS.

5 MR. TORRANCE:

6 YOU'VE GOT TWO SHREVEPORT --

7 MS. HUDSON:

8 BUT, USUALLY, WE WOULDN'T
9 HAVE SUCH A LONG DETAILED MEETING ON A JOB
10 DESCRIPTION, BUT WE HAD TO START SOMEWHERE, YOU
11 KNOW.

12 MR. HILLIARD:

13 RIGHT.

14 MS. HUDSON:

15 I THINK THE REST OF THEM,
16 WITH YOUR HELP WE CAN SAY, "YES, THEY DO THIS"
17 AND "NO, THEY DO NOT" OR "YOU SHOULD HAVE" OR
18 "YOU SHOULD DELETE THAT."

19 MR. HILLIARD:

20 WELL, I WILL DO MY BEST TO
21 HAVE THIS READY FOR TOMORROW.

22 TOMORROW, I MENTIONED THIS
23 TO MS. LYNETTE, I SENT HER AN E-MAIL, I'M GOING
24 TO TRY TO HAVE SOME STUFF FOR YOU TO LOOK AT ON
25 THE FINANCIAL STUFF, BUT I JUST -- I THINK WE

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1 ARE GOING TO REACH A CRISIS POINT BEFORE WE
2 REALIZE IT.

3 MR. TORRANCE:

4 IT HAS BEEN THAT WAY FOR TWO
5 YEARS.

6 MR. HILLIARD:

7 SOMETHING HAS TO BE DONE
8 ABOUT IT.

9 I PUT NO FAULT ON YOU OR
10 ANYBODY IN THE OFFICE FOR THAT. THE FACT THAT
11 THE PREVIOUS COMMISSION DID NOT SAY, STOP. WE
12 HAVE GOT A BUDGET OF ONE POINT NINE MILLION AND
13 WE HAVE ONLY COLLECTED ONE POINT FIVE MILLION.
14 WE HAVE GOT TO CUT FOUR HUNDRED THOUSAND
15 DOLLARS OUT AND THAT IS -- OBVIOUSLY -- AND I
16 ASKED HER TO SEE IF SHE COULD GIVE US SOMETHING
17 SHOWING WHAT OUR CURRENT EXPECTED BUDGET IS.

18 MR. TORRANCE:

19 FOUR HUNDRED THOUSAND.

20 MR. DUPLESSIS:

21 FOUR HUNDRED THOUSAND.

22 MR. HILLIARD:

23 WHAT OUR CURRENT EXPECTED
24 BUDGET IS REMOVING MIKE'S PAY FOR THIS YEAR AND
25 HOPEFULLY CUTTING LEGAL EXPENSES BACK TO THE

1 PREVIOUS THREE YEARS AVERAGE.

2 MR. TORRANCE:

3 MORE THAN THREE YEARS.

4 MR. HILLIARD:

5 NO. I MEAN, PREVIOUS TO
6 LAST YEAR, A THREE YEAR AVERAGE, WHICH IS ABOUT
7 SIXTY, SEVENTY THOUSAND A YEAR, IT LOOKS LIKE
8 TO ME, AND WE GET THAT AND WE HAVE GOT TO DO
9 SOMETHING.

10 MR. TORRANCE:

11 I WILL GET WITH LYNETTE AND
12 WE WILL HAVE SOMETHING.

13 MR. DUPLESSIS:

14 JACK, YOU SEE THE STAFF -- I
15 THINK -- TAKE YOUR CHOICE, EITHER OVERSTAFFED
16 OR UNDER REVENUED, PICK ONE. I THINK WE ARE A
17 COMBINATION OF BOTH. IF WE COULD GET OUR FIVE
18 BUCKS PER SALVAGE UNIT AND MAYBE WE HAVE TO
19 HAVE A PLAN TO REACH BACK AND GET THAT.

20 MR. TORRANCE:

21 WE'RE GETTING OUR FIVE
22 DOLLARS.

23 MR. HILLIARD:

24 THERE'S SOME WE ARE NOT
25 GETTING. I MEAN --

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1 MR. DUPLESSIS:
2 THERE'S SOME WE ARE NOT,

3 YES.

4 MR. TORRANCE:
5 THERE'S A VERY SMALL AMOUNT,
6 BUT WE ARE LOOKING INTO THAT AND WE DISCUSSED
7 IT.

8 MR. HILLIARD:
9 IT WILL BE ADDRESSED
10 TOMORROW.

11 MR. DUPLESSIS:
12 JACK, WITH THAT BEING SAID,
13 ARE THERE GOING TO BE SOME PERSONNEL
14 RECOMMENDATIONS YOU CAN MAKE WITHIN THE NEXT
15 COUPLE OF MONTHS?

16 MR. HILLIARD:
17 WE HAVE A FINANCIAL
18 COMMITTEE MEETING BETWEEN THIS MEETING AND THE
19 NEXT AND WE NEED TO HAVE DECISIONS MADE BY THE
20 NEXT MEETING.

21 MR. TORRANCE:
22 YES. WE HAVE GOT TO DO
23 SOMETHING.

24 MR. DUPLESSIS:
25 WELL, I MEAN, THAT'S

1 SOMETHING THAT YOU ARE GOING TO HAVE TO MAKE
2 PERSONNEL RECOMMENDATIONS.

3 MR. HILLIARD:

4 WELL, WE WILL DISCUSS IT IN
5 TOMORROW'S MEETING, INSTRUCTIONS --

6 MR. SNYDER:

7 IT SEEMS TO ME THAT IF
8 YOU KNOW AHEAD OF TIME YOUR BUDGET IS NOT
9 BALANCED, THEN YOU HAVE GOT TO COME UP WITH
10 RECOMMENDATIONS ABOUT YOUR BUDGET.

11 MR. DUPLESSIS:

12 RIGHT.

13 MR. TORRANCE:

14 WE TRY AND TO DO THAT EVERY
15 YEAR AND LIKE I SAY, EVEN IF WE DO CUT THE
16 STUFF, WE REALLY WON'T BRING THAT MUCH REVENUE
17 OUT OF IT.

18 MS. HUDSON:

19 YES, IT WILL.

20 MR. HILLIARD:

21 THERE IS NO -- THAT IS THE
22 ONE PROBLEM THAT I HAVE SEEN AND THIS IS
23 TYPICAL, I THINK, OF STATE EMPLOYEES IN GENERAL
24 IS, YOU KNOW, WE LOOK AT -- IT'S TOUGH. WE
25 CAN'T --

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1 MR. TORRANCE:

2 YOU LOOK AT IT AND YOU JUST
3 SAY, "OKAY, THIS IS HOW MANY EMPLOYEES WE ARE
4 CUTTING" AND CUT THEM.

5 MR. HILLIARD:

6 I MEAN, THE PROBLEM IS WE
7 GET TO THE -- IF WE GO INTO WITH IT IS NOT AN
8 OPTION TO NOT BALANCE THE BUDGET, THEN YOU
9 HAVE TO DO WHATEVER MEANS NECESSARY TO DO IT
10 AND WE ALSO NEED TO ADDRESS IN THE BALANCED
11 BUDGET ACQUISITION FOR VEHICLES, BECAUSE WE
12 CAN'T JUST --

13 MR. TORRANCE:

14 NO. WE CAN'T KEEP DRIVING
15 THEM.

16 MR. HILLIARD:

17 RIGHT.

18 YOU CAN'T JUST IGNORE IT,
19 BECAUSE IT IS GOING TO COME TO A POINT WHERE
20 THEY HAVE TO BE REPLACED.

21 (OFF-THE-RECORD DISCUSSION.)

22 MR. TORRANCE:

23 NOW, SEE, LIKE GARY'S CAR,
24 THE BATON ROUGE PERSON, I HAVE LOOKED INTO
25 LETTING HIM DRIVE HIS VEHICLE AND PAY HIM

1 MILEAGE. IF THEY DON'T PUT SO MANY MILES ON
2 THE VEHICLE, WE HAVE TO DO THAT.

3 MR. DUPLESSIS:

4 WHAT DO YOU REIMBURSE THEM
5 AT, JACK?

6 MR. TORRANCE:

7 FIFTY-TWO CENTS A MILE.

8 MR. DUPLESSIS:

9 FIFTY-TWO CENTS A MILE.

10 MR. TORRANCE:

11 THEY RAISED IT UP BECAUSE OF
12 THE COST OF FUEL.

13 MR. HILLIARD:

14 BUT, ONE OF THE QUESTIONS
15 GOING BACK ON THE THING, WE -- I MEAN, WE ARE
16 RESPONSIBLE FOR ALL THE FUEL AND OTHER STUFF ON
17 STATE CARS, RIGHT?

18 MS. MATERNE:

19 INSURANCE.

20 MR. HILLIARD:

21 DON'T WE HAVE A COUPLE OF
22 EMPLOYEES -- FIELD STAFF THAT LIVE OUTSIDE OF
23 THEIR TERRITORY?

24 MR. TORRANCE:

25 NO. THAT'S ONE OF THE

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1 CRITERIA. THEY HAVE TO LIVE IN THEIR
2 TERRITORY.

3 MR. HILLIARD:

4 I THOUGHT MONTIE AND HIS DAD
5 LIVE TOGETHER?

6 MR. TORRANCE:

7 NO. NO. MONTIE LIVES IN
8 MONROE AND --

9 MR. HILLIARD:

10 I'M SORRY.

11 MR. TORRANCE:

12 NO. HE LIVES IN MONROE AND
13 RONNIE LIVES IN -- RIGHT OUT OF --

14 MR. HILLIARD:

15 THAT'S FINE. I HEARD
16 INCORRECTLY. SOMEBODY MENTIONED THAT THEY WERE
17 LIVING TOGETHER AND I'M THINKING, HOW IS THAT
18 POSSIBLE FOR -- DON'T YOU HAVE TO BE IN --

19 MR. TORRANCE:

20 WE HAD ONE SITUATION, THE
21 LADY AND THE GUY THAT IS MARRIED IN ST.
22 TAMMANY.

23 MR. HILLIARD:

24 MAYBE THAT'S WHAT I'M
25 THINKING. I'M SORRY. I DIDN'T REALIZE -- I

1 THOUGHT IT WAS JUST FATHER AND SON. IT IS A
2 MARRIED COUPLE.

3 MR. TORRANCE:

4 THEY ARE MARRIED.

5 MR. HILLIARD:

6 SO, ONE LIVES OUTSIDE THEIR
7 TERRITORY.

8 MR. TORRANCE:

9 ONE -- THAT'S RIGHT.

10 MR. HILLIARD:

11 BUT, WE PAY MILEAGE AND
12 EVERYTHING ELSE DRIVING INTO HIS TERRITORY EACH
13 DAY?

14 MR. TORRANCE:

15 RIGHT.

16 MR. HILLIARD:

17 THAT IS AN ISSUE. THAT'S
18 SOMETHING THAT -- WE ARE PAYING THIRTY MILES A
19 DAY EXTRA, FIFTY MILES A DAY EXTRA?

20 MR. TORRANCE:

21 I DON'T KNOW --

22 MR. HILLIARD:

23 IT MIGHT BE CLOSE ENOUGH
24 THEY LIVE -- THEY LIVE ON THE LINE AND FIVE
25 MILES FROM THE TERRITORY.

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1 MR. TORRANCE:

2 I WOULD HAVE TO LOOK AT

3 THAT.

4 MR. HILLIARD:

5 WE HAVE JUST GOT TO DO

6 SOMETHING AND IF WE GO INTO IT SAYING WE HAVE

7 GOT TO HAVE A BALANCED BUDGET, THEN WE HAVE GOT

8 TO DO WHATEVER IT TAKES.

9 MR. TORRANCE:

10 AND LIVE IN IT.

11 MR. HILLIARD:

12 AND LIVE IN IT.

13 WAS THERE ANYTHING YOU FELT

14 UNCOMFORTABLE WITH? I THINK WE ARE TRYING TO

15 BE REASONABLE.

16 MR. TORRANCE:

17 THAT'S FINE. I'M IN

18 AGREEMENT WITH EVERYTHING.

19 MR. HILLIARD:

20 ANYTHING --

21 MR. DUPLESSIS:

22 SO, TOMORROW WHEN WE PROPOSE

23 THIS, YOU ARE GOING ENDORSE IT AND RATIFY IT?

24 MR. TORRANCE:

25 YOU BETTER BELIEVE IT.

1 MR. DUPLESSIS:

2 COOL.

3 MR. TORRANCE:

4 WHY WOULD I DISAGREE?

5 MR. DUPLESSIS:

6 I DON'T KNOW. I MEAN, WE
7 GET SO MANY PEOPLE THAT DISAGREE WITH US AND
8 TRY TO MAKE A MOUNTAIN OUT OF A MOLE HILL.
9 MAYBE WE HAVE GOT A LITTLE SENSITIVE. YOU
10 KNOW, I WOULD TELL THEM TO SIT DOWN AND SHUT UP
11 AS QUICK AS ANYBODY --

12 MS. MATERNE:

13 DON'T WE NEED TO ADDRESS
14 EMPLOYEES SITTING IN ON MEETINGS?

15 MR. HILLIARD:

16 I HAD A MEMO SENT OUT.

17 YOU SAW MY MEMO, JOAN?

18 MS. HUDSON:

19 WHAT MEMO?

20 MR. HILLIARD:

21 I HAD A MEMO SENT TO THE
22 EMPLOYEES AND I MEANT TO CALL YOU AND TALK TO
23 YOU ABOUT IT.

24 MR. TORRANCE:

25 I UNDERSTAND.

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1 MR. HILLIARD:

2 YOU WERE TRAVELING THAT DAY

3 AND I --

4 MR. TORRANCE:

5 I HAVE BEEN TRYING TO DO
6 THAT AND THE ONLY THING I HAVE A PROBLEM WITH,
7 YOU OMITTED ME AND LYNETTE.

8 MR. HILLIARD:

9 NO. LYNETTE WAS IN THERE,
10 THE FINANCIAL STUFF. YOU ARE DEFINITELY --
11 NOW, I DIDN'T THINK ABOUT YOU, BUT LYNETTE
12 IS IN THERE, BUT LYNETTE -- IF YOU NOTICE, I
13 MOVED HER TO THE FIRST THING ON THE AGENDA,
14 BECAUSE ONCE SHE FINISHES, SHE CAN GET BACK TO
15 WORK.

16 MR. TORRANCE:

17 THAT'S RIGHT.

18 MR. HILLIARD:

19 BUT, THE MEMO BASICALLY JUST
20 SAYS, "TO ALL STAFF: IT IS OUR JOB TO PROVIDE
21 THE BEST POSSIBLE SERVICE TO THE PUBLIC AND TO
22 OUR LICENSEES. TO FURTHER THAT, THE ONLY STAFF
23 REQUIRED TO BE IN THE MEETINGS OR EXPECTED IN
24 THE MEETING IS THE OFFICE SUPERVISOR AND THE
25 FIELD SUPERVISOR. IF THERE IS A CASE THAT IS

1 COMING IN BEFORE A HEARING, THE FIELD STAFF
2 NEEDS TO BE HERE. IF NOT, EVERYONE IS EXPECTED
3 TO BE DOING THEIR JOB. IF YOU CHOOSE TO" --

4 MR. TORRANCE:

5 I WAS GOING TO GET YOU A
6 COPY OF IT --

7 MR. HILLIARD:

8 -- "IF YOU CHOOSE TO COME TO
9 THE MEETING AS A PRIVATE CITIZEN, THAT IS
10 PERFECTLY FINE, BUT YOU MUST FOLLOW COMMISSION
11 POLICY IN TAKING YOUR DAY OFF."

12 MR. TORRANCE:

13 TAKE ANNUAL LEAVE.

14 MS. HUDSON:

15 AWESOME.

16 MR. HILLIARD:

17 YES. I SAID IF YOU WANT TO
18 COME AS THE PUBLIC, THAT'S FINE.

19 MS. MATERNE:

20 BUT, WE ARE NOT GOING TO PAY
21 YOU.

22 MR. HILLIARD:

23 RIGHT. YOU SHOULDN'T BE IN
24 HERE GETTING PAID, YOU ARE NOT. I ASKED --
25 LOIS, YOU WERE NOT IN THE MEETING THAT DAY AND

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1 I CALLED YOU. I DIDN'T THINK ABOUT IT. I
2 NEVER CALLED YOU.

3 MS. HUDSON:

4 IS THERE ANYTHING ELSE, MS.
5 MATERNE?

6 MS. MATERNE:

7 HOW MANY CARS DO WE HAVE?

8 MR. TORRANCE:

9 WE HAVE THIRTEEN. WE HAD
10 FOURTEEN. SEE, I HAD A CAR THAT I GAVE TO
11 ONE OF THE FIELD INVESTIGATORS THAT DIDN'T HAVE
12 A CAR AND I NEVER COULD GET IT BACK. SO,
13 THAT'S WHY WE KEPT TWO ON THE LOT. WHEN ONE OF
14 THE BOYS RETIRED, WE DID NOT REPLACE IT AND
15 WHAT WE USE TO DO IS TAKE THE HIGH MILEAGE
16 CARS, TRADE THEM IN AND THE LESS MILEAGE WOULD
17 BE TOOK FROM THE FIELD. THE NEW VEHICLES WE
18 PUT ON THE LOT FOR A POOL CAR AND A -- JUST AN
19 EXTRA CAR.

20 MS. MATERNE:

21 IS IT POSSIBLE THAT WE GO TO
22 A SYSTEM WHERE THEY HAVE TO HAVE A CAR TO HAVE
23 THE JOB, AND THEN, YOU JUST PAY MILEAGE?

24 MR. TORRANCE:

25 WE COULD DO THAT, BUT AT

1 FIFTY-TWO CENTS A MILE --

2 MS. MATERNE:

3 YES, BUT IT COULD BE -- I
4 MEAN, ON HERE IT'S LIKE TWENTY-FIVE HUNDRED A
5 MONTH. I MEAN, YOU ARE PAYING --

6 MR. TORRANCE:

7 I TELL YOU WHAT, I WILL
8 FIND OUT HOW MANY MILES THEY ARE DRIVEN IN
9 CERTAIN FIELD AREAS, THE COST OF THE VEHICLES
10 AND THE FUEL AND WE WILL COMPUTE ONE AGAINST
11 THE OTHER.

12 MS. MATERNE:

13 THAT'S WHAT YOU HAVE TO DO.

14 MR. DUPLESSIS:

15 A HUNDRED THOUSAND MILES IS
16 FIFTY-TWO THOUSAND DOLLARS.

17 MS. MATERNE:

18 IS THAT HOW MUCH THEY DRIVE?

19 MR. DUPLESSIS:

20 WELL, REIMBURSEMENT IS
21 FIFTY-TWO CENTS A MILE. THE QUESTION IS, IF
22 THERE IS A HUNDRED THOUSAND MILES OF USE AT
23 THAT RATE, IT IS FIFTY-TWO THOUSAND DOLLARS.

24 SO, IF WE CAN BUY A CAR IN
25 THE NEIGHBORHOOD OF SIXTEEN THOUSAND, THEN YOU

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1 HAVE --

2 MR. HILLIARD:

3 BUT, YOU STILL PAY FUEL.

4 MR. TORRANCE:

5 AND INSURANCE.

6 MS. MATERNE:

7 AND INSURANCE.

8 MR. DUPLESSIS:

9 -- YOU STILL HAVE

10 THIRTY-SIX THOUSAND, INSURANCE OVER THE

11 LIFE OF THE CAR. SO, YOU KNOW, WHEN YOU LOOK

12 AT --

13 MR. TORRANCE:

14 DEPRECIATION.

15 MR. DUPLESSIS:

16 WELL, DEPRECIATION IS WITHIN

17 THE CAPITALIZED COST OF THE SIXTEEN "K", BUT,

18 YOU KNOW, IF YOU HAVE GOT THIRTY-SIX THOUSAND

19 DOLLARS TO SPEND ON A HUNDRED THOUSAND MILES.

20 SO, DO THE MATH THERE.

21 MR. TORRANCE:

22 SO, YOU ARE SHORT TWENTY

23 SOMETHING THOUSAND.

24 MR. DUPLESSIS:

25 YES, BUT FIFTY-TWO GRAND IS

1 WHAT YOU WOULD REIMBURSE SOMEBODY FOR A HUNDRED
2 THOUSAND MILES.

3 MR. SNYDER:

4 WHAT ABOUT LEASING?

5 MR. DUPLESSIS:

6 THAT IS UNDER STATE CONTRACT
7 BID.

8 MR. TORRANCE:

9 WE CAN'T.

10 MR. DUPLESSIS:

11 BUT, THEN OUT OF THAT
12 SIXTEEN, YOU MIGHT GET THREE THOUSAND BACK,
13 YOU KNOW, FOR A TRADE IN DISPOSAL OUT OF
14 THIRTEEN.

15 MR. TORRANCE:

16 AT LEAST YOU HAVE GOT
17 MILEAGE IN THERE AND IF YOU ARE OVER THE
18 MILEAGE, THEY WILL CHARGE YOU AN OUTRAGEOUS --

19 MR. HILLIARD:

20 THIRTEEN THOUSAND DOLLARS
21 OVER A HUNDRED THOUSAND MILES?

22 MR. DUPLESSIS:

23 YES. IF YOU HAD A
24 CAPITALIZED COST ON THE VEHICLE AT SIXTEEN
25 THOUSAND AND YOU CAN PROBABLY GET A MALIBU FOR

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1 A STATE CAR AT ABOUT SIXTEEN GRAND.

2 MR. HILLIARD:

3 WHAT DOES A MALIBU GET IN
4 MILEAGE?

5 MR. DUPLESSIS:

6 G.M. CARS GET EXCELLENT
7 MILEAGE.

8 MR. TORRANCE:

9 THE DIVISION OF
10 ADMINISTRATION HAS RULES ON WHAT KIND OF
11 VEHICLE WE CAN BUY AND WE CAN'T ARBITRARILY BUY
12 A VEHICLE.

13 MS. MATERNE:

14 I THINK Y'ALL OUGHT TO GET
15 (INAUDIBLE).

16 MR. DUPLESSIS:

17 THEY GET ABOUT TWENTY,
18 TWENTY-TWO MILES A GALLON.

19 MR. HILLIARD:

20 WE ARE AT THREE-FIFTY A
21 GALLON.

22 MS. HUDSON:

23 I MAKE A MOTION TO ADJOURN.

24 MR. DUPLESSIS:

25 YOU'VE GOT (INAUDIBLE) IN

1 NEW ORLEANS AND SOME OTHER THINGS AND MY POINT
2 WAS, FIFTY CENTS IS NOT A GOOD INVESTMENT FOR
3 US.

4 MR. HILLIARD:

5 I NEED A SECOND ON THE
6 MOTION TO ADJOURN.

7 MR. DUPLESSIS:

8 I WILL DO THAT.

9 MR. TORRANCE:

10 SEE, IF THE FIELD PERSON
11 DOESN'T DRIVE OVER FIVE THOUSAND, THEN THE CAR
12 SHOULD BE TAKEN AWAY. THE FIELD INVESTIGATOR
13 FOR EAST BATON ROUGE DOESN'T DRIVE THAT MUCH
14 AND WE LOOKED INTO DOING THAT, BUT IT WOULD
15 COST US MORE IF WE PAY THE MILEAGE --

16 MR. DUPLESSIS:

17 JACK, ARE WE TRACKING THE
18 MILEAGE?

19 MR. TORRANCE:

20 YES.

21 (WHEREUPON, AT 4:50 P.M.,
22 THE MEETING WAS ADJOURNED.)

23

24

25

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1 CERTIFICATE

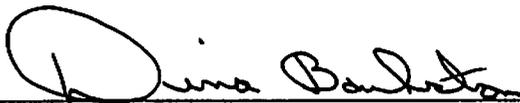
2 I, DINA BANKSTON, CERTIFIED SHORTHAND
3 REPORTER, R.P.R., AND DEPUTY CLERK OF COURT IN
4 AND FOR THE STATE OF LOUISIANA, DO HEREBY
5 CERTIFY THAT;

6 ON AUGUST 18, 2008, THE FOREGOING
7 PROCEEDINGS WERE TAKEN BY ME, BY ELECTRONIC
8 DEVICE AND THEREAFTER REDUCED TO TYPEWRITING BY
9 ME, AND THE FOREGOING TWO HUNDRED NINE PAGES
10 CONTAIN A FULL AND CORRECT TRANSCRIPTION OF A
11 MEETING OF THE LOUISIANA USED MOTOR VEHICLE AND
12 PARTS COMMISSION, PERSONNEL COMMITTEE;

13 I AM NOT OF KIN OR IN ANYWISE ASSOCIATED
14 WITH ANY OF THE PARTIES TO SAID CAUSE OF
15 ACTION, OR THEIR COUNSEL, AND THAT I AM NOT
16 INTERESTED IN THE EVENT THEREOF.

17

18



19

DINA BANKSTON, C.S.R., R.P.R.

20

21

22

23

24

25



BOBBY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Recreational and Used Motor Vehicle Commission



JOHN M. "JACK" TORRANCE
EXECUTIVE DIRECTOR

June 18, 2009

Supplement

We were unable to obtain copies of the signed Resolutions "Exhibits A & B" however, attached please find a copy of the Commission meeting minutes wherein the Resolutions were voted on and adopted by the Commissioners.

**Minutes of the June 17, 3008 Commission Meeting
Giving Ron Duplessis Appointing Authority
(pgs. 198-244)**

06/17/08

LOUISIANA RECREATIONAL AND
USED MOTOR VEHICLE COMMISSION

STATE OF LOUISIANA

REGULAR MEETING

JUNE 17, 2008

BEGINNING AT 9:10 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

DINA BANKSTON HAYES, CSR, RPR

Page 2	<p>APPEARANCES:</p> <p>CHAIRMAN:</p> <p>MR. RON DUPLESSIS</p> <p>COMMISSIONERS PRESENT:</p> <p>MR. HENRY SMITH MS. VANESSA HUDSON MR. KEVIN CALMES MR. GEORGE FLOYD MR. JEFF HILLIARD MR. EUGENE SMITH MR. PHILLIP SNYDER MR. CURTIS STEWART MR. STEVE BERRY MS. GAYLE MATERNE</p> <p>REPRESENTING RECREATIONAL AND USED MOTOR VEHICLE COMMISSION:</p> <p>MR. TERRY M. IRBY ATTORNEY-AT-LAW 912 STEELE BOULEVARD BATON ROUGE, LOUISIANA 70806</p> <p>MR. ROBERT HALLACK ATTORNEY-AT-LAW 13007 JUSTICE AVENUE BATON ROUGE, LOUISIANA 70816</p> <p>MS. SHERI MORRIS ATTORNEY-AT-LAW 8440 JEFFERSON HIGHWAY, SUITE 301 BATON ROUGE, LOUISIANA 70809</p>	<p>1 *****</p> <p>2 PROCEEDINGS</p> <p>3 MR. DUPLESSIS:</p> <p>4 WE WILL CALL THE MEETING TO</p> <p>5 ORDER. ROLL CALL.</p> <p>6 MS. HEMPHILL:</p> <p>7 RON DUPLESSIS?</p> <p>8 MR. DUPLESSIS:</p> <p>9 HERE.</p> <p>10 MS. HEMPHILL:</p> <p>11 HENRY SMITH?</p> <p>12 MR. HENRY SMITH:</p> <p>13 HERE.</p> <p>14 MS. HEMPHILL:</p> <p>15 STEVE BERRY?</p> <p>16 MR. BERRY:</p> <p>17 HERE.</p> <p>18 MS. HEMPHILL:</p> <p>19 GEORGE FLOYD?</p> <p>20 MR. FLOYD:</p> <p>21 HERE.</p> <p>22 MS. HEMPHILL:</p> <p>23 KEVIN CALMES?</p> <p>24 MR. CALMES:</p> <p>25 HERE.</p>
Page 3	<p>ALSO PRESENT:</p> <p>MS. LOIS HEMPHILL MR. DAVID MORALES MS. LYNETTE BINNING MR. P.K. WALLACE MR. JACK TORRANCE MS. GINA VIDROS MR. MIKE RUSSELL MR. RICHARD BYRD MR. PAULA ATEs MR. JOHN ROSS MR. LOREN KLEINPETER MS. JUNE POWELL MR. GARY DAVIS MR. GLEN SMITH MR. BYRON "BUTCH" WRIGHT MR. JOHNNY BRAKEFIELD MR. MIKE ROBERTS MR. LARRY HULIN MR. JOEY MCCURLEY MR. JIMMY NOLAN MR. STEVE MAUTERER MR. JAMES RICHARDSON MR. TOMMY THOMAS MR. KEITH KIRALY MR. RICHIE KIRALY MR. COLLIN CASTILLE MR. WILEY BEEVERS</p>	<p>1 MS. HEMPHILL:</p> <p>2 CLEMENT GARON?</p> <p>3 MR. GARON:</p> <p>4 (NO RESPONSE.)</p> <p>5 MS. HEMPHILL:</p> <p>6 JEFF HILLIARD?</p> <p>7 MR. HILLIARD:</p> <p>8 HERE.</p> <p>9 MS. HEMPHILL:</p> <p>10 VANESSA HUDSON?</p> <p>11 MS. HUDSON:</p> <p>12 HERE.</p> <p>13 MS. HEMPHILL:</p> <p>14 GAYLE MATERNE?</p> <p>15 MS. MATERNE:</p> <p>16 HERE.</p> <p>17 MS. HEMPHILL:</p> <p>18 MIKE</p> <p>19 MCTURNER?</p> <p>20 MR. MCTURNER:</p> <p>21 (NO RESPONSE.)</p> <p>22 MR. HEMPHILL:</p> <p>23 EUGENE SMITH?</p> <p>24 MR. EUGENE SMITH:</p> <p>25 HERE.</p>
	Page 4	
	Page 5	

Page 6	Page 8
<p>1 MS. HEMPHILL: 2 PHILLIP SNYDER? 3 MR. SNYDER: 4 HERE. 5 MS. HEMPHILL: 6 CURTIS STEWART? 7 MR. STEWART: 8 HERE. 9 MS. HEMPHILL: 10 WE HAVE A QUORUM. 11 MR. DUPLESSIS: 12 THANK YOU, MA'AM. 13 MS. HUDSON, WOULD YOU LEAD 14 US IN THE PLEDGE OF ALLEGIANCE, PLEASE? 15 (PLEDGE OF ALLEGIANCE) 16 MR. DUPLESSIS: 17 AT THIS POINT, WE WILL 18 PROCEED WITH ANY PUBLIC COMMENTS THAT WE MAY 19 HAVE TODAY. 20 (NO RESPONSE.) 21 MR. DUPLESSIS: 22 ALL THESE PEOPLE AND NO 23 PUBLIC COMMENTS? 24 MR. BEEVERS: 25 I HAVE A COMMENT, MR.</p>	<p>1 ROCK AND ROLL AUTO SALES. I'M A RENT TO OWN 2 DEALER. I WOULD LIKE TO KNOW IF ANY OF THE NEW 3 COMMISSIONERS ARE IN THE RENT TO OWN INDUSTRY 4 OR ARE WE GOING TO BE REPRESENTED? 5 MR. DUPLESSIS: 6 SIR, I DO NOT KNOW IF 7 ANY COMMISSIONERS ARE. I WILL LET THE 8 COMMISSIONERS THEMSELVES ANSWER THAT. 9 ARE ANY OF THE COMMISSIONERS 10 IN THE RENT TO OWN BUSINESS? 11 (NO RESPONSE.) 12 MR. DUPLESSIS: 13 I BELIEVE, SIR, YOU WOULD 14 BE REPRESENTED UNDER THE USED CAR DEALERS. 15 WOULD BE MY GUESS, AND THE GOVERNOR'S OFFICE 16 IS THE OFFICE THAT APPOINTS THE COMMISSIONERS 17 AND AT THIS POINT, THERE HAS BEEN SOME 18 CONTROVERSY OVER THE APPOINTMENTS AND I'M AWARE 19 OF THAT. 20 IT APPEARS THAT THE STATUTE 21 HAS BEEN CORRECTLY SERVED. THE APPOINTEES HAVE 22 BEEN CORRECTLY APPOINTED ON THE BOARD OF 23 COMMISSIONERS. AS FAR AS THE REPRESENTATION, 24 YOU ARE ALWAYS WELCOME TO COME TO THE MEETINGS. 25 YOU ARE WELCOME TO CONTACT THE EXECUTIVE</p>
Page 7	Page 9
<p>1 CHAIRMAN. I'M WILEY BEEVERS. I REPRESENT SOME 2 OF THE EX-COMMISSIONERS AND I HAVE WRITTEN A 3 LETTER AND FAXED IT IN ON FRIDAY. APPARENTLY, 4 THERE WAS A GLITCH BECAUSE OF AN ELECTRICAL 5 STORM AND I RE-FAXED IT YESTERDAY AFTERNOON AND 6 IT HAD TO DO WITH THE APPEAL ON THE COURVELLE 7 VERSUS THE COMMISSION AND THE OPEN MEETING LAW 8 AND I DON'T KNOW IF THIS IS THE APPROPRIATE 9 TIME TO ADDRESS THAT. 10 MR. DUPLESSIS: 11 NO, SIR, BUT WE WILL HAVE 12 THAT ON THE AGENDA AND I APPRECIATE YOUR 13 COMMENTS AND WE DID RECEIVE THE FAX. I BELIEVE 14 I RECEIVED IT ON FRIDAY AND WE WILL ADDRESS 15 THAT AT THE APPROPRIATE TIME. WE THANK YOU FOR 16 YOUR COMMENTS. 17 MR. BEEVERS: 18 THANK YOU, SIR. 19 MR. DUPLESSIS: 20 WE APPRECIATE IT. GOOD TO 21 HAVE YOU WITH US. 22 ANY OTHER PUBLIC COMMENTS? 23 YES, SIR? 24 MR. KIRALY: 25 MY NAME IS KEITH KIRALY OF</p>	<p>1 DIRECTOR. YOU ARE WELCOME TO MEET WITH US ON 2 OUR LEGISLATIVE CAUCUS WHEN WE HAVE THOSE AND 3 WE WILL ADDRESS THEM FOR EACH INDIVIDUAL 4 INDUSTRY AND AS FAR AS I'M CONCERNED, EVERYONE 5 THAT WE REPRESENT ON THIS COMMISSION WILL HAVE 6 REPRESENTATION AND AN OPPORTUNITY TO COIN THEIR 7 INDUSTRY THE WAY THEY WANT AS LONG AS IT IS 8 FAIR TO THE GENERAL PUBLIC AND SERVES IN THE 9 BEST INTEREST OF THE STATE OF LOUISIANA. 10 ANY OTHER COMMENTS? 11 (NO RESPONSE.) 12 MR. DUPLESSIS: 13 WE WILL PROCEED. 14 MR. MCTURNER IS NOT HERE. 15 FINANCIAL REPORTS, MS. 16 BINNING, PLEASE. 17 MS. BINNING: 18 THANK YOU. 19 FOR THE MONTH ENDING MAY 20 31ST, 2008, WE HAD TOTAL REVENUES OF FIFTY- 21 SEVEN THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS 22 AND NINETY-SIX CENTS. WE HAD TOTAL 23 EXPENDITURES OF ONE HUNDRED THIRTY-FIVE 24 THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND SIXTY- 25 TWO CENTS. WE ALSO HAVE WRITTEN OFF A BAD DEBT</p>

<p style="text-align: right;">Page 10</p> <p>1 EXPENSE OF FORTY THOUSAND ONE-EIGHTY-SEVEN- 2 FIFTY, WHICH IF YOU RECALL LAST MONTH, Y'ALL 3 APPROVED THAT, FOR TOTAL EXPENDITURES OF A 4 HUNDRED SEVENTY-FIVE THOUSAND THREE-ZERO-THREE- 5 TWELVE, WHICH GIVE US A DIFFERENCE OF ONE 6 HUNDRED SEVENTEEN THOUSAND SEVEN-THIRTY-SEVEN- 7 SIXTEEN.</p> <p>8 THE UNUSUAL ITEMS THAT WE 9 PAID AS FAR AS EXPENDITURES CAN BE FOUND ON 10 PAGE 11 AND THE SALARIES WERE NORMAL. FOR 11 TRAVEL, WE HAVE PAID THE MILEAGE FOR THE 12 EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR. 13 WE ALSO PAID MILEAGE TO AN INVESTIGATOR WHEN 14 HIS VEHICLE -- HIS ASSIGNED VEHICLE WAS IN A 15 WRECK AND WE HAD TO PAY TRAVEL EXPENSES FOR AN 16 INVESTIGATOR TO ATTEND A CONFERENCE, MIDWEST 17 ODOMETERS AND TITLE FRAUD ENFORCEMENT 18 CONFERENCE IN BISMARK, NORTH DAKOTA.</p> <p>19 OPERATING SERVICES, MOST 20 THINGS ARE NORMAL EXCEPT FOR THE AUTO 21 MAINTENANCE HAS INCREASED BECAUSE OUR FLEET IS 22 GETTING OLDER AND IS NEEDING MORE REPAIRS AND 23 ALSO AUTO SUPPLIES WAS HIGH BECAUSE OF THE 24 INCREASED GAS PRICES AND THE REST OF THE 25 CATEGORIES ARE NORMAL.</p>	<p style="text-align: right;">Page 12</p> <p>1 FOR THIS -- THIS IS THE 2006, 2007 -- 2007, 2 2008 PROJECTED YEAR THAT WE ARE GOING TO LOOK 3 AT. THE REASON WE ARE LOOKING AT THIS IS THE 4 FISCAL YEAR IS ALMOST OVER. JUNE 30TH IT ENDS. 5 AND BY LAW WE HAVE TO AMEND OUR BUDGET TO BE 6 WITHIN FIVE PERCENT OF WHAT OUR ACTUAL FIGURES 7 ARE EXPECTED TO BE.</p> <p>8 SO, IF YOU WOULD LIKE ME TO 9 RUN THROUGH THIS BUDGET AT THIS TIME OR IS THAT 10 ON THE AGENDA RIGHT NOW OR IS IT LATER?</p> <p>11 MR. DUPLESSIS: 12 NO. SO, YOU CAN RUN THROUGH 13 IT NOW IF YOU MAKE IT BRIEF AND HIT THE HIGH 14 POINTS. THE FINANCE COMMITTEE MET YESTERDAY 15 AND WE REVIEWED THIS AND WE BELIEVE THAT WE ARE 16 IN SYNC WITH YOUR FIGURES. SO, PLEASE PROCEED.</p> <p>17 MS. BINNING: 18 OKAY.</p> <p>19 ON PAGE BC-1, YOU CAN SEE 20 OUR TOTAL REVENUES WE EXPECT TO BE ONE MILLION 21 FIVE HUNDRED EIGHT THOUSAND NINE HUNDRED 22 THIRTY-FIVE DOLLARS AND ELEVEN CENTS. THIS IS 23 THE COLUMN -- NEXT TO THE LAST COLUMN ON THE 24 RIGHT. THIS IS THE FIGURES THAT WE ARE LOOKING 25 AT. I ALSO HAVE THE ACTUAL COLUMN, THE FIRST</p>
<p style="text-align: right;">Page 11</p> <p>1 LAST MONTH, SOME OF THE 2 COMMISSIONERS HAD ASKED ABOUT THE AUCTION 3 TRANSACTION FEES. SO, ON PAGE 10 YOU WILL FIND 4 THE ACTIVITIES FOR THE MONTH. WE RECEIVED 5 THIRTY-SIX THOUSAND ONE HUNDRED THIRTY-FIVE 6 DOLLARS IN THE MONTH OF MAY.</p> <p>7 ALSO IN YOUR PACKET YOU WILL 8 SEE -- WELL, IT IS NOT STAPLED INTO THE 9 FINANCIAL PACKET. IT IS A SEPARATE SHEET, A 10 BUYER'S LICENSE VERSUS AUCTION FEE COMPARISON 11 WHERE I COMPARED AND I GOT AN AVERAGE OF THE 12 AUCTION TRANSACTION FEES AND AVERAGED IT OUT 13 AND PROJECTED WHAT IT SHOULD BE IN A YEAR, AND 14 THEN, I COMPARED IT TO WHAT WE GOT THE LAST 15 YEAR WE HAD THE BUYERS AND SO FAR THIS MONTH, 16 IT HAS AVERAGED OUT TO BE TWENTY-SIX THOUSAND 17 EIGHT HUNDRED SIXTY-SEVEN DOLLARS MORE AUCTION 18 FEES THAN BUYER'S LICENSES, BUT LAST MONTH IT 19 WAS A LOT LESS THAN THAT AND THE MONTH BEFORE 20 IT WAS MORE THAN THAT. SO, IT JUST DEPENDS ON 21 THE FIGURES AT THE TIME.</p> <p>22 ALSO IN YOUR PACKET, YOU 23 WILL HAVE A VERY LARGE FINANCIAL PACKET WITH A 24 LOT OF HANDWRITING ON IT. THIS IS THE BUDGET 25 AMENDMENT THAT WE HAD TALKED ABOUT. THE REASON</p>	<p style="text-align: right;">Page 13</p> <p>1 HANDWRITTEN COLUMN THAT YOU SEE IS THE ACTUAL 2 FIGURES FROM LAST YEAR.</p> <p>3 SO, MOVING ON TO PAGE BC-2, 4 THIS IS THE EXPENDITURE PAGE. THE EXPENDITURES 5 ARE ONE MILLION SEVEN HUNDRED FIFTY-SIX 6 THOUSAND ONE HUNDRED FIFTY-SEVEN DOLLARS AND 7 EIGHTY-SEVEN CENTS. THIS IS A TOTAL PAGE. 8 EACH ONE OF THESE CATEGORIES HAS ITS OWN PAGE A 9 LITTLE FURTHER IN AND A LITTLE MORE DETAILED 10 AND THEY ARE REFLECTED ON THIS TOTAL PAGE. WE 11 CAN GO OVER THE TOTAL PER CATEGORY FOR EACH 12 CATEGORY IF YOU LIKE.</p> <p>13 WE CAN START WITH PAGE 14 BC-6 ON SALARIES. THIS IS ONE OF THE HIGHEST 15 CATEGORIES IN OUR BUDGET. WE HAVE PROJECTED 16 TOTAL SALARIES OF ONE MILLION TWO HUNDRED 17 EIGHTY-ONE THOUSAND SEVEN HUNDRED NINETY-FIVE 18 DOLLARS AND SIX CENTS. THIS INCLUDES THE 19 ADJUSTMENT FOR THE CIVIL SERVICE JOB 20 CORRECTIONS.</p> <p>21 ON PAGE BC-7, YOU HAVE 22 YOUR TRAVEL. THE TOTAL TRAVEL EXPECTED IS 23 THIRTY-ONE THOUSAND TWO HUNDRED EIGHTY-THREE 24 DOLLARS AND TWENTY CENTS AND THAT IS A TOTAL 25 THAT IS GOING TO BE REFLECTED ON THE EARLIER</p>

Page 14	Page 16
<p>1 PAGE.</p> <p>2 ON BC-8, WE HAVE A SCHEDULE</p> <p>3 OF OPERATING EXPENSES. THE TOTAL OPERATING</p> <p>4 EXPENDITURES IS ONE HUNDRED SEVENTY-ONE</p> <p>5 THOUSAND EIGHTY-TWO DOLLARS AND FIFTY CENTS.</p> <p>6 TOTAL SUPPLIES, FIFTY-ONE THOUSAND SEVEN</p> <p>7 HUNDRED EIGHTY-SIX DOLLARS AND FIFTY-FOUR</p> <p>8 CENTS.</p> <p>9 ON PAGE BC-9, WE HAVE</p> <p>10 PROFESSIONAL SERVICES CONTRACTS AND THEY HAVE A</p> <p>11 TOTAL OF ONE HUNDRED AND SEVENTY-TWO THOUSAND</p> <p>12 TWO HUNDRED FIVE DOLLARS AND THIRTY-SEVEN</p> <p>13 CENTS.</p> <p>14 LAST, BUT NOT LEAST -- NO,</p> <p>15 NOT LAST, YET. PAGE BC-10, YOUR OTHER CHARGES</p> <p>16 ARE TWENTY-ONE THOUSAND EIGHTY-FIVE DOLLARS AND</p> <p>17 LASTLY BC-11 IS YOUR ACQUISITIONS AND MAJOR</p> <p>18 REPAIRS. WE DIDN'T BUDGET ANY ACQUISITIONS AND</p> <p>19 WE HAD MAJOR REPAIRS OF THIRTY-SIX THOUSAND</p> <p>20 NINE HUNDRED TWENTY DOLLARS.</p> <p>21 NOW, THESE TOTALS FOR THESE</p> <p>22 PAGES ARE REFLECTED ON PAGE BC-2. YOU CAN SEE</p> <p>23 THAT OUR -- THE DIFFERENCE BETWEEN OUR REVENUES</p> <p>24 AND OUR EXPENDITURES IS TWO HUNDRED FIFTY-SEVEN</p> <p>25 THOUSAND TWO HUNDRED TWENTY-TWO DOLLARS AND</p>	<p>1 TWO HUNDRED THOUSAND DOLLAR NET LEGAL EXPENSES.</p> <p>2 MS. BINNING:</p> <p>3 FROM LAST YEAR, I WOULD SAY</p> <p>4 THAT IS ABOUT RIGHT.</p> <p>5 MR. DUPLESSIS:</p> <p>6 THANK YOU.</p> <p>7 ANY QUESTIONS CONCERNING THE</p> <p>8 FINANCIAL REPORTS FROM ANYONE, COMMISSIONERS?</p> <p>9 MR. HENRY SMITH:</p> <p>10 YES, SIR. LET ME GO BACK</p> <p>11 TO IT. I'M SORRY, BEAR WITH ME FOR ONE SECOND.</p> <p>12 ON PAGE 10 OF THE FINANCIAL</p> <p>13 REPORT, ON THE AUCTIONS, ARE YOU SAYING THAT</p> <p>14 THESE ARE THE ONLY ONES THAT PAID IN THE FIFTH</p> <p>15 MONTH, THIS IS A TOTAL?</p> <p>16 MS. BINNING:</p> <p>17 THAT IS THE TOTAL OF</p> <p>18 EVERYTHING WE RECEIVED IN THE MONTH OF MAY.</p> <p>19 SOME OF THOSE -- THEY HAVE UNTIL THE 30TH OF</p> <p>20 THE MONTH. THIS MONTH HAD A PAYMENT ON THE</p> <p>21 1ST, AND THEN, SENT IT IN EARLIER IN THE SAME</p> <p>22 MONTH AND ALSO HAD A PAYMENT ON THE 30TH, WHICH</p> <p>23 WOULD BE REFLECTED AND THAT MADE THIS MONTH'S</p> <p>24 TOTAL LOOK A LITTLE EXCESSIVE COMPARED TO LAST</p> <p>25 MONTH'S, BUT THAT IS THE REASON.</p>
<p>Page 15</p> <p>1 SEVENTY-SIX CENTS.</p> <p>2 IF Y'ALL HAVE ANY QUESTIONS</p> <p>3 ON WHAT CONSTITUTES EACH CATEGORY, I CAN ANSWER</p> <p>4 THOSE QUESTIONS.</p> <p>5 MR. DUPLESSIS:</p> <p>6 I HAVE ONE QUESTION FOR</p> <p>7 YOU. YOU KNOW, LAST YEAR SEEMED TO BE QUITE</p> <p>8 A LITIGIOUS YEAR. HOW MUCH DID OUR LEGAL</p> <p>9 EXPENSES EXCEED OUR BUDGET?</p> <p>10 MS. BINNING:</p> <p>11 I DON'T KNOW A PERCENTAGE,</p> <p>12 BUT YOU CAN SEE ON PAGE -- I THINK IT WAS AT</p> <p>13 LEAST A HUNDRED THOUSAND.</p> <p>14 MR. DUPLESSIS:</p> <p>15 OKAY.</p> <p>16 I BELIEVE YESTERDAY WE</p> <p>17 NARROWED IT DOWN TO CLOSE TO TWO HUNDRED</p> <p>18 THOUSAND IN EXCESS OF LEGAL EXPENSES. THAT</p> <p>19 BUDGET WAS TWO HUNDRED FORTY THOUSAND DOLLARS</p> <p>20 OVER.</p> <p>21 MS. BINNING:</p> <p>22 OVER LAST YEAR?</p> <p>23 MR. DUPLESSIS:</p> <p>24 SO, WE WERE PROJECTED</p> <p>25 TO RUN ABOUT FORTY THOUSAND OVER, SO ABOUT</p>	<p>Page 17</p> <p>1 MR. HENRY SMITH:</p> <p>2 BUT, THE PRIOR MONTH WOULD</p> <p>3 HAVE COME IN --</p> <p>4 MS. BINNING:</p> <p>5 RIGHT.</p> <p>6 MR. HENRY SMITH:</p> <p>7 -- THIS MONTH.</p> <p>8 MS. BINNING:</p> <p>9 RIGHT.</p> <p>10 MR. HENRY SMITH:</p> <p>11 SO, WE ARE TALKING ABOUT</p> <p>12 SEVENTEEN AND WE HAVE THIRTY-FOUR AUCTIONS IN</p> <p>13 THE STATE. SO, WE ARE EXACTLY FIFTY PERCENT</p> <p>14 PER THE FINANCIAL REPORT.</p> <p>15 THAT'S ALL I HAVE, MR.</p> <p>16 CHAIRMAN.</p> <p>17 MR. DUPLESSIS:</p> <p>18 MR. SMITH, IS THAT KIND OF A</p> <p>19 QUESTION?</p> <p>20 MR. HENRY SMITH:</p> <p>21 NO. IT'S A STATEMENT.</p> <p>22 MR. DUPLESSIS:</p> <p>23 OKAY, SIR.</p> <p>24 CAN WE ADDRESS THAT ON THE</p> <p>25 FIELD REPORT, MR. RUSSELL OR MR. TORRANCE?</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. HENRY SMITH: 2 IT'S ON THE AGENDA. 3 MR. DUPLESSIS: 4 OKAY. 5 Y'ALL ARE PREPARED TO 6 DISCUSS THAT? 7 MR. TORRANCE: 8 YES. 9 MR. DUPLESSIS: 10 ANY MORE COMMENTS? 11 (NO RESPONSE.) 12 MR. DUPLESSIS: 13 I WOULD ENTERTAIN A MOTION 14 TO APPROVE THE -- I'M SORRY, DID YOU HAVE A 15 COMMENT? 16 (OFF-THE-RECORD DISCUSSION.) 17 MR. HENRY SMITH: 18 I WILL MAKE A MOTION THAT WE 19 APPROVE THE FINANCIAL STATEMENT. 20 MR. BERRY: 21 I SECOND. 22 MR. DUPLESSIS: 23 THANK YOU. 24 MS. BINNING: 25 DOES THAT INCLUDE THE</p>	<p style="text-align: right;">Page 20</p> <p>1 INVOICES, PLEASE, SIR, AND WOULD YOU EXPLAIN 2 THESE TO THE COMMISSION? 3 MR. HALLACK: 4 MY INVOICE SHOULD BE IN THE 5 PACKET. THE LARGEST CHARGES WERE THE TWO 6 COMMISSION MEETINGS. I DID SOME WORK ON -- WE 7 REVIEWED -- AT THE LAST MEETING, YOU SAW THERE 8 WERE A NUMBER OF -- OR ADVISED THAT THERE WERE 9 AT LEAST TEN OPEN REPURCHASE CASES. SO, WE 10 REVIEWED EACH OF THE REPURCHASE CASES AND WE 11 MADE A REPORT BACK TO MR. DUPLESSIS. I WAS 12 ASKED TO ASSIST IN THE WRITING OF SOME 13 POLICIES, RESOLUTIONS AND WE DID THAT. I THINK 14 IT MAY BE ON THE AGENDA. THAT'S ABOUT IT. 15 DOES ANYBODY HAVE ANY 16 QUESTIONS? 17 YES, MR. SMITH? 18 MR. HENRY SMITH: 19 I HAVE ONE QUESTION. YOU 20 KNOW, I HARDLY EVER MISS A MEETING AND THERE 21 ARE TWO MONTHS THAT WE HAVE NEVER RECEIVED AN 22 INVOICE FROM YOU AND I WOULD LIKE TO KNOW THE 23 STATUS OF THOSE INVOICES. 24 MR. HALLACK: 25 WELL, JUST THE CIRCUMSTANCES</p>
<p style="text-align: right;">Page 19</p> <p>1 BUDGET? 2 MR. HENRY SMITH: 3 I'M SORRY, AND APPROVE THE 4 BUDGET. 5 MR. DUPLESSIS: 6 AS WELL. 7 ALL IN FAVOR? 8 (ALL "AYE" RESPONSES.) 9 MR. DUPLESSIS: 10 OPPOSED? 11 (NO RESPONSE.) 12 MR. DUPLESSIS: 13 THE MOTION CARRIES. 14 THANK YOU, MS. BINNING, NICE 15 JOB. 16 LEGAL MATTERS, IS MR. IEYOUB 17 PRESENT TODAY? 18 MR. TORRANCE: 19 NO, HE IS NOT. 20 MR. DUPLESSIS: 21 MR. IEYOUB IS NOT PRESENT. 22 MR. IRBY IS NOT IN THE ROOM. 23 WE WILL SKIP HIM AND WE WILL MOVE TOWARDS MR. 24 HALLACK. MR. HALLACK IS PRESENT. 25 PLEASE PRESENT YOUR</p>	<p style="text-align: right;">Page 21</p> <p>1 THAT WERE INVOLVED. IF YOU WANT ME TO GO INTO 2 DETAIL, BUT THAT'S WHY THERE WEREN'T BILLS FOR 3 THOSE TWO MONTHS. 4 MR. HENRY SMITH: 5 WE HAVEN'T APPROVED -- 6 MR. HALLACK: 7 THERE ARE NO INVOICES FOR 8 THOSE TWO MONTHS. 9 MR. HILLIARD: 10 BUT, THERE WAS WORK DONE. 11 MR. HALLACK: 12 IT WASN'T THAT MUCH. 13 MR. HILLIARD: 14 WELL, BUT I THINK IT SHOULD 15 BE PAID. 16 MR. HALLACK: 17 NO. I THINK UNDER THE 18 CIRCUMSTANCES THAT EXISTED DURING THAT TIME, 19 I DON'T THINK IT IS A GOOD IDEA TO HASH IT 20 OUT. 21 MR. HENRY SMITH: 22 SO, YOU ARE SATISFIED THAT 23 THERE WAS NOT AN INVOICE SUBMITTED? 24 MR. HALLACK: 25 YES, SIR.</p>

Page 22	Page 24
<p>1 MR. SMITH: 2 IF IT SUITS YOU, IT SUITS 3 ME. 4 MR. HALLACK: 5 ANY OTHER QUESTIONS? 6 (NO RESPONSE.) 7 MR. DUPLESSIS: 8 ANY MORE DISCUSSION ON MR. 9 HALLACK'S BILL? 10 MR. HILLIARD: 11 I MOVE. 12 MR. DUPLESSIS: 13 WE HAVE A MOTION. 14 DO I HAVE A SECOND? 15 MR. BERRY: 16 SECOND. 17 MR. DUPLESSIS: 18 ALL IN FAVOR OF APPROVING 19 MR. HALLACK'S BILL? 20 (ALL "AYE" RESPONSES.) 21 MR. DUPLESSIS: 22 OPPOSED? 23 (NO RESPONSE.) 24 MR. DUPLESSIS: 25 SO MOVED.</p>	<p>1 SEVENTEEN THOUSAND ONE HUNDRED AND FIFTY-TWO 2 DOLLARS AND TWO CENTS. ON APRIL 7TH, WE 3 RECEIVED A TOTAL INVOICE FOR SEVENTEEN THOUSAND 4 TWO HUNDRED AND TWENTY DOLLARS AND THAT -- THE 5 OTHER ONE WAS ON DECEMBER 5TH, 2007, BUT ON 6 JUNE 21ST, 2007, WE RECEIVED AN INVOICE FOR MAY 7 AND JUNE AND THE REST OF THE -- THEN, WE 8 RECEIVED ONE ON AUGUST 10TH FOR JULY AND FOR 9 SEPTEMBER 5TH. THESE ARE 2007. WE RECEIVED IT 10 FOR AUGUST. 11 THE CONTRACT WENT INTO 12 EFFECT ON JULY 1ST. SO, THEREFORE, IT DID NOT 13 INCLUDE THE MAY INVOICES AND JUNE INVOICES THAT 14 HE HAD SUBMITTED. SO, I NEED TO DO -- IN 15 AGREEMENT WITH THE COMMISSION. I NEED TO DO AN 16 AMENDMENT TO HANDLE THE MAY AND JUNE INVOICES, 17 WHICH WAS A TOTAL OF SIX THOUSAND FIVE HUNDRED 18 FORTY-SEVEN DOLLARS AND TWENTY-TWO CENTS. 19 SO, THAT'S ALL I HAVE. 20 MR. HENRY SMITH: 21 MR. CHAIRMAN, IF THIS WENT 22 INTO EFFECT IN JULY AND WE HAVE BILLS FROM MAY 23 AND JUNE, THEN MY UNDERSTANDING IS WE CANNOT 24 APPROVE A BILL IF IT HASN'T BEEN THROUGH THE 25 PROPER CHANNELS.</p>
<p>Page 23</p> <p>1 MR. ADCOCK'S INVOICES, I 2 GUESS MR. ADCOCK IS NOT HERE. I WILL PROBABLY 3 HAVE TO CARRY THE BALL ON THIS ONE. MR. ADCOCK 4 HAS HAD THIS PARTICULAR SET OF INVOICES IN FOR 5 PAYMENT FOR QUITE SOMETIME AND I BELIEVE IT IS 6 THE OPINION OF EVERYONE I SPOKE TO THAT MR. 7 ADCOCK DID DO THIS WORK. THE BILLING WAS HELD 8 UP DUE TO A TECHNICALITY. IT HAS BEEN APPROVED 9 AND IT HAS BEEN RELEASED FOR APPROVAL OF 10 PAYMENT. 11 MS. HEMPHILL, WOULD YOU -- 12 THERE IS, I GUESS, A FOOTNOTE TO THIS. THERE 13 IS STILL A PARTIAL PAYMENT OUTSTANDING DUE TO 14 ANOTHER TECHNICAL ERROR, WHICH WE ARE POSSIBLY 15 RESOLVING. WOULD YOU EXPLAIN THAT TO THE 16 COMMISSION, PLEASE -- 17 MS. HEMPHILL: 18 YES. 19 MR. DUPLESSIS: 20 -- PRIOR TO DISCUSSING MR. 21 ADCOCK'S BILL AND WOULD YOU GIVE US THE DATES 22 BASICALLY FOR HIS SERVICE HERE, PLEASE? 23 MS. HEMPHILL: 24 YES. 25 HIS TOTAL INVOICES WERE</p>	<p>Page 25</p> <p>1 MS. HEMPHILL: 2 YES, SIR. 3 MR. DUPLESSIS: 4 THAT IS ABUNDANTLY CLEAR AND 5 I THINK THAT'S CORRECT. IN FACT, I DON'T 6 BELIEVE THAT THAT APPROVAL IS ON THE TABLE 7 TODAY, IS IT? 8 MS. HEMPHILL: 9 WELL, I JUST INCLUDED ALL OF 10 THE INVOICES AND THE ONE FOR JUNE, 2007. FOR 11 MAY AND JUNE, I WANTED TO SHOW YOU THAT IT WAS 12 THAT AMOUNT. 13 MR. HENRY SMITH: 14 I UNDERSTAND. 15 MR. DUPLESSIS: 16 IT'S NOT INCLUDED. 17 MS. HEMPHILL: 18 IT'S NOT INCLUDED, RIGHT. 19 MR. HENRY SMITH: 20 I UNDERSTAND. I'M SORRY. 21 MS. HEMPHILL: 22 YES. 23 MR. DUPLESSIS: 24 MR. TORRANCE, WOULD YOU GIVE 25 US A LITTLE BACKGROUND ON THIS AND CAN YOU TELL</p>

<p style="text-align: right;">Page 26</p> <p>1 US IF YOU BELIEVE THAT MR. ADCOCK HAS PERFORMED 2 THIS WORK IN GOOD FAITH? 3 MR. TORRANCE: 4 IT WAS IN GOOD FAITH. AT 5 THE TIME WE WERE IN THE LEGISLATURE WITH A BILL 6 THAT WAS SEVENTY-SEVEN PAGES LONG AND I WAS 7 CONTACTED BY THE CHAIRMAN OF THE COMMERCE 8 COMMITTEE AND THEY ASKED ME WOULD I PLEASE HAVE 9 MR. ADCOCK HANDLE MY BUSINESS. 10 AT THAT TIME, I WENT AND 11 CONTACTED THE CHAIRMAN, WHO WAS MR. ROBERTS. 12 WE HAD AGREED ON A CONTRACT. WE PROCEEDED WITH 13 A CONTRACT. HE WAS DOING THE WORK IN THE 14 LEGISLATURE. EVERYTHING HERE WAS STRICTLY 15 LEGISLATIVE ORIENTED. IT WASN'T NOTHING OTHER 16 THAN LEGISLATION. HE PASSED THE SEVENTY-SEVEN 17 PAGE RECONSTRUCTION BILL FOR THIS COMMISSION. 18 HE ALSO PREPARED AN AMENDMENT TO SAVE A DEALER 19 IN THIS STATE LICENSED BY THIS COMMISSION A 20 FOUR HUNDRED DOLLAR FEE THAT WAS UNJUST. 21 THE CONTRACT, WE WERE UNDER 22 THE IMPRESSION IT WAS IN THE PROPER MODE. WE 23 WERE UNAWARE THAT IT WAS HELD UP BY UNFORESEEN 24 CIRCUMSTANCES AND THAT WAS THE PURPOSE WHY THE 25 BILL WASN'T PAID AND THE CONTRACT WASN'T DONE</p>	<p style="text-align: right;">Page 28</p> <p>1 A DIFFERENT RECITAL, I WOULD BE HAPPY TO 2 ENTERTAIN IT. 3 MS. HUDSON: 4 MR. CHAIRMAN, YOU ARE 5 CORRECT. 6 MR. HENRY SMITH: 7 THAT IS CORRECT. 8 MR. DUPLESSIS: 9 THANK YOU. 10 MR. TORRANCE, I WILL 11 RECOGNIZE YOU. 12 MR. TORRANCE: 13 WELL, LIKE I SAID AT THE 14 LAST MEETING, WE HAVE NEVER HAD THE BOARD 15 APPROVE ANY CONTRACT THIS COMMISSION HAS EVER 16 WENT FORWARD WITH. HE WAS NOTIFIED BY THE 17 CHAIRMAN. HE NOTIFIED THE COMMISSION AND WE 18 NEVER HAD A RECOGNIZED VOTE ON ANY CONTRACT BY 19 THE COMMISSION. 20 MR. DUPLESSIS: 21 SO, MR. TORRANCE, YOU ARE 22 TELLING ME ALL PREVIOUS CONTRACTS ARE ACTUALLY 23 ILLEGAL AND POSSIBLY VOID? 24 MR. TORRANCE: 25 IF THAT'S THE WAY YOU WANT</p>
<p style="text-align: right;">Page 27</p> <p>1 IN A TIMELY MANNER. 2 MR. DUPLESSIS: 3 IT APPEARS IN MY RESEARCH OF 4 THIS BILL THAT ONE OF THE PROBLEMS THAT THIS 5 PARTICULAR CONTRACT HAD IS IT DIDN'T HAVE THE 6 APPROVAL OF THE COMMISSION, WHICH HAS -- LET ME 7 FINISH AND I WILL RECOGNIZE YOU. THAT THIS 8 COMMISSION HAS WHAT IS CALLED THE APPOINTING 9 AUTHORITY BY WHICH TO APPROVE THESE TYPE OF 10 ACTIVITIES IN THESE CONTRACTS. IT WAS NEVER 11 RATIFIED. THEN, IT WAS LATER RATIFIED WHEN THE 12 CONTRACT WAS NOT APPROVED. IT WAS HELD FOR 13 QUITE A PERIOD OF TIME. 14 IT'S MY OPINION AND MY 15 EXPERIENCE ON THIS MATTER, BECAUSE I WAS 16 WATCHING THAT VERY LARGE BILL, THAT MR. ADCOCK 17 DID DO THIS WORK AND IT PROBABLY SHOULD BE 18 APPROVED. ALTHOUGH, I THINK THE 19 TECHNICALITIES, AGAIN, THIS COMMISSION VIOLATED 20 AND IT WAS THEN RATIFIED BY THE COMMISSION, AND 21 THEN, THE DIVISION OF ADMINISTRATION DID 22 AUTHORIZE IT FOR PAYMENT. I BELIEVE THAT IS 23 THE RECITAL. 24 IF THOSE PREVIOUS MEMBERS OF 25 THE COMMISSION WOULD HAVE A SIMILAR RECITAL OR</p>	<p style="text-align: right;">Page 29</p> <p>1 TO SAY IT, YES, THEY ARE. 2 MR. DUPLESSIS: 3 IF IT DOESN'T COMPLY WITH 4 STATE LAW OR RULES OF THIS COMMISSION, THEN 5 OBVIOUSLY IT -- 6 MR. TORRANCE: 7 APPOINTING AUTHORITY. 8 MR. DUPLESSIS: 9 -- THE APPOINTING AUTHORITY 10 IS FOR THE COMMISSION, LEGALLY. 11 MS. MORRIS, WOULD YOU ADVISE 12 THE COMMISSION, PLEASE? 13 MS. MORRIS: 14 ACCORDING TO THE STATUTE, 15 THE COMMISSION IS THE APPOINTING AUTHORITY TO 16 HIRE CLERICAL, LEGAL SUPPORT AND OTHER 17 CONTRACTS. THAT IS FOUND IN REVISED STATUTE 18 SECTION 7 -- TITLE 32, SECTION 783(D)(3). 19 HOWEVER, THE COMMISSION CAN DELEGATE THAT 20 RESPONSIBILITY TO AN INDIVIDUAL. IN ORDER TO 21 DO THAT, THERE WOULD HAVE TO BE A RESOLUTION 22 ADOPTED AND PUBLISHED IN THE LOUISIANA 23 REGISTER. 24 MR. DUPLESSIS: 25 THANK YOU, MS. MORRIS.</p>

<p style="text-align: right;">Page 30</p> <p>1 ANY MORE DISCUSSION ON MR. 2 ADCOCK'S BILLS? 3 MS. MORRIS: 4 I HAVE A COMMENT. THE BILL 5 THAT YOU HAVE FROM MR. HALLACK HAS AN AFFIDAVIT 6 ATTACHED TO IT CERTIFYING THAT HE DID THE WORK. 7 I HAVEN'T SEEN MR. ADCOCK'S CONTRACTS, BUT 8 GENERALLY STATE CONTRACTS ARE REQUIRED TO HAVE 9 AN AFFIDAVIT BY PROVIDER AND I DON'T SEE THAT 10 MR. ADCOCK HAS THAT AND ALL OF THAT -- I DON'T 11 -- BECAUSE I HAVEN'T SEEN A CONTRACT, I THINK 12 IT IS CHARGES FOR EXPENSES ON STATE CONTRACTS, 13 THEY ARE REQUIRED TO ATTACHED THE RECEIPT. 14 LIKE, IF WE HAVE A FEDERAL EXPRESS CHARGE, WE 15 ARE REQUIRED TO ATTACH A COPY OF THE RECEIPT. 16 SO, AS FAR AS EXPENSES, I DON'T KNOW WHAT THE 17 POLICIES ARE FOR PROPER DOCUMENTATION, BUT 18 THERE ARE EXPENSES ON ALL OF THESE INVOICES AND 19 I DON'T SEE DOCUMENTATION AND WE DON'T HAVE AN 20 AFFIDAVIT. YOU MIGHT NEED THOSE BEFORE YOU 21 ACTUALLY GIVE PAYMENT. 22 MR. DUPLESSIS: 23 MR. SMITH? 24 MR. HENRY SMITH: 25 OF COURSE, MY OPINION IS IF</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. BINNING: 2 IF HE WANTS TO REMOVE THOSE 3 EXPENSES, WOULD THAT BE ACCEPTABLE? 4 MR. BERRY: 5 SURE. IF HE HAS RECEIPTS, 6 YES. 7 MR. DUPLESSIS: 8 I DON'T THINK THAT REQUIRES 9 AN AMENDMENT TO THAT MOTION, DOES IT? 10 MR. HILLIARD: 11 NO. 12 MR. DUPLESSIS: 13 THAT'S PROCEDURAL. 14 ANY FURTHER DISCUSSION? 15 (NO RESPONSE.) 16 MR. DUPLESSIS: 17 ALL IN APPROVAL, SAY "AYE". 18 (ALL BUT ONE "AYE" 19 RESPONSE.) 20 MR. DUPLESSIS: 21 OPPOSED? 22 MS. HUDSON: 23 AYE. 24 MR. DUPLESSIS: 25 THE MOTION PASSES. LET THE</p>
<p style="text-align: right;">Page 31</p> <p>1 HE DID THE WORK, I WOULD LIKE TO SEE HIM GET 2 PAID, BUT IF IT SAYS HE NEEDS THE AFFIDAVIT, IS 3 THERE ANY WAY THAT WE COULD AGREE THAT IF HE 4 FURNISHED US THAT AFFIDAVIT THAT WE COULD 5 APPROVE THIS BILL NEXT MONTH? 6 MS. MORRIS: 7 YES, SIR. THIS COMMISSION 8 COULD APPROVE THE BILL SUBJECT TO RECEIPT OF 9 THE AFFIDAVIT AND RECEIPT -- 10 MR. BERRY: 11 RIGHT. 12 MS. MORRIS: 13 -- THE NECESSARY PAPERWORK. 14 SO, IF HE CAN GET THAT TO US BEFORE THE NEXT 15 MEETING. 16 MR. HENRY SMITH: 17 MR. CHAIRMAN, I WOULD LIKE 18 TO MAKE A MOTION THAT WE APPROVE THE BILL 19 PENDING THE NECESSARY AFFIDAVIT AND ANY OTHER 20 RECEIPTS THAT ARE REQUESTED OF US. 21 MR. HILLIARD: 22 I'LL SECOND THAT. 23 MR. DUPLESSIS: 24 ANY DISCUSSION? 25 MS. BINNING?</p>	<p style="text-align: right;">Page 33</p> <p>1 RECORD NOTE THE VOTE, PLEASE. 2 MINUTES OF THE REGULAR 3 COMMISSION MEETING HELD ON MAY 20TH OF 2008. 4 WE HAVE THOSE MINUTES PROVIDED TO THE 5 COMMISSIONERS. 6 MS. HEMPHILL: 7 THEY ARE NOT IN THE PACKET, 8 BUT THEY WERE MAILED TO EVERYBODY. 9 MR. BERRY: 10 THEY WERE MAILED TO US. 11 MR. DUPLESSIS: 12 YES, THEY WERE. 13 MS. HEMPHILL: 14 I DO HAVE A COPY HERE OF THE 15 MINUTES. 16 MR. DUPLESSIS: 17 WOULD YOU PASS IT AROUND, 18 PLEASE? 19 MS. HEMPHILL: 20 I HAVE ONE COPY. 21 MR. HILLIARD: 22 I HAVE A COPY. 23 MR. DUPLESSIS: 24 HAVE YOU REVIEWED -- 25 MR. HENRY SMITH:</p>

<p style="text-align: right;">Page 34</p> <p>1 I HAVE REVIEWED THEM. 2 MS. HUDSON: 3 YES. I HAVE REVIEWED THE 4 MINUTES OF THE MAY 20TH MEETING AND THE MAY 5 28TH MEETING. THEY LOOK TO BE IN ORDER AND I 6 WOULD LIKE TO MAKE A MOTION THAT WE ACCEPT 7 THOSE MINUTES. 8 MR. BERRY: 9 I HAVE REVIEWED THEM ALSO 10 AND I WILL SECOND THE MOTION. 11 MR. DUPLESSIS: 12 ANY DISCUSSION? 13 MR. HENRY SMITH: 14 I HAVE ONE QUESTION THAT 15 CAME UP IN THE SPECIAL MEETING. IF ONE OF OUR 16 LEGAL -- IF ONE OF OUR ATTORNEYS GOES THROUGH 17 ALL THE PROPER CHANNELS AND IS APPROVED, 18 EVERYTHING IS ON THE UP AND UP, AND HE IS NOT 19 DOING WORK FOR US NOW, CAN THE DIRECTOR OR YOU 20 CALL HIM BACK IN, IS THIS TO BE USED ON FURTHER 21 LEGAL WORK? 22 MS. MORRIS: 23 GENERALLY, THE CONTRACT HAS 24 A TERM LIKE WE JUST DISCUSSED. YOU KNOW, THEY 25 START ON A PARTICULAR DAY. THEN, THEY END --</p>	<p style="text-align: right;">Page 36</p> <p>1 SO, YOU WANT TO MAKE SURE YOU GET THE CONTRACT. 2 YOU HAVE TO BE AWARE OF WORKING ON SOMETHING 3 THAT MIGHT NOT BE COMPLETED. 4 MR. HENRY SMITH: 5 THAT WAS MY QUESTION. 6 MR. DUPLESSIS: 7 ANY FURTHER COMMENTS OR 8 QUESTIONS? 9 (NO RESPONSE.) 10 MR. DUPLESSIS: 11 WE HAVE A MOTION ON THE 12 FLOOR WITH A SECOND TO APPROVE. 13 ALL IN FAVOR, SIGNIFY BY 14 SAYING "AYE". 15 (ALL "AYE" RESPONSES.) 16 MR. DUPLESSIS: 17 OPPOSED? 18 (NO RESPONSE.) 19 MR. DUPLESSIS: 20 THANK YOU. THE MOTION 21 CARRIES. 22 STATUS OF PENDING 23 LITIGATION, I'M GOING TO DEFER THIS ITEM OUT OF 24 NECESSITY. MR. IRBY IS NOT IN THE ROOM AT THE 25 MOMENT. SO, IF Y'ALL WILL BEAR WITH ME.</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. HENRY SMITH: 2 FOR ONE YEAR. 3 MS. MORRIS: 4 -- ON A PARTICULAR DATE AND 5 IF THEY ARE FOR ONE YEAR, GENERALLY DEALING 6 WITH THE FISCAL YEAR, JULY 1ST THROUGH JUNE 7 30TH, BUT ATTORNEYS AND OTHER PROFESSIONAL 8 SERVICE PROVIDERS ARE ONLY DOING THE WORK THAT 9 HAS BEEN ASSIGNED TO THEM. SO, IF THERE IS NO 10 WORK ASSIGNED TO THAT INDIVIDUAL, EVEN THOUGH 11 THEY HAVE A CONTRACT, THEY WILL NOT BE 12 SUBMITTING INVOICES FOR PAYMENT. 13 MR. HENRY SMITH: 14 THANK YOU. 15 MR. DUPLESSIS: 16 I BELIEVE AT ANY POINT, THE 17 -- AS LONG AS THERE IS A VALID CONTRACT, THE 18 COMMISSION WITH THE APPOINTING AUTHORITY CAN 19 ASSIGN WORK TO ANYONE WITH A VALID CONTRACT. 20 IS THAT CORRECT, MS. MORRIS? 21 MS. MORRIS: 22 THAT'S CORRECT, AND RIGHT 23 NOW, WE ARE AT THE END OF THE FISCAL YEAR. SO, 24 YOU HAVE TO BE A LITTLE CAREFUL IF YOU ASSIGN A 25 PROJECT THAT MIGHT GO BEYOND THE FISCAL YEAR.</p>	<p style="text-align: right;">Page 37</p> <p>1 (OFF-THE-RECORD DISCUSSION.) 2 MR. DUPLESSIS: 3 HE IS IN A PRIVATE MEETING. 4 WE WILL MOVE THIS DOWN ON THE LIST AND WE WILL 5 COME BACK TO THAT. 6 CIVIL SERVICE JOB 7 DESCRIPTIONS AND CORRECTIONS, THIS HAS BEEN AN 8 ISSUE THAT HAS BEEN IN FRONT OF THE COMMITTEE 9 FOR SOMETIME. IT IS VERY COMPLICATED FOR THE 10 BOARD -- THE COMMISSION TO UNDERSTAND SOME OF 11 THIS CIVIL SERVICE CORRECTION AND JOB AND 12 CHANGES IN SALARY. 13 MS. HEMPHILL, WOULD YOU 14 PLEASE EXPLAIN WHERE WE'RE AT AND WHERE WE'RE 15 GOING WITH THIS ISSUE? 16 MS. HEMPHILL: 17 FIRST OF ALL, WE HAVE GOT 18 ALL OF THE STAFF JOB CORRECTIONS SUBMITTED TO 19 THE DIRECTOR AND -- BUT, IT STARTED OUT, EVERY 20 FIVE YEARS, CIVIL SERVICE REQUIRED AN UPDATE ON 21 JOB DUTIES AND RESPONSIBILITIES AND AT THAT 22 TIME, THE COMMISSION WAS LOOKING INTO A 23 POSSIBLE PAY INCREASE FOR THE STAFF, WHICH 24 WOULD INCLUDE OUR REGULAR FOUR PERCENT MERIT 25 INCREASE THAT WE GET.</p>

<p style="text-align: right;">Page 38</p> <p>1 DO YOU WANT ME TO EXPLAIN 2 WHAT TRANSPIRED, AGAIN? 3 MR. DUPLESSIS: 4 PLEASE. 5 MS. HEMPHILL: 6 I BELIEVE IT WAS AROUND 7 MARCH, 2007 WE HAD ASKED A CONSULTATION OF 8 CIVIL SERVICE TO COME TO OUR OFFICE TO 9 ENLIGHTEN US ON WHAT THE AVAILABLE -- WHAT WAS 10 AVAILABLE OUT THERE FOR A PAY INCREASE. THEY 11 ADVISED THAT A JOB STUDY WAS IN THE WORKS FOR 12 THE FIELD, WHICH IS SIMILAR TO THE FIELD 13 ACTIVITIES THAT THE FIELD ALREADY DO. SO, THEY 14 SUGGESTED THAT TO ADD THEM TO THAT LITTLE GROUP 15 AND WE DID. 16 THE OUTCOME WAS NOT WHAT 17 WE EXPECTED. THE STUDY DROPPED OUR FIELD 18 INVESTIGATORS A LEVEL AND TWO SUPERVISORS WENT 19 UP A LEVEL EACH, BUT THEY WENT WITH DIFFERENT 20 JOB TITLES AND A LOWER SCALE. SO, THERE'S 21 NOTHING TO GIVE THEM. 22 ON THE DEALER SUPPORT 1 AND 23 2, WE ASKED FOR A JOB STUDY FOR THOSE, THE 24 DEALER SUPPORT AND THE SUPERVISORS. AFTER 25 THE REVIEW FROM CIVIL SERVICE, THEY ADVISED</p>	<p style="text-align: right;">Page 40</p> <p>1 THAT. SO, THAT'S WHY WE DID THE DOUBLE 2 INCUMBENCY. 3 AFTER SHE QUIT, I DID NOT 4 QUALIFY FOR THE EXECUTIVE STAFF OFFICER 5 POSITION. THAT WAS HER POSITION. SO, WE HAD 6 TO -- JACK WENT TO CIVIL SERVICE TO SEE WHAT 7 THEY COULD DO TO -- WHAT JOB THEY COULD GIVE ME 8 FOR THAT. SO, I ENDED UP WITH A PROGRAM 9 MANAGER -- ADMINISTRATIVE OFFICER -- 10 ADMINISTRATIVE MANAGER 3 AND IT WAS AN AS-14 11 AND THE OTHER POSITION WAS A GS-17 AT THAT 12 TIME. 13 SO, THAT -- LET'S SEE 14 WHERE I LEFT OFF. THEN, THE CIVIL SERVICE 15 DID A JOB STUDY ON THE ADMINISTRATIVE LEVELS 16 OF ALL -- JUST A BIG GROUP JOB STUDY. SO, 17 IT INCLUDED THE ADMINISTRATIVE PROGRAM MANAGER 18 3. SO, THEN IT DROPPED MY JOB DOWN AGAIN 19 TO A "13" AND THAT IS AS A PROGRAM MANAGER. 20 SO, THAT IS HOW I GOT DOWN FROM A "17" TO A 21 "13". 22 WHEN CIVIL SERVICE WAS 23 WORKING ON THE DEALER SUPPORT POSITION AND 24 THROUGH THE ORGANIZATIONAL CHART, I'M OVER 25 ALL OF THAT DEALER SUPPORT SECTION. SO, THAT</p>
<p style="text-align: right;">Page 39</p> <p>1 US THAT IT WOULD BE IN OUR BEST INTEREST TO 2 PULL THAT JOB STUDY, BECAUSE THEY FOUND A 3 JOB OUT THERE THAT WOULD -- IT WAS COMPARABLE 4 TO THE DUTIES AND RESPONSIBILITIES THAT THEY 5 ARE ALREADY DOING. SO, THEY GAVE US THE 6 ADMINISTRATIVE COORDINATOR AND THE DEALER 7 SUPPORT -- ADMINISTRATIVE COORDINATORS AND THE 8 DEALER SUPPORT 2 WERE GIVEN THE NEW TITLE AS 9 ADMINISTRATIVE SUPERVISOR AND ADMINISTRATIVE 10 COORDINATOR 4. THESE WERE LATERAL MOVES. SO, 11 THERE WAS NO CHANGE AND NO INCREASES FOR THE 12 SUPERVISOR PART. 13 THE GIRLS -- THE 14 TECHNICIANS, OTHER THAN THE SUPERVISORS, WERE 15 GIVEN A SEVEN PERCENT INCREASE, BUT THE DEALER 16 SUPPORT 2'S DID NOT GET ANYTHING. 17 THEN, ON THE ADMINISTRATIVE 18 PROGRAM MANAGER 1, WHICH WAS MY POSITION, WE 19 STARTED THAT POSITION -- IT IS KIND OF A LONG 20 STORY, BUT WE STARTED THAT POSITION IN JULY 21 OF 2002 WHEN ANOTHER GIRL WAS IN THERE AND 22 SHE QUIT. SO, I WAS DETAILED IN THAT POSITION 23 AND IT WAS A DOUBLE INCUMBENCY AND THE 24 EXECUTIVE STAFF OFFICER POSITION. SHE WAS OUT 25 ON TERMINAL LEAVE. SO, SOMEONE HAD TO COVER</p>	<p style="text-align: right;">Page 41</p> <p>1 BROUGHT MY JOB BACK UP, BECAUSE ALL OF THE 2 PEOPLE WERE UNDER ME AND THE TYPE OF WORK 3 THAT I WAS DOING. SO, IT WENT INTO AN 4 EXECUTIVE STAFF OFFICER, WHICH IS WHAT THE JOB 5 WAS AT THE BEGINNING. SO, I JUST WENT BACK 6 UP TO THAT. 7 MR. HENRY SMITH: 8 THAT IS WHAT, A "17"? 9 MS. HEMPHILL: 10 IT IS A "16". 11 IT WAS A "GS" LEVEL "17", 12 AND THEN, IT WENT -- THEN, THEY CHANGED IT TO 13 "AS" LEVELS. SO, THAT WAS A "16". 14 MR. HENRY SMITH: 15 THAT WOULD BE EQUIVALENT TO 16 A "17"? 17 MS. HEMPHILL: 18 YES, AT THE OLD LEVEL, THE 19 OLD JOB DESCRIPTION. 20 SO, THAT'S HOW I GOT 21 BACK INTO THE EXECUTIVE STAFF OFFICER POSITION 22 AND IT WAS JUST -- CIVIL SERVICE IS WHAT 23 HAPPENED. 24 SO, NOW ON THE ACCOUNTING 25 POSITIONS, LYNETTE HAS DONE THE PAPERWORK FOR</p>

<p style="text-align: right;">Page 42</p> <p>1 ALL ACCOUNTING PEOPLE AND WE HAD SENT IT IN 2 EARLY. THIS WAS, LIKE, IN FEBRUARY. SHE 3 WROTE ALL OF THE DUTIES AND RESPONSIBILITIES 4 FOR HER DEPARTMENT AND WE SENT IT IN AND THE 5 TWO GIRLS THAT ARE UNDER HER, THE ACCOUNTING 6 GIRLS, DID GET UPGRADED AND SHE DID NOT. SHE 7 STAYED WHERE SHE WAS AT. 8 SO, THEY HAVE BEEN PAID FOR 9 THEIR INCREASES, ACCOUNTING HAS, AND WE HAVE 10 NOT BEEN PAID FOR OURS, YET. SO, WE ARE 11 WAITING FOR -- I GAVE ALL OF THE DOCUMENTATION 12 TO JACK TO LOOK AT AND HE SAID HE HAD TO LET 13 MIKE ROBERTS LOOK AT IT AND REVIEW IT AND THAT 14 WAS IT. WE NEVER DID UPGRADE ANYTHING. THAT 15 IS AT A STAND STILL. 16 MR. DUPLESSIS: 17 SO, THIS HAS BEEN SITTING ON 18 THE BOOKS NOW FOR HOW LONG? 19 MS. HEMPHILL: 20 WE STARTED IT IN MARCH. I 21 WOULD SAY OCTOBER OF LAST YEAR, YES. 22 MR. HENRY SMITH: 23 SO, ARE THERE ANY CHANGES 24 IN DUTIES OR RESPONSIBILITIES THAT YOU LOOKED 25 INTO?</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. HENRY SMITH: 2 SO, IT IS WAITING FOR 3 APPROVAL? 4 MS. HEMPHILL: 5 IT IS WAITING FOR APPROVAL. 6 MR. DUPLESSIS: 7 MR. RUSSELL, COMMENTS? 8 MR. RUSSELL: 9 WHEN THEY DID THE REPORT, 10 CIVIL SERVICE, ON THE FIELD INVESTIGATORS, I 11 DEFINITELY DON'T AGREE WITH IT. THEY CHANGED 12 IT TO FIELD INSPECTORS. I'VE MET WITH JUNE AND 13 LARRY AND WE ARE TRYING TO RE-WRITE IT AND I 14 THINK THE NEW COMMISSION OUGHT TO ADDRESS CIVIL 15 SERVICE. I DON'T THINK OUR MEN AND WOMEN 16 SHOULD BE CLASSIFIED AS INSPECTORS. THEY DO GO 17 OUT AND THEY INVESTIGATIONS AND THEY DO THE 18 WORK. 19 I HAVE BEEN IN OTHER LAW 20 ENFORCEMENT AGENCIES AND SOME OF THEM DID LESS 21 THAN THESE GUYS DO AND I JUST THINK THE 22 CHAIRMAN, AND WHOEVER HE APPOINTS TO PUT IT ON 23 THERE, TAKE ANOTHER GOOD LOOK AT THIS THING, 24 BECAUSE THEY SHOULDN'T BE INSPECTORS AND I 25 DON'T THINK CIVIL SERVICE SHOULD HAVE MEANT</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. HEMPHILL: 2 WELL, WE -- EVERY FIVE 3 YEARS, WE HAVE TO UPDATE EVERYTHING. CIVIL 4 SERVICE -- 5 MR. HENRY SMITH: 6 SINCE THAT TIME, I MEAN. 7 MS. HEMPHILL: 8 WHAT? 9 MR. HENRY SMITH: 10 ARE THERE ANY CHANGES IN THE 11 DUTIES -- 12 MS. HEMPHILL: 13 THERE WERE A FEW. 14 MR. HENRY SMITH: 15 -- YOU SAID SINCE MARCH? 16 MS. HEMPHILL: 17 OH, NO. NO. 18 MR. HENRY SMITH: 19 I'M SORRY, I DIDN'T GET THE 20 DATE. 21 MS. HEMPHILL: 22 WE STARTED IT IN MARCH, AND 23 THEN, IN -- AROUND OCTOBER IS WHEN WE GOT 24 EVERYTHING BACK AND I GAVE IT TO JACK OR -- NOT 25 EVEN ANOTHER MONTH LATER, I GAVE IT TO JACK.</p>	<p style="text-align: right;">Page 45</p> <p>1 THEM TO BE THAT WAY. THANK YOU. 2 MR. DUPLESSIS: 3 MR. RUSSELL, WE MADE THAT 4 OBSERVATION AND I THINK WHEN -- I HAVE BEEN 5 VERY CAUTIOUS ABOUT PROCEEDING WITH THIS ISSUE. 6 WHEN I SEE THAT IT SAT ON THE BOOKS FOR 7 SOMETIME, THE PREVIOUS COMMISSION, FOR WHATEVER 8 REASON, DIDN'T ADDRESS IT, DIDN'T MOVE IT 9 FORWARD. I THINK WE RECOGNIZE THAT WE HAVE 10 PEOPLE IN THE FIELD AND WE ARE NOT SURE WHAT TO 11 MAKE OF IT. WE HAVE LOOKED AT IT. I HAVE HAD 12 MS. MORRIS LOOK AT IT AND I MAY ASK HER TO 13 COMMENT IN A SECOND, BUT IT DOESN'T APPEAR THAT 14 IT COULD BE ACCURATELY REPRESENTED. 15 WHAT I WOULD LIKE YOU TO DO 16 IS, I PERSONALLY DON'T UNDERSTAND CIVIL SERVICE 17 AND I DON'T THINK THE COMMISSIONERS UNDERSTAND 18 CIVIL SERVICE QUITE AS WELL AS A LOT OF PEOPLE 19 SHOULD, BUT THAT'S WHY WE HAVE COUNSEL, WOULD 20 YOU PUT A RECOMMENDATION IN WRITING TO ME AND 21 THE PERSONNEL COMMITTEE ABOUT WHAT YOU THINK 22 THE CLASSIFICATION SHOULD POSSIBLY BE AND I 23 WILL SHARE THAT WITH MS. HEMPHILL? 24 WE WERENT AROUND FOR THAT 25 STUDY, BUT WE CERTAINLY THINK THAT IT BEARS</p>

<p style="text-align: right;">Page 46</p> <p>1 REVIEWING, BY ALL MEANS. 2 MR. RUSSELL: 3 OKAY. 4 MR. DUPLESSIS: 5 MS. MORRIS -- THERE ARE TWO 6 THINGS THAT I WANT TO CLARIFY, MS. HEMPHILL. 7 THERE WAS A MERIT INCREASE OF FOUR PERCENT 8 AUTOMATICALLY, CORRECT? 9 MS. HEMPHILL: 10 YES, SIR. 11 MR. DUPLESSIS: 12 THAT'S CORRECT? 13 MS. HEMPHILL: 14 YES. 15 MR. DUPLESSIS: 16 THERE WAS ALSO THE APPROVED 17 MANDATORY INCREASE BY CIVIL SERVICE, AND THEN, 18 THERE WAS A DISCRETIONARY BY THE BOARD INCREASE 19 THAT WE WOULD HAVE TO DISCUSS AND RATIFY FOR 20 APPROVAL; IS THAT CORRECT? 21 MS. HEMPHILL: 22 YES. 23 MR. DUPLESSIS: 24 WOULD YOU EXPLAIN THE 25 DISCRETIONARY PORTION TO THE COMMISSIONERS? I</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. MORRIS? 2 MS. MORRIS: 3 I CONTACTED -- AFTER THE 4 LAST MEETING, I RECEIVED A SHEET THAT HAD THE 5 DEALER SUPPORT TECH PERSONS LISTED, TONYA 6 BURKS, AMANDA SIMPSON, GAYLE TURNER AND VIVIAN 7 WILLIAMS, WITH A SEVEN PERCENT INCREASE ON THE 8 SHEET, AND THEN, THE ADMINISTRATIVE MANAGER, 9 LOIS HEMPHILL, HAD A FOURTEEN AND I ASKED 10 WHETHER THESE WERE DISCRETIONARY OR THESE WERE 11 MANDATORY ADJUSTMENTS AND THEY EXPLAINED THAT 12 THE SEVEN PERCENT WAS MANDATORY FOR ALL FIVE 13 EMPLOYEES AND IT SHOULD HAVE BEEN DONE WITHIN 14 THIRTY DAYS OF THE CIVIL SERVICE DOING THE JOB 15 CORRECTIONS. 16 THE EFFECTIVE DATE IS THE 17 DATE THAT CIVIL SERVICE APPROVED IT. SO, AT 18 THIS POINT, YOU WOULD HAVE TO BACK PAY THOSE 19 INDIVIDUALS SEVEN PERCENT TO THE DATE OF THE 20 APPROVAL AND GET THEM CAUGHT UP, AND THEN, THEY 21 WOULD GET THE SEVEN PERCENT. 22 AS TO THE FOURTEEN PERCENT 23 FOR MS. HEMPHILL, SHE IS ENTITLED TO THE 24 SEVEN PERCENT UNDER THAT SAME RULE, BUT THE 25 FOURTEEN -- THE ADDITIONAL SEVEN PERCENT IS</p>
<p style="text-align: right;">Page 47</p> <p>1 THINK THE FIRST TIME THAT WE SAW IT, WE DIDN'T 2 UNDERSTAND IT AND WE THOUGHT IT WAS ALL 3 MANDATORY AND I WASN'T SURE. SO, I SHARE MR. 4 RUSSELL'S CONCERN AND I PULLED IT OFF. WE 5 WOULD LIKE TO BE COMPLETELY CLEAR ON WHAT WE 6 VOTE ON. SO, WOULD YOU EXPLAIN THE 7 DISCRETIONARY? 8 MS. MORRIS, I'M GOING TO 9 ASK YOU TO EXPLAIN YOUR RESEARCH AND YOUR 10 INVESTIGATION AS WELL. 11 MS. HEMPHILL: 12 ON THE MERIT INCREASES -- 13 NOT ON THE MERIT INCREASES, BUT THE -- WHAT 14 CIVIL SERVICE -- WHEN THEY DID THE STEP UP FOR 15 THE GIRLS, IT WENT UP SEVEN PERCENT. OKAY. ON 16 MINE, BECAUSE IT WAS A THREE STEP UP, IT COULD 17 GO UP TO FOURTEEN PERCENT AND YOU COULD PAY 18 ACCORDINGLY ON THAT, I IMAGINE, YOU KNOW. 19 MR. DUPLESSIS: 20 BUT, IT WAS UP TO SEVEN 21 PERCENT? 22 MS. HEMPHILL: 23 SEVEN PERCENT UP TO FOURTEEN 24 PERCENT. 25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 49</p> <p>1 DISCRETIONARY AND YOU HAVE THREE YEARS TO 2 IMPLEMENT THAT. YOU COULD DO IT IN A PORTION 3 OR NOT AT ALL OR THE WHOLE THING, BUT THAT IS 4 THE DISCRETION OF THE COMMISSION. 5 I HEARD MS. HEMPHILL SAY 6 EARLIER THAT THE FOUR PERCENT MERIT INCREASE 7 IS AUTOMATIC. THAT IS NOT MY UNDERSTANDING. 8 THE FOUR PERCENT MERIT INCREASE IS AUTOMATIC 9 FOR A PERSON WHO PERFORMS ABOVE A CERTAIN 10 LEVEL -- 11 MS. HEMPHILL: 12 YES. 13 MS. MORRIS: 14 THEY ARE SUPPOSED TO HAVE A 15 JOB EVALUATION WITH CRITERIA FOR PERFORMANCE 16 AND THAT IS SUPPOSED TO BE REVIEWED ANNUALLY 17 AND IT IS BASED UPON -- THE SCORE ON A 18 PERFORMANCE EVALUATION DETERMINES THE AMOUNT OF 19 MERIT INCREASE THAT YOU CAN GET AND IT IS UP TO 20 A MAXIMUM OF FOUR PERCENT, BUT EVERYBODY DOES 21 NOT AUTOMATICALLY GET A FOUR PERCENT INCREASE 22 ANYMORE. 23 THAT'S AN OLD RULE THAT I 24 THINK HAVE BEEN GONE. I WANT TO SAY IN THE 25 LATE '90S THEY WENT TO PERFORMANCE EVALUATIONS.</p>

<p style="text-align: right;">Page 50</p> <p>1 IT USE TO BE FOUR PERCENT AUTOMATIC, ALL CIVIL 2 SERVICE GETS A FOUR PERCENT AT THE END OF THE 3 YEAR. IT IS NOT AUTOMATIC ANYMORE AND THAT -- 4 IT HAS BEEN THAT WAY FOR AT LEAST EIGHT YEARS, 5 I BELIEVE, THAT YOU HAVE TO GO THROUGH THE 6 PERFORMANCE EVALUATION AND THAT HAS TO BE 7 REVIEWED. 8 SO, THAT IS SOMETHING THAT 9 YOUR PERSONNEL COMMITTEE WILL PROBABLY WANT TO 10 LOOK AT. 11 (OFF-THE-RECORD DISCUSSION.) 12 MR. DUPLESSIS: 13 LET'S BE CAREFUL, SO THE 14 REPORTER CAN -- WE WILL SPEAK ONE AT A TIME, SO 15 SHE CAN REPORT THE RECORD PROPERLY. 16 MR. SMITH, YOU HAVE A 17 QUESTION? 18 MR. EUGENE SMITH: 19 ARE YOU SAYING THAT THE 20 YEARLY INCREASES ARE NOT AUTOMATIC WITH CIVIL 21 SERVICE? 22 MS. MORRIS: 23 THAT'S CORRECT. IT USE TO 24 BE THAT CIVIL SERVICE GOT A FOUR PERCENT 25 ADJUSTMENT UNTIL THEY GOT TO THE TOP OF THEIR</p>	<p style="text-align: right;">Page 52</p> <p>1 DOES THAT TAKE THE PLACE OF 2 GRADE LEVELS? 3 MS. MORRIS: 4 NO. EACH JOB CLASSIFICATION 5 HAS ABOUT TWELVE GRADE LEVELS. SO, YOU COULD 6 GET A RAISE, BUT IT HAS STEP INCREASES. THEY 7 CALL IT STEP INCREASES. 8 MR. EUGENE SMITH: 9 STEP INCREASES. 10 MS. MORRIS: 11 BUT, YOU COULD GET A MERIT 12 INCREASE, WHICH IS TWO PERCENT OR THREE PERCENT 13 OR FOUR PERCENT OR ANY FRACTION OF THAT. 14 MR. BERRY: 15 SO, ABSENT THE AGENCY 16 PROACTIVELY DEVISING A GRADING SCALE FOR 17 EMPLOYEES, THEY DO GET THE FOUR PERCENT? 18 MS. MORRIS: 19 CORRECT. IT CAN'T BE HELD 20 AGAINST THE EMPLOYEE THAT THEIR SUPERVISORS 21 DIDN'T DO THE PAPERWORK. 22 MR. BERRY: 23 ARE WE SAYING THEN THAT SHE 24 WILL GET THE SEVEN PERCENT, PLUS THE FOURTEEN 25 PERCENT, TWENTY-ONE PERCENT?</p>
<p style="text-align: right;">Page 51</p> <p>1 PAY GRADE. ONCE YOU MAX OUT YOUR PAY GRADE, 2 THERE'S NO MORE FOUR PERCENT YOU CAN GET. IF 3 YOU STAY IN THE SAME POSITION FOR A LENGTHY -- 4 FOR YEARS AND YEAR, YOU CAN MAX OUT YOUR PAY 5 GRADE, BUT I CAN'T RECALL THE YEAR, BUT I WANT 6 TO SAY IN THE LATE '90S, CIVIL SERVICE CHANGED 7 THAT SYSTEM AND WENT TO A PERFORMANCE 8 EVALUATION. SO, EACH EMPLOYEE SHOULD HAVE A 9 SET OF GOALS AND OBJECTIVES AND PERFORMANCE 10 CRITERIA THAT IS SET ON AN ANNUAL BASIS AND IT 11 IS REVIEWED BY THEIR SUPERVISORS PERIODICALLY 12 AND AT LEAST ON AN ANNUAL BASIS. 13 THEN, ON THE BASIS OF WHAT 14 THE REPORT IS, HOW WELL THEY MET THE CRITERIA, 15 THEY CAN GET AN ADJUSTMENT UP TO FOUR PERCENT. 16 IF THE AGENCY FAILS TO DO THE PERFORMANCE 17 EVALUATION, THEN THE EMPLOYEE AUTOMATICALLY 18 GETS IT. IT CAN'T BE THAT THE AGENCY DOESN'T 19 DO THE PAPERWORK, AND THEN, THE EMPLOYEE 20 DOESN'T GET THE BENEFIT. IF THE AGENCY FAILS 21 TO DO THE EVALUATION, THEN THE EMPLOYEE GETS IT 22 BY DEFAULT, FOUR PERCENT, BUT IF THE AGENCY 23 GOES THROUGH THE PROCESS, THE INCREASE COULD BE 24 ANYWHERE UP TO FOUR PERCENT. 25 MR. EUGENE SMITH:</p>	<p style="text-align: right;">Page 53</p> <p>1 MS. MORRIS: 2 NO. THE FOURTEEN 3 PERCENT INCLUDES THE SEVEN PERCENT AND LIKE I 4 SAID -- 5 MR. EUGENE SMITH: 6 SHE WOULD GET FOURTEEN 7 INSTEAD OF SEVEN PERCENT? 8 MS. MORRIS: 9 CORRECT. 10 MR. BERRY: 11 SO, A MINIMUM OF SEVEN TO A 12 MAXIMUM OF FOURTEEN. 13 MR. DUPLESSIS: 14 SEVEN. I'VE GOT YOU. 15 MS. MORRIS: 16 THIS COMMISSION REALLY 17 DOESN'T HAVE DISCRETION TO NOT GO AHEAD AND DO 18 THE PAPERWORK. 19 MR. EUGENE SMITH: 20 I UNDERSTAND THAT, BUT 21 THAT'S CIVIL SERVICE RULES. WE HAVE TO ABIDE 22 BY IT. 23 MS. MORRIS: 24 RIGHT. 25 MR. DUPLESSIS:</p>

<p style="text-align: right;">Page 54</p> <p>1 THAT'S CORRECT. WE 2 ARE OBLIGATED TO RATIFY THE SEVEN PERCENT 3 INCREASE. 4 MS. MORRIS: 5 BUT, THE ADDITIONAL SEVEN IS 6 DISCRETIONARY. 7 MS. HUDSON: 8 MR. CHAIRMAN, WITH THAT 9 BEING SAID FROM MS. MORRIS, I WOULD LIKE TO 10 ENTERTAIN A MOTION THAT WE GO AHEAD AND 11 IMPLEMENT AND PAY THE SEVEN PERCENT ACROSS THE 12 BOARD ON ALL OF THE EMPLOYEES. 13 MS. MORRIS: 14 WELL, IT'S NOT ALL OF THE 15 EMPLOYEES. IT IS JUST THE FIVE -- 16 MS. HUDSON: 17 THE FIVE THAT ARE ON THE 18 SHEET. 19 MS. MORRIS: 20 -- JOB CORRECTIONS. 21 MR. DUPLESSIS: 22 WOULD YOU REPEAT THOSE FOR 23 THE RECORD, PLEASE? 24 MS. MORRIS: 25 THEY WERE THE DEALER</p>	<p style="text-align: right;">Page 56</p> <p>1 I'M SORRY 2 MR. DUPLESSIS: 3 PLEASE. 4 MS. HEMPHILL: 5 WE DO, DO THE PPR'S. WE ARE 6 VERY, VERY, VERY PROMPT ON DOING THEM. CIVIL 7 SERVICE DOES COME AND AUDIT MY OFFICE AT LEAST 8 ONCE A YEAR AND I GOT A NICE LETTER FROM CIVIL 9 SERVICE ABOUT THE PPR'S THANKING US ON HOW 10 PROMPT WE ARE AND THE GOOD JOB THAT WE HAVE 11 DONE, ALL OF THE SUPERVISORS HAVE DONE -- WITH 12 THE PPR'S AND EVERYBODY HAS MET -- THERE'S NOT 13 ONE PERSON IN THIS OFFICE THAT HAS NOT MET 14 REQUIREMENTS AS IN THEIR PPR. THEY DO ABOVE 15 MEETING THE REQUIREMENTS. 16 MR. DUPLESSIS: 17 THANK YOU. 18 ADDITIONAL COMMENTS? 19 (NO RESPONSE.) 20 MR. DUPLESSIS: 21 NO FURTHER DISCUSSION ON THE 22 MOTION. IT HAS BEEN SECONDED. 23 ALL IN FAVOR, SIGNIFY BY 24 SAYING "AYE". 25 (ALL "AYE" RESPONSES.)</p>
<p style="text-align: right;">Page 55</p> <p>1 SUPPORT TECH I, TONYA BURKS, AMANDA SIMPSON, 2 GAYLE TURNER, VIVIAN WILLIAMS, AND THEN, YOUR 3 ADMINISTRATIVE MANAGER, MS. HEMPHILL, IS 4 ENTITLED TO THE SEVEN PERCENT, AND THEN, YOU 5 HAVE DISCRETION TO APPROVE AN ADDITIONAL SEVEN 6 PERCENT. 7 MR. DUPLESSIS: 8 MS. HEMPHILL, IN YOUR 9 DISCUSSION, YOU GRACEFULLY ASKED TO ONLY TAKE 10 THE SEVEN PERCENT? 11 MS. HEMPHILL: 12 YES, SIR. 13 MR. DUPLESSIS: 14 THANK YOU. I APPRECIATE 15 THAT. 16 I WANTED TO SHARE THAT WITH 17 THE COMMISSION AS A CLARIFICATION. 18 MS. HEMPHILL: 19 CAN I MAKE A COMMENT? 20 MR. DUPLESSIS: 21 WE DON'T HAVE A SECOND ON 22 THE FLOOR, YET. 23 MR. HENRY SMITH: 24 SECOND. 25 MS. HEMPHILL:</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. DUPLESSIS: 2 OPPOSED? 3 (NO RESPONSE.) 4 MR. DUPLESSIS: 5 THE MOTION PASSES. 6 THANK YOU, MS. HEMPHILL. WE 7 APPRECIATE YOUR REPORT. 8 I THINK NOW THAT SOME OF YOU 9 PEOPLE CAN REALIZE WHY THIS COMMISSION IS GOING 10 A LITTLE MORE CAUTIOUS AND A LITTLE MORE 11 SLOWLY. THE RULES HAVE CHANGED AND WE ARE 12 GOING TO TRY TO DO IT RIGHT. 13 AGAIN, MR. RUSSELL, YOU WILL 14 HAVE AN OPPORTUNITY TO MAKE A CASE FOR YOUR 15 FIELD AGENTS. SO, PLEASE SUBMIT YOUR 16 PAPERWORK. 17 POLICY REGARDING THE 18 FORMALIZATION -- FORMALIZED REPORT ON SEMINARS 19 AND TRAVEL ACTIVITIES -- I'M SORRY, DID I SKIP 20 SOMETHING? 21 MS. MORRIS: 22 (INDICATING.) 23 MR. EUGENE SMITH: 24 NO. 6. 25 MR. DUPLESSIS:</p>

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1 I GUESS IT'S THE AGE.
 2 WE HAVE OUR COMMITTEE
 3 REPORTS. CONSUMER ACTION PANEL, MS. HUDSON, DO
 4 YOU HAVE YOUR REPORT TO PROVIDE FOR US?
 5 MS. HUDSON:
 6 THANK YOU, MR. CHAIRMAN.
 7 IN THE MONTH OF MAY, WE
 8 RECEIVED IN OUR OFFICE APPROXIMATELY FIFTY-
 9 EIGHT COMPLAINTS. OUT OF THE FIFTY-EIGHT,
 10 TWENTY-TWO WERE FOR NON-DELIVERY OF TITLE
 11 FOLLOWED BY SEVEN COMPLAINTS ASKING FOR A
 12 REFUND.
 13 I BELIEVE MR. RUSSELL WILL
 14 BRING US UP TO DATE ON THE LEFT OVER ACTIONS
 15 FROM MAIN STREET MOTORS, IF ANY, FROM THE
 16 PREVIOUS CONSUMER REPORT.
 17 IF THERE ARE NO QUESTIONS,
 18 THAT CONCLUDES MY CONSUMER ACTION PANEL REPORT
 19 AND I WOULD LIKE TO MOVE ON TO THE LICENSING
 20 REPORT.
 21 MR. DUPLESSIS:
 22 PLEASE.
 23 MS. HUDSON:
 24 THERE IS NO ACTIVITY AT THIS
 25 TIME CONCERNING OUR LICENSING.

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1 IN YOUR PACKET, LOIS DID
 2 PROVIDE OUR YEAR TO DATE LICENSING COUNT.
 3 MR. DUPLESSIS:
 4 OKAY.
 5 MS. HUDSON:
 6 MR. CHAIRMAN, THAT CONCLUDES
 7 MY REPORT.
 8 MR. DUPLESSIS:
 9 THANK YOU, MS. HUDSON.
 10 HEARING COMMITTEE AND
 11 ADMINISTRATIVE LAW JUDGE, HENRY SMITH AND TERRY
 12 IRBY. MR. IRBY, I BELIEVE, IS STILL CURRENTLY
 13 OUT OF THE ROOM AND WE WILL MARK THIS TO BE
 14 DISCUSSED LATER.
 15 SALVAGE AND RECYCLING, MR.
 16 HENRY SMITH.
 17 MR. HENRY SMITH:
 18 YES, SIR. THANK YOU, MR.
 19 CHAIRMAN.
 20 I'M VERY, VERY, VERY
 21 CONCERNED, LADIES AND GENTLEMEN. THERE IS
 22 SOMETHING DRASTICALLY WRONG WHEN WE HAVE A
 23 TOTAL OF THIRTY-FOUR AUCTIONS IN THIS STATE
 24 THAT ARE SUPPOSED TO SUBMIT FIVE DOLLARS FOR
 25 EVERY SALVAGE VEHICLE THEY SELL. WE ARE NOT

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1 GETTING IT, LADIES AND GENTLEMEN. IT'S JUST --
 2 IT'S NOT COMING IN.
 3 YOU HEARD THE REPORT THIS
 4 MORNING, SEVENTEEN WERE PAID. I REALIZE SOME
 5 OF THEM ARE CARRY OVER. SEVENTEEN, THAT IS
 6 FIFTY PERCENT OF THIRTY-FOUR. THERE ARE SOME
 7 THAT HAVE NEVER SENT A PENNY. WE HAVE GOT TO
 8 HAVE RULES AND REGULATIONS ON -- "WHAT IS
 9 GOING TO HAPPEN TO ME IF I DON'T"? I MEAN, WE
 10 WROTE -- THE LAW PASSED. IT SAID THE SALVAGE
 11 COMPANY -- THE AUCTION COMPANY MUST PAY FIVE
 12 DOLLARS FOR EVERY CAR THAT IS SOLD AT THE
 13 AUCTION.
 14 NOT ONLY ARE THEY THE ONES
 15 NOT PAYING IT -- AND I BRING IT UP EVERY MONTH
 16 AND I DON'T WANT TO SOUND LIKE A BROKEN RECORD,
 17 BUT NOT ONLY ARE THEY NOT THE ONES PAYING IT,
 18 THEY CHARGE THE SALVAGE BUYER, WHICH IS NOT IN
 19 THE LAW, PLUS THEY CHARGE ME ANOTHER FIVE
 20 DOLLARS TO COLLECT IT.
 21 SO, THE LAW SAID THEY WOULD
 22 PAY FIVE DOLLARS IF WE WOULD DO AWAY WITH OUR
 23 BID CARD. I'M PAYING IT, PLUS THEY ARE
 24 CHARGING ME ANOTHER -- AND ALL OF THE SALVAGE
 25 DEALERS ARE PAYING IT. THEY ARE CHARGING ME

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1 ANOTHER FIVE DOLLARS JUST TO COLLECT IT.
 2 SEVENTEEN OF THIRTY-FOUR, WE ARE BATTING FIFTY
 3 PERCENT.
 4 I MEAN, WE HAVE GOT TO HAVE
 5 SOME KIND OF RULES AND REGULATIONS OR SOMETHING
 6 THAT IF YOU DON'T DO IT, YOU ARE GOING TO BE
 7 PENALIZED AND I THINK IT SHOULD BE AN EXTREMELY
 8 SIGNIFICANT PENALTY.
 9 MS. HUDSON:
 10 MR. SMITH, WHAT DO YOU
 11 THINK THAT WE COULD DO AS A COMMISSION BEFORE
 12 WE MAKE THE RULES AND REGS, WHAT COULD WE DO
 13 RIGHT NOW TO INSURE THAT WE ARE AT LEAST
 14 GETTING PARTICIPATION FROM ALL OF THE AUTO
 15 AUCTIONS?
 16 MR. HENRY SMITH:
 17 INVESTIGATE EVERY AUCTION IN
 18 THIS STATE. THERE ARE THIRTY-FOUR AND NOBODY
 19 KNOWS WHO THEY ARE. I WILL BE GLAD TO FURNISH
 20 THEM A LIST. I'VE GOT A LIST. THERE ARE
 21 THIRTY-FOUR OF THEM IN THIS STATE, ALL OF THEM
 22 SELLING SALVAGE VEHICLES.
 23 I MEAN, WE LOST OUR BID
 24 CARD, THE COMMISSION DID. SO, WE DON'T GET TO
 25 COLLECT THAT FEE EVERY YEAR WHEN WE SUBMIT --

<p style="text-align: right;">Page 62</p> <p>1 WHEN WE APPLY FOR OUR LICENSE. SO, WE ARE 2 DEPENDING ON THAT MONEY TO OVERRIDE WHAT THE 3 BID CARD WOULD HAVE BEEN BRINGING IN. 4 TO BE HONEST WITH YOU, WE 5 ARE NOT IN THE BEST SHAPE WE HAVE BEEN IN SINCE 6 I HAVE BEEN ON THE COMMISSION. SO, I THINK !T 7 SHOULD BE -- EVERYONE SHOULD BE INVESTIGATED. 8 MR. DUPLESSIS: 9 MR. SMITH? 10 MR. HENRY SMITH: 11 YES, SIR. 12 MR. DUPLESSIS: 13 I'M SORRY, MR. EUGENE 14 SMITH? 15 MR. EUGENE SMITH: 16 WHEN WAS THIS STATUTE 17 PASSED? 18 MR. HENRY SMITH: 19 2000 -- 20 MR. TORRANCE: 21 SEVEN. 22 MR. SMITH: 23 -- 2007 -- JUNE, 2007. 24 MR. EUGENE SMITH: 25 THERE HAVE NEVER BEEN NO</p>	<p style="text-align: right;">Page 64</p> <p>1 WITH A FINE AND THEY HAVE TO PRESENT THE 2 COMMISSION AT THE END OF EACH MONTH A LIST OF 3 THE VEHICLES THAT THEY SOLD. 4 NOW, YOU SAID IT'S ONLY 5 FIFTY PERCENT THAT -- THAT'S THE ONLY AUCTIONS 6 IN THE STATE THAT ARE DOING SALVAGE AUCTIONS, 7 INSURANCE LIQUIDATING AUCTIONS. THAT IS THE 8 ONLY FIVE DOLLAR FEE WE COLLECT. 9 THE FIELD MEN HAD WENT OUT 10 AND CHECKED IT AND THEY ARE IN THE PROCESS OF 11 DOING IT, NOW. THEY TOOK THE PAPERWORK OUT 12 THERE AND DIDN'T Y'ALL TAKE THE RULES AND REGS 13 WITH Y'ALL? 14 MR. HULIN: 15 YES. 16 MR. HENRY SMITH: 17 WHAT IS THE PENALTY FOR NOT 18 SUBMITTING THE REPORT AND THE MONEY AT THE END 19 OF THE MONTH? I HAVE NEVER READ IT, MR. 20 TORRANCE. 21 MS. BINNING: 22 I DON'T KNOW IF IT'S IN 23 THERE. 24 MR. DUPLESSIS: 25 MR. TORRANCE, WHAT DEFINES A</p>
<p style="text-align: right;">Page 63</p> <p>1 RULES PROMULGATED FOR THIS? 2 MR. TORRANCE: 3 YES, WE HAVE RULES. 4 MR. EUGENE SMITH: 5 SURELY, WE HAVE RULES. IF 6 IT WAS PASSED IN '07 -- 7 MR. TORRANCE: 8 WE HAVE RULES, BUT -- 9 MR. HENRY SMITH: 10 BUT, I'VE NEVER READ ONE. 11 MR. TORRANCE: 12 TERRY IRBY, THE ATTORNEY FOR 13 THE COMMISSION, PREPARED IT AND PRESENTED IT TO 14 THE COMMISSION. 15 MS. HUDSON: 16 WHAT IS IT? 17 MR. HENRY SMITH: 18 WHAT IS THE PENALTY? 19 MR. DUPLESSIS: 20 JACK, WHAT IS ACTUALLY ON 21 THE BOOKS, DO WE KNOW WHAT IS ACTUALLY ON THE 22 BOOKS AS FAR AS THE REGULATION? 23 MR. TORRANCE: 24 THE RULES AND REGS WE CAME 25 UP WITH, THEY CORRESPOND. I MEAN, WE CAME UP</p>	<p style="text-align: right;">Page 65</p> <p>1 STATE SALVAGE VEHICLE -- 2 MR. TORRANCE: 3 I DON'T RECALL, MR. 4 CHAIRMAN. MR. IRBY WOULD HAVE TO GIVE THAT 5 INFORMATION. 6 MR. DUPLESSIS: 7 LET'S DO THIS. WE ARE 8 STARTING TO GET INTO A PRETTY SIGNIFICANT RIF 9 (PHONETIC) HERE AND IF WE DON'T HAVE LEGAL 10 COUNSEL ON THIS, I'M GOING TO PROBABLY DEFER 11 THIS TO A SECOND, BECAUSE THIS IS GOING TO 12 BE A PRETTY INTENSE DISCUSSION AND, QUITE 13 OBVIOUSLY, I BELIEVE THAT A LOT OF AUCTIONS 14 ARE, THEY ARE SELLING VEHICLES WITH SALVAGE 15 TITLES. THEY ARE NOT IN THE BUSINESS OF 16 SELLING WHAT WE WOULD PERCEIVE AS BUBBLED UP 17 BOXED CAR SALVAGE. 18 MR. HENRY SMITH: 19 RIGHT. 20 MR. DUPLESSIS: 21 SO, YOU KNOW, THE DEFINITION 22 OF SALVAGE IS GOING TO BE BY THE STATE LAW 23 UNDER THE DEFINITION OF SALVAGE, WHICH WOULD 24 PROBABLY CARRY SALVAGE TITLE. SO, I WOULD 25 THINK THAT THEY WOULD OCCASIONALLY SELL SALVAGE</p>

<p style="text-align: right;">Page 66</p> <p>1 VEHICLES, BUT BEFORE WE GET TOO DEEP IN THIS, 2 THIS IS GOING TO BE A SIGNIFICANT DISCUSSION, I 3 THINK WE ARE GOING TO DEFER THIS UNTIL MR. IRBY 4 COMES BACK, BECAUSE WE HAVE A NUMBER OF THINGS. 5 MR. SMITH, IF YOU WOULD 6 KINDLY DEFER UNTIL MR. IRBY COMES. THANK YOU. 7 MR. HENRY SMITH: 8 COULD I -- 9 MR. DUPLESSIS: 10 YES. 11 MR. HENRY SMITH: 12 I NEED TO REPORT ON OUR 13 HEARING. 14 MR. DUPLESSIS: 15 YES. 16 MR. HENRY SMITH: 17 LADIES AND GENTLEMEN, TO 18 HAVE A HEARING -- AND WE HAVE TWO HEARINGS 19 TODAY. WE MUST HAVE EIGHT MEMBERS OF THE 20 COMMISSION. WE MUST HAVE EIGHT COMMISSIONERS. 21 I KNOW SOMETIMES SOME PEOPLE HAVE TO LEAVE, 22 EMERGENCIES AND THINGS, BUT PLEASE MAKE SURE 23 THAT THERE WILL BE EIGHT OR WE CANNOT HAVE THE 24 HEARING. 25 WE WILL HAVE TWO. THEY</p>	<p style="text-align: right;">Page 68</p> <p>1 SITUATION IS NOT GOING TO FIT THE MOTORHOME, 2 THE MOTORCYCLE AND TRAILERS. WHAT THIS 3 COMMISSION HAS VOWED TO DO IS HEAR EACH AND 4 EVERY ONE OF YOUR INDUSTRIES AND MAKE THE VERY 5 BEST DECISIONS THAT WE CAN FOR YOU. 6 IF YOU DON'T GIVE US INPUT 7 AND ALL YOU ARE GOING TO DO IS FUSS, WE ARE 8 GOING TO END UP WITH BAD LAW. WE ARE GOING TO 9 END UP WITH A LAW ON THE BOOKS THAT DOESN'T 10 WORK FOR YOU. I'M GOING TO TELL YOU NOW, WE 11 WANT TO HEAR YOUR INDUSTRY. WE WANT TO HEAR 12 THE LEADERS IN THE ROOM. WE CAN'T HEAR 13 EVERYBODY. I MEAN, YOU KNOW, REALISTICALLY, 14 THAT WOULD TAKE MONTHS. 15 YOU DO HAVE TRADE 16 ASSOCIATIONS. YOU DO HAVE COMMISSIONERS 17 SITTING ON THIS BOARD IN REPRESENTATION, 18 WHETHER YOU THINK THEY ARE ABSOLUTELY AND 19 TOTALLY GERMANE TO YOUR INDUSTRY OR NOT. THEY 20 ARE HERE TO SERVE YOU. MAKE SURE THAT YOU 21 WRITE THE COMMISSION, THAT YOU GET WITH YOUR 22 INDUSTRY LEADERS. WE WANT TO SEE GOOD 23 ADVERTISEMENT ON THE BOOKS AND WE DON'T WANT TO 24 RESTRICT ADVERTISING. 25 THE BOTTOM LINE IS IT HAS</p>
<p style="text-align: right;">Page 67</p> <p>1 ARE NOT GOING TO BE LONG, DRAWN OUT OR ANYTHING 2 LIKE THAT. THEY ARE GOING TO BE RATHER 3 SIMPLE, BUT PLEASE CHECK -- IF YOU HAVE TO 4 LEAVE, CHECK TO MAKE SURE THAT WE ARE GOING TO 5 HAVE EIGHT. 6 THAT'S ALL I HAVE, MR. 7 CHAIRMAN. THANK YOU. 8 MR. DUPLESSIS: 9 THANK YOU, MR. SMITH. 10 WE WILL COME BACK TO IT. I 11 WILL LET THE COMMISSIONERS KNOW WE DID BRING IN 12 LUNCH. SO, I BELIEVE OUR HEARINGS WILL BE 13 AFTER LUNCH AND THEY WILL BE VERY BRIEF. SO, 14 WE TAKE A -- AT 10:30, IN JUST A FEW SECONDS, 15 WHEN WE COMPLETE THIS, WE WILL TAKE A BREAK. 16 WE WILL HAVE THE HEARINGS SHORTLY AFTER LUNCH 17 IF THAT WOULD BE OKAY WITH THE COMMISSION. 18 LET'S MOVE ON TO AUCTION AND 19 USED CAR -- LET'S SEE, ADVERTISING COMMITTEE. 20 THE ADVERTISING COMMITTEE HAS NOT BEEN FORMED 21 TOTAL YET, BUT I WILL TELL OUR GUESTS HERE 22 TODAY, OUR ATTENDEES, THIS IS A VERY IMPORTANT 23 ISSUE. WE WANT YOUR INPUT. 24 ONE ADVERTISING SITUATION IS 25 NOT GOING TO FIT ALL. THE USED CAR ADVERTISING</p>	<p style="text-align: right;">Page 69</p> <p>1 GOT TO BE FAIR AND TRANSPARENT TO THE CONSUMER. 2 THAT IS WHAT WE ARE BUILDING WITH. THAT IS 3 WHAT THE FEDERAL GUIDELINE AND THE A.G.'S 4 OFFICE'S GUIDELINE. WE ARE NOT HERE TO HOLD 5 YOUR HANDS, RESTRICT YOU, TIE YOU UP. WE ARE 6 NOT RESTRICTING YOUR ADVERTISING. OUR MISSION 7 IS TO MAKE SURE THAT IT IS TRANSPARENT AND IT 8 IS FAIR TO ALL. 9 SO, THIS SUMMER WHEN THE 10 LEGISLATION CLEARS, I'M GOING TO HAVE MS. 11 HEMPHILL SEND OUT ALL CHANGES IN OUR 12 LEGISLATIVE PROCESS, ANYTHING THAT AFFECTS -- I 13 DON'T CARE WHAT INDUSTRY IT IS. IF IT AFFECTS 14 OUR LAW, I WILL DO MY VERY BEST, AND I'M 15 PROBABLY GOING TO MISS SOMETHING, WE ALL MISS 16 SOMETHING, TO MAKE SURE YOU ARE AWARE OF THE 17 CHANGES. 18 RECENTLY, THE HUNDRED 19 DOLLAR CHANGE FEE IN YOUR AD FEES -- YOUR 20 ADMIN FEES, THAT HAS BEEN APPROVED. WE WILL 21 MAKE YOU AWARE OF JUST AS MUCH AS WE POSSIBLY 22 CAN. 23 WITH THAT BEING SAID, THAT 24 IS MY REPORT ON THE ADVERTISING COMMITTEE. 25 AUCTION AND USED CAR</p>

Page 70	Page 72
<p>1 COMMITTEE, WE HAVE NO APPOINTEES THERE. 2 LEGAL AFFAIRS, LITIGATION 3 COMMITTEE, WE WILL HEAR THAT COMMITTEE A LITTLE 4 LATER, MR. IRBY. 5 FINANCE COMMITTEE, WE MET 6 YESTERDAY. WE APPROVED THE BUDGETS. WE 7 MODIFIED THE BUDGETS. WE DID NOTE THAT OUR 8 LEGAL FEES WERE EXCESSIVE. 9 MR. SMITH, WE DID NOTE THAT 10 OUR REVENUES WERE DOWN SIGNIFICANTLY AND WE 11 WANT TO BE SURE THAT WE BRING IN THE PROPER 12 REVENUES. IT IS HARD TO GET MY FIELD 13 INVESTIGATORS PAY RAISES WHEN WE ARE RUNNING IN 14 THE RED. SO, FIELD INVESTIGATORS HAVE TO MAKE 15 SURE THAT WE ARE GETTING OUR -- NOT EXCESSIVE 16 REVENUE, OUR CORRECT REVENUE. THAT IS THE ONLY 17 THING THIS COMMISSION ASKS IS THE CORRECT 18 REVENUE TIMELY WITHIN THE GUIDELINES. SO, WE 19 WILL TALK ABOUT THAT IN A SECOND. 20 OTHERWISE, THE FINANCE 21 COMMITTEE DID REPORT -- DID THE FINANCIAL 22 STATEMENTS AND THEY HAVE BEEN APPROVED IN THE 23 PAST. 24 MARINE AND MOTORCYCLE 25 COMMITTEE, THAT HAS NOT BEEN FILLED, YET. WE</p>	<p>1 MAY AND I THINK MOST OF IT INVOLVED TIME WITH 2 THE COURVELLE SUIT AND SOME WITH THE PILGRIM 3 APPEAL AND THE REST OF IT WAS ON THIS HORDE 4 CASE THAT IS STILL OUTSTANDING AND THE 5 COMMISSION MEETING ITSELF. 6 THEN, OF COURSE, YOU HAD 7 ASKED ME TO GO OVER THAT ADMINISTRATIVE LAW 8 JUDGE'S REQUEST THAT WE GIVE A SEMINAR WITH 9 THEM. I WAS UNABLE TO ATTEND THAT SEMINAR 10 BECAUSE OF A CONFLICT, BUT THE OFFICE DID 11 PREPARE -- AND I THINK YOU SAID IT WAS OKAY FOR 12 MS. VIVIAN AND MS. KIM TO HELP ME GET SOME 13 DOCUMENTS TOGETHER FOR THEM AND THEY DID GET 14 THOSE DOCUMENTS AND THEY CALLED AND SAID THEY 15 WERE VERY APPRECIATIVE OF THE COMMISSION IN 16 PROVIDING THOSE DOCUMENTS TO THEM AND IT 17 BENEFITTED THEM IN THE SEMINAR. 18 MR. DUPLESSIS; 19 ALSO, WHILE YOU WERE OUT 20 OF THE ROOM, WE SKIPPED THE STATUS OF PENDING 21 LITIGATION, WHICH I THINK WE ARE GOING TO GO 22 AHEAD AND TAKE A BREAK IN JUST A SECOND. 23 WE ARE GOING TO GET, I THINK, A LOT PEOPLE HERE 24 TO DISCUSS THE APPEAL PROCESS AND WHAT IS 25 TAKING PLACE THERE AND WE HAVE A QUESTION</p>
<p>Page 71</p> <p>1 WILL HAVE THAT REPORT AT THE NEXT MEETING. 2 MR. IRBY, -- 3 MR. IRBY: 4 YES, SIR. 5 MR. DUPLESSIS: 6 -- ARE YOU BACK? 7 MR. IRBY: 8 I'M BACK. 9 MR. DUPLESSIS: 10 OKAY, SIR. 11 WE ARE GOING TO GO BACK IN 12 THE AGENDA AND I BELIEVE THAT IS GOING TO 13 COMPLETE MOST OF OUR COMMITTEE REPORTS. 14 MR. IRBY, DO YOU NEED A FEW 15 MINUTES? 16 MR. IRBY: 17 WHAT IS THE QUESTION, MR. 18 CHAIRMAN? 19 MR. DUPLESSIS: 20 I'VE GOT A GOOD ONE FOR YOU. 21 CAN YOU GO OVER YOUR INVOICE? 22 MR. IRBY: 23 I'LL BE GLAD TO. 24 MR. CHAIRMAN, THAT INVOICE 25 WAS DATED JUNE 9TH, I THINK, FOR THE MONTH OF</p>	<p>Page 73</p> <p>1 FROM COMMISSIONER HENRY SMITH ABOUT SALVAGE 2 TITLE DEFINITION, RULES AND REGS, THAT SORT 3 OF THING. I THINK WE ARE GOING TO BE HERE FOR 4 SOME TIME. SO, AT THIS POINT, LET'S TAKE ABOUT 5 A TEN, TWELVE MINUTE BREAK. 6 MR. HENRY SMITH: 7 MR. CHAIRMAN, -- 8 MR. DUPLESSIS: 9 I'M SORRY, I WILL NOT MAKE 10 THAT BREAK, YET. 11 MR. HENRY SMITH: 12 -- NOW IF I'M WRONG, MR. 13 TORRANCE, I SINCERELY APOLOGIZE. I JUST HAVE 14 NEVER READ ANYTHING. OKAY. I'M NOT SAYING 15 THERE'S NOT. I'VE JUST NEVER READ ANYTHING. 16 OKAY. 17 MR. TORRANCE: 18 OKAY. 19 MR. HENRY SMITH: 20 THANK YOU, MR. CHAIRMAN. 21 MR. DUPLESSIS: 22 ABSOLUTELY. 23 MR. IRBY, WHILE WE ARE ON 24 BREAK, WOULD YOU RESEARCH OUR RULES AND REGS ON 25 SALVAGE AND AUCTION FEES AND COLLECTIONS.</p>

<p style="text-align: right;">Page 74</p> <p>1 DEFINITION OF SALVAGE AND I WAS REMISS IN NOT 2 MOVING FORWARD ON YOUR INVOICE. 3 ANY DISCUSSION ON MR. IRBY'S 4 INVOICE OR ANY QUESTIONS FOR MR. IRBY? 5 MR. HENRY SMITH: 6 I WOULD LIKE TO MAKE A 7 MOTION THAT WE ACCEPT HIS BILL AS SUBMITTED TO 8 THE COMMISSION. 9 MR. BERRY: 10 I'LL SECOND THAT. 11 MR. DUPLESSIS: 12 IS THERE ANY DISCUSSION ON 13 MR. IRBY'S BILL? 14 (NO RESPONSE.) 15 MR. DUPLESSIS: 16 WE WILL PUT IT UP FOR 17 APPROVAL. 18 ALL IN FAVOR OF THE MOTION? 19 (ALL "AYE" RESPONSES.) 20 MR. DUPLESSIS: 21 OPPOSED? 22 (NO RESPONSE.) 23 MR. DUPLESSIS: 24 THANK YOU. 25 MS. HUDSON, DO YOU HAVE</p>	<p style="text-align: right;">Page 76</p> <p>1 GENERAL WILL NOT BE REPRESENTING ANYBODY IN THE 2 MATTER. I'M JUST GOING TO GO FORWARD 3 REPRESENTING THE COMMISSION. I'VE GOT SOME 4 THINGS FROM THE ATTORNEY GENERAL'S OFFICE TO 5 ADD IN TO OUR ANSWER, WHICH WILL BE PREPARED 6 THIS WEEK AND FILED. 7 AGAIN, THAT IS A SUIT THAT I 8 CAN'T SEE WHAT DAMAGES THEY ARE ASKING FOR. 9 THE COMMISSION DID EVERYTHING THAT THEY ASKED 10 US TO DO. WE INVESTIGATED IT, DETERMINED IT 11 WAS NOT WITHIN OUR JURISDICTION, SENT A LETTER 12 BACK TO THE ATTORNEY AND THEY NAMED US, ANYWAY. 13 SO, THAT IS STILL PENDING IN TANGIPAHOA PARISH. 14 THE OTHER MATTER THAT IS 15 PENDING, OF COURSE, IS THE COURVELLE APPEAL IN 16 WHICH THE FIRST CIRCUIT DID GRANT AN EXTENSION 17 UNTIL JULY 11TH TO FILE OUR BRIEFS AND, OF 18 COURSE, THAT IS STILL PENDING. 19 THE OTHER MATTER IS THE 20 MARINE MANUFACTURING APPEAL, WHICH WAS FILED BY 21 MR. DELAHOUSSE FROM LAFAYETTE. I SPOKE WITH 22 HIM A NUMBER OF TIMES AND HE DID GRANT AN 23 EXTENSION FOR US TO RESPOND TO THAT. I THINK 24 THAT HE DID NOT NAME THE TWO DEFENDANTS WHO 25 APPEARED BEFORE THIS COMMISSION THAT WERE</p>
<p style="text-align: right;">Page 75</p> <p>1 SOMETHING? 2 MS. HUDSON: 3 NO. 4 MR. DUPLESSIS: 5 AT THIS POINT, LET'S GO 6 AHEAD AND TAKE ABOUT A TEN, TWELVE MINUTE 7 BREAK AND WE WILL COME BACK IN A SECOND. 8 THANK Y'ALL. 9 (SHORT BREAK.) 10 MR. DUPLESSIS: 11 WE ARE BACK ON THE RECORD, 12 BACK IN SESSION. ORDER, PLEASE. 13 MR. IRBY: 14 MR. CHAIRMAN, THERE ARE A 15 NUMBER OF MATTERS THAT ARE PENDING. AGAIN, ONE 16 IS THE BOARD MATTER, WHICH INVOLVES THE DEALER 17 THAT BOUGHT A CORVETTE FOR A CUSTOMER. THEN, 18 SOMEHOW OR ANOTHER, BECAUSE IT WAS WATER 19 DAMAGED, THEY DECIDED NOT TO GO THROUGH WITH 20 THE DEAL. 21 HOBART PARDUE IS THE 22 ATTORNEY FOR THEM, THE STATE OF LOUISIANA GOT 23 INVOLVED IN IT. RISK MANAGEMENT HAS DETERMINED 24 THAT BECAUSE THERE'S NO TORTIOUS LIABILITY 25 ALLEGED IN THE PETITION THAT THE ATTORNEY</p>	<p style="text-align: right;">Page 77</p> <p>1 ASKING THE COMMISSION TO MAKE HIM -- A MARINE 2 MANUFACTURING BUY BACK CERTAIN MARINE PRODUCTS 3 FROM THOSE TWO DEALERS AND I THINK THAT THERE 4 IS AN EXCEPTION OF FAILURE TO NAME AN 5 INDISPENSABLE PARTY. I THINK BOTH OF THE 6 DEALERS HAVE TO BE NAMED IN THE APPEAL, BECAUSE 7 THEY ARE NECESSARY PARTIES TO THE LITIGATION. 8 SO, I WILL BE FILING THAT EXCEPTION AND, AGAIN, 9 HE HAS GIVEN THE COMMISSION THIRTY DAYS TO FILE 10 A RESPONSE AND THAT WAS THE DAY BEFORE 11 YESTERDAY -- FRIDAY. 12 MR. DUPLESSIS: 13 OKAY. 14 MR. IRBY: 15 THAT IS THE ONLY ONE I'M 16 INVOLVED IN. 17 MR. DUPLESSIS: 18 I GUESS THE ONE THAT WE ARE 19 PROBABLY MOST INTERESTED IN AT THIS POINT WOULD 20 BE THE APPEAL ON THE OPEN HEARINGS MATTER. 21 MR. IRBY, DO YOU HAVE 22 ANYTHING TO REPORT ON THAT? 23 MR. IRBY: 24 WELL, AGAIN, THE FACT THAT 25 WE DISCUSSED IT AT THE LAST MEETING, I DON'T</p>

<p style="text-align: right;">Page 78</p> <p>1 KNOW IF EVERYBODY GOT A COPY, BUT I GOT A COPY 2 FROM MR. BEEVERS INDICATING THAT THREE OF THE 3 INDIVIDUALLY NAMED MEMBERS WHO HAVE ALSO 4 APPEALED THIS WISH TO GO FORWARD WITH THE 5 APPEAL. I DON'T KNOW IF THE REST OF YOU DO OR 6 NOT, BUT IT IS MY OPINION THAT THE COMMISSION 7 OWES THEM A DEFENSE IN THAT, MEANING WE WOULD 8 BE RESPONSIBLE FOR GOING FORWARD WITH THEIR 9 APPEAL, WHETHER THE COMMISSION WANTS TO GO 10 THROUGH THE COMMISSION APPEAL OR NOT, AND I 11 THINK IF WE ARE GOING TO HAVE TO APPEAL IT ON 12 BEHALF OF ANY ONE INDIVIDUAL, THE SAME WORK IS 13 GOING TO BE DONE FOR THEIR DEFENSE AS IT WOULD 14 BE IF THE COMMISSION WERE BEING DEFENDED. 15 SO, I SEE NO REASON NOT TO 16 APPEAL IT. IF WE DON'T APPEAL IT, WE ARE 17 SIMPLY AGREEING TO PAY MR. KLEINPETER'S LEGAL 18 FEES OF TWENTY-FIVE TO THIRTY THOUSAND DOLLARS, 19 WHICH I THINK THIS MATTER IS WINNABLE ON 20 APPEAL. I THINK WE SHOULD GO FORWARD WITH THE 21 APPEAL. 22 MR. DUPLESSIS: 23 LET MS. BINNING PASS AND 24 HAVE A SEAT, PLEASE. 25 MS. HUDSON:</p>	<p style="text-align: right;">Page 80</p> <p>1 ABBREVIATED FASHION. BASICALLY, WHAT IT SAYS 2 IS I REPRESENT THREE OF THE EX-COMMISSIONERS 3 AND WE AGREE WITH MR. IRBY, THAT THE COMMISSION 4 OWES THEM A DEFENSE. WE HAVE NO PROBLEM WITH 5 MR. IRBY AND MR. IEYOUB REPRESENTING THEM ON 6 THE APPEALS. 7 AS HE SAID, IF THE 8 COMMISSION DOES NOT APPEAL IT, IT RATIFIES 9 JUDGE MORVANT'S ORDER FOR APPROXIMATELY THIRTY 10 THOUSAND DOLLARS IN LEGAL FEES. THERE'S NOT 11 MUCH MORE LEGAL WORK TO BE DONE ON IT AND ON 12 BEHALF OF MY CLIENTS, I WOULD ASK THE 13 COMMISSION TO AUTHORIZE MR. IRBY AND MR. IEYOUB 14 TO REPRESENT THEM IN THEIR INDIVIDUAL 15 CAPACITIES. 16 IF ANY COMMISSION MEMBER 17 HAS ANY QUESTIONS, I WILL BE HAPPY TO ANSWER 18 THEM. 19 MR. DUPLESSIS: 20 COMMISSIONERS? 21 (NO RESPONSE.) 22 MR. BEEVERS: 23 THANK YOU, SIR. 24 MR. DUPLESSIS: 25 ABSOLUTELY. THANK YOU FOR</p>
<p style="text-align: right;">Page 79</p> <p>1 MR. CHAIRMAN, I WOULD LIKE 2 TO KNOW MS. MORRIS' OPINION ON THAT. 3 MR. DUPLESSIS: 4 WELL, I THINK WE ARE GOING 5 TO GET TO THAT IN ONE SECOND, BECAUSE I HAVE 6 HAD HER DO SOME RESEARCH AND WE HAVE COUNSELED 7 ON THIS. 8 AT THIS TIME, I WOULD LIKE 9 TO RECOGNIZE MR. BEEVERS, WHO SENT THE 10 COMMISSION A LETTER AND YOU REPRESENT SEVERAL 11 PEOPLE. WOULD YOU PLEASE SHARE WITH US YOUR 12 THOUGHTS? 13 MR. BEEVERS: 14 YES, SIR. 15 I DON'T KNOW IF ALL OF THE 16 COMMISSION MEMBERS HAVE GOTTEN A COPY OF THE 17 LETTER. 18 MR. DUPLESSIS: 19 DID ALL OF THE COMMISSIONERS 20 RECEIVE A COPY OF MR. BEEVERS' LETTER? 21 WOULD YOU RECITE YOUR LETTER 22 IN KIND OF AN ABBREVIATED FASHION, PLEASE? 23 MR. BEEVERS: 24 THE ATTORNEYS GENERAL WOULD 25 HAVE A HARD TIME RECITING ANYTHING IN AN</p>	<p style="text-align: right;">Page 81</p> <p>1 APPEARING. 2 MR. KLEINPETER, I GUESS YOU 3 HAVE A PARTY IN THIS? 4 MR. KLEINPETER: 5 I REPRESENT THE PLAINTIFFS. 6 I DIDN'T KNOW THAT -- IS IT MR. BEEVERS? 7 MR. BEEVERS: 8 YES, SIR. 9 MR. KLEINPETER: 10 I'M SORRY. WE HAVEN'T MET 11 BEFORE. I DIDN'T KNOW YOU WERE REPRESENTING 12 THREE OF THE COMMISSION MEMBERS. 13 MR. CHAIRMAN, AS YOU KNOW, 14 YOU AND I HAD A DISCUSSION ABOUT THE STATUS OF 15 THIS LAST WEEK AND AS A RESULT OF THAT 16 CONVERSATION, I ADVISED YOU THAT -- WE KNEW 17 FROM THE LAST MEETING THAT THE HITCH IN THIS 18 DEAL OR THE BIG HITCH WAS THE LIABILITY OF THE 19 INDIVIDUAL COMMISSIONERS WHO WERE FINED A 20 HUNDRED DOLLARS A PIECE BY JUDGE MORVANT. EVEN 21 THOUGH WE DIDN'T QUESTION IT IN OUR LAWSUIT, IT 22 IS PART OF THE STATUTE. 23 I SUGGESTED TO YOU THAT IT 24 WOULD PROBABLY BE APPROPRIATE FOR US TO CONTACT 25 JUDGE MORVANT AND SEE IF HE HAS ANY OBJECTION.</p>

<p style="text-align: right;">Page 82</p> <p>1 SINCE IT IS HIS ORDER, VACATING THAT AWARD IF 2 WE WERE ALL IN AGREEMENT ON DISMISSING THE 3 APPEAL. 4 ON THE WAY HERE THIS 5 MORNING, I DID CALL JUDGE MORVANT AND I ADVISED 6 HIM -- BEFORE I GET INTO A CONVERSATION, I WANT 7 YOU TO KNOW I'M CALLING WITH THE KNOWLEDGE OF 8 MR. DUPLESSIS, THAT I WAS GOING TO ASK THE 9 COURT FOR ITS POSITION IN THIS MATTER. SO, IT 10 IS NO EX PARTE, EXPECTING A REPORT. I 11 EXPLAINED TO HIM THAT THERE WAS CONCERN ABOUT 12 IF WE RESOLVE THE CASE ABOUT GETTING RID OF THE 13 HUNDRED DOLLAR PER COMMISSIONER FINE, BECAUSE 14 IT WAS AN ORDER OF THE COURT AND I JUST LAID 15 THAT OUT. 16 HIS RESPONSE WAS IF THE 17 COMMISSION AND THE PLAINTIFFS IN THE CASE AGREE 18 ON A RESOLUTION OF THE CASE AND YOU SUBMIT A 19 JOINT ORDER -- OF COURSE, THE APPEAL WOULD HAVE 20 TO BE DISMISSED, BECAUSE RIGHT NOW THE 21 JURISDICTION HAS BEEN VESTED, IN ESSENCE, BUT 22 IF THE APPEAL IS DISMISSED AND YOU PRESENT A 23 JOINT ORDER REQUESTING VACATING THE AWARD OR 24 RESCINDING THE AWARD, HE SAID, "I WILL SIGN 25 IT."</p>	<p style="text-align: right;">Page 84</p> <p>1 THERE MAY WELL BE A 2 DEFAMATION ATTACHED TO THE IMPOSITION OF THE 3 FINE. LIKE I SAY, IT'S SOMETHING THAT HAS 4 CAUGHT ME UNAWARE THAT I'M NOT READY TO ADDRESS 5 AT THIS TIME. 6 MR. DUPLESSIS: 7 MR. BEEVERS, I HAVE A 8 QUESTION. OBVIOUSLY, YOU HAVE BEEN IN 9 CONTACT WITH YOUR CLIENTS. IS IT -- WOULD 10 IT BE APPROPRIATE FOR YOU TO ANNOUNCE YOUR 11 MOTIVATION IN THIS AND YOU CERTAINLY DON'T HAVE 12 TO, BUT OBVIOUSLY WE WANT TO WORK FOR 13 RESOLUTION OF THIS MATTER IF WE POSSIBLE CAN. 14 MR. BEEVERS: 15 I HAVE DISCUSSED IT WITH 16 THEM AND THEY FELT LIKE THAT THEY BEING 17 INCLUDED IN A LAWSUIT WHICH WAS OF SOME CONCERN 18 AND SOME OTHER ADMINISTRATIVE PROCEEDINGS, IT 19 SEEMS VERY UNFAIR TO THEM BEING NAMED IN THEIR 20 INDIVIDUAL CAPACITY AND THEY ARE LOOKING FOR 21 MORE, IN MY ESTIMATION AT THIS TIME, THAN JUST 22 THE FORGIVENESS OF THE FINE OF JUDGE MORVANT. 23 MR. DUPLESSIS: 24 OKAY. 25 MS. BINNING, WOULD YOU</p>
<p style="text-align: right;">Page 83</p> <p>1 WELL, I'M NOT GOING TO LET 2 THAT HOLD UP A RESOLUTION. SO, I DON'T KNOW 3 THAT THE -- AND MR. BEEVERS OBVIOUSLY WASN'T 4 AWARE OF THAT, BUT IF THE ONE HUNDRED DOLLAR 5 CIVIL FINE OF JUDGE MORVANT IS GOING TO BE 6 VACATED AND RECALLED OR RESCINDED, I DON'T KNOW 7 THAT THERE IS ANYTHING ELSE THOSE INDIVIDUALS 8 WOULD HAVE TO APPEAL. I GUESS I WILL THROW IT 9 BACK TO YOU. IS THAT A RESOLUTION THAT YOUR 10 CLIENTS WOULD BE SATISFIED WITH? 11 MR. BEEVERS: 12 I HAVE NOT HAD AN 13 OPPORTUNITY TO DISCUSS IT WITH THEM, BECAUSE 14 I DID NOT KNOW THAT THERE WOULD BE A 15 CONVERSATION WITH JUDGE MORVANT SINCE HE HAS NO 16 JURISDICTION SINCE IT IS ON APPEAL. I WILL BE 17 HAPPY TO TALK TO MY CLIENTS AND SEE WHAT THEIR 18 POSITION IS. 19 MR. KLEINPETER: 20 WELL, IS THERE ANYTHING THAT 21 YOUR CLIENTS WANT TO APPEAL OTHER THAN THE 22 ASSESSMENT OF THE FINE AGAINST THEM IF THERE 23 ARE ANY OF THE GROUNDS THEY HAVE TO APPEAL, 24 THAT YOU ARE AWARE OF? 25 MR. BEEVERS:</p>	<p style="text-align: right;">Page 85</p> <p>1 GIVE US A QUICK REPORT OF WHAT HAS TAKEN PLACE 2 SO FAR? 3 MS. BINNING: 4 ARE YOU TALKING ABOUT THE 5 PROCEDURES? 6 MR. DUPLESSIS: 7 YES. 8 MS. BINNING: 9 WHEN I GET A LAWSUIT IN, I 10 TURN IT OVER TO THE OFFICE OF RISK MANAGEMENT 11 AND I BELIEVE THEY SEND IT TO THE ATTORNEY 12 GENERAL'S OFFICE. 13 IS THAT WHAT YOU ARE 14 REFERRING TO? 15 MR. DUPLESSIS: 16 YES, IT IS. 17 WOULD YOU TELL US YOUR 18 PROCEDURE, WHAT YOU DID? I WAS A BIT UNAWARE 19 OF THAT, BUT THERE IS A PROCEDURE THAT WE HAVE 20 TO FOLLOW. SO, WOULD YOU TELL US WHAT YOU DID 21 AND THE ACTIONS THAT WOULD ABSOLUTELY PUT THIS 22 INTO A WHOLE DIFFERENT LIGHT AS FAR AS WHAT THE 23 COMMISSION HAS TO ADDRESS? 24 MS. BINNING: 25 WHEN I RECEIVED THE LAWSUIT,</p>

<p style="text-align: right;">Page 86</p> <p>1 I -- KNOWING THAT I HAVE TO SEND IT TO THE 2 OFFICE OF RISK MANAGEMENT, I MAILED IT OVER 3 THERE AND I THINK THEY GIVE THE ATTORNEY 4 GENERAL'S OFFICE A COPY OF IT AND THE ATTORNEY 5 GENERAL'S OFFICE IS LOOKING AT IT AS FAR AS THE 6 ATTORNEY FEES, I BELIEVE. 7 MS. HUDSON: 8 SO, BASICALLY, NOW WE ARE 9 AWAITING THEIR RESPONSE. 10 MS. BINNING: 11 AS FAR AS LAWSUITS GO, I'M 12 JUST OUT OF THE LOOP. ALL I DO IS JUST SEND IT 13 TO THEM AND MAKE THEM AWARD. NOW, IF THERE IS 14 INSURANCE THAT COVERS THOSE ATTORNEY FEES, WE 15 NEED TO MAKE SURE THAT THAT IS IN PLACE. 16 MR. DUPLESSIS: 17 WE FOLLOWED THE PROPER 18 NOTIFICATION? 19 MS. BINNING: 20 WE NOTIFIED RISK MANAGEMENT 21 AS SOON AS WE GOT THE LAWSUIT. 22 MR. DUPLESSIS: 23 MR. IRBY, I TAKE IT THAT OUR 24 DEADLINE FOR THIS LAWSUIT IS -- 25 MR. IRBY:</p>	<p style="text-align: right;">Page 88</p> <p>1 MANAGEMENT, AND THEN, THEY ASSESS WHETHER THERE 2 IS COVERAGE UNDER THE POLICY THAT YOU POSSESS. 3 DIFFERENT AGENCIES HAVE 4 DIFFERENT COVERAGES UNDER THEIR POLICIES AND IF 5 THERE IS COVERAGE, THEN THEY WILL ASSIGN IT TO 6 AN ATTORNEY EITHER IN-HOUSE FOR DEFENSE OR THEY 7 WILL CONTRACT OUT FOR THE DEFENSE, AND THEN, 8 THAT WILL BE PAID FOR BY THE OFFICE OF RISK 9 MANAGEMENT AND NOT THE COMMISSION. 10 SO, UNTIL THERE IS A 11 DETERMINATION, WE DON'T KNOW AT THIS POINT 12 WHETHER OR NOT WE HAVE COVERAGE, BUT SOMETIMES 13 -- THEY GENERALLY WILL NOT COME IN AND DEFEND 14 YOU IN AN INJUNCTION OR A MANDAMUS OR ANY OF 15 THAT TYPE OF PROCEEDING, WHICH THIS STARTED OFF 16 TO BE, BUT IF THERE IS A CLAIM FOR ATTORNEYS' 17 FEES, THAT SOMETIMES IS COVERED UNDER YOUR 18 ERRORS AND OMISSIONS POLICY. 19 SO, WE DO NEED TO GET A 20 FINAL DETERMINATION FROM THEM TO DETERMINE 21 WHETHER THERE IS COVERAGE BEFORE WE WOULD ENTER 22 INTO ANY SETTLEMENT AND GO FORWARD. 23 MR. EUGENE SMITH: 24 BEFORE WE DO ANYTHING. 25 MS. MORRIS:</p>
<p style="text-align: right;">Page 87</p> <p>1 THE BRIEF AT THE FIRST 2 CIRCUIT FOR US IS JULY. 3 MR. DUPLESSIS: 4 SO, TIME IS OF THE ESSENCE. 5 MR. EUGENE SMITH? 6 MR. EUGENE SMITH: 7 IT IS MY UNDERSTANDING WHEN 8 WE TURN IT OVER TO RISK MANAGEMENT, THEN THEY 9 APPOINT AN ATTORNEY, RIGHT? THAT'S THE WAY MY 10 INSURANCE WITH THE TOWN WORKS. 11 MS. BINNING: 12 I CAN FIND OUT. 13 MR. DUPLESSIS: 14 WELL, ACTUALLY, WE 15 RESEARCHED THIS IN THE PAST WEEK AND MS. MORRIS 16 HAS LOOKED AT IT. 17 MS. MORRIS, WOULD YOU GIVE 18 US YOUR LEGAL OPINION? 19 MS. MORRIS: 20 THIS COMMISSION PROCURES 21 INSURANCE, AN INSURANCE POLICY, FROM THE OFFICE 22 OF RISK MANAGEMENT. YOU PAY PREMIUMS TO A 23 STATE FUNDED INSURANCE PROGRAM AND WHEN YOU ARE 24 AWARE OF A CLAIM, YOU ARE REQUIRED TO TURN IT 25 OVER, AS MS. BINNING DID, TO THE OFFICE OR RISK</p>	<p style="text-align: right;">Page 89</p> <p>1 WE SHOULD GET BACK 2 INFORMATION AND I DID MAKE A CALL. I HAVEN'T 3 GOTTEN A RESPONSE YET, BUT I CAN FOLLOW UP ON 4 THAT TO SEE. 5 MR. DUPLESSIS: 6 MR. BEEVERS, WOULD YOUR 7 CLIENTS BE INTERESTED IN ENTERTAINING A 8 SETTLEMENT NEGOTIATION? 9 MR. BEEVERS: 10 ALWAYS. 11 MR. DUPLESSIS: 12 THANK YOU, SIR. 13 MR. KLEINPETER, WOULD YOU 14 ALSO BE INTERESTED IN ENTERTAINING A SETTLEMENT 15 NEGOTIATION? 16 MR. KLEINPETER: 17 SURE. 18 MR. DUPLESSIS: 19 IT SEEMS LIKE IT TOOK QUITE 20 A LONG TIME TO ANSWER. 21 MR. KLEINPETER: 22 THAT IS A VERY BROAD 23 QUESTION, MR. CHAIRMAN. 24 MR. DUPLESSIS: 25 THANK YOU.</p>

<p style="text-align: right;">Page 90</p> <p>1 COMMISSIONERS, I BELIEVE 2 THAT WE WILL PROBABLY BE PART OF SOME 3 NEGOTIATIONS, NO MATTER WHETHER IT IS WITH THE 4 A.G.'S OFFICE OR NOT. 5 CAN YOU ADVISE US ON THAT 6 AND WE CAN GET A CONSENSUS FROM THE COMMISSION 7 IF WE ARE ABLE TO -- IF WE ARE ALLOWED TO DO SO 8 UNDER THE LAW AND PLEASE ADVISE US OF THOSE 9 CONSEQUENCES AND ACTIONS WE CAN TAKE. 10 MS. MORRIS: 11 I DID SPEND SOME TIME 12 LOOKING AT THE RECORDS TO DETERMINE WHETHER WE 13 SHOULD GO FORWARD WITH THE APPEAL, WHAT IS THE 14 BEST COURSE OF ACTION. OF COURSE, IN 15 LITIGATION, YOU MAKE SOMETIMES BUSINESS 16 DECISIONS, BECAUSE IT IS GOING TO COST SO MUCH 17 TO GO FORWARD AND THE FIRST CIRCUIT IS AN 18 INTERMEDIARY APPELLATE COURT AND YOU CAN ALSO 19 GO TO THE SUPREME COURT. ONE THING THAT COULD 20 HAPPEN IS YOU GET REMANDED BACK TO THE TRIAL 21 COURT. 22 ON THE ASSESSMENT OF 23 ATTORNEYS' FEES, THERE IS NO AMOUNT THAT HAS 24 BEEN ASSESSED BY THE COURT. THE COURT DEFERRED 25 THAT RULING TO A LATER DATE. SO, IF ATTORNEY</p>	<p style="text-align: right;">Page 92</p> <p>1 INVOLVED JUST AS OF LAST WEEK, TO MAYBE SIT 2 DOWN SOMETIME THIS WEEK AND SEE IF THERE CAN BE 3 A RESOLUTION OF THE MATTER AND IF THERE CAN'T 4 BE A RESOLUTION BY THE END OF THE MONTH, REALLY 5 WE DO NEED TO GO FORWARD WITH THE APPEAL BRIEF. 6 SO, I THINK THAT THERE IS A 7 CHANCE THAT MAYBE IT COULD BE RESOLVED AND WE 8 SHOULD LOOK AT THAT OPPORTUNITY BEFORE 9 INCURRING ADDITIONAL LEGAL EXPENSES. THAT 10 WOULD BE MY RECOMMENDATION. 11 MR. DUPLESSIS: 12 COMMISSIONERS, ANY 13 DISCUSSION? 14 (NO RESPONSE.) 15 MR. DUPLESSIS: 16 I THINK -- YOUR 17 COMMISSIONERS, I THINK, SERVED IN GOOD FAITH 18 AS REPRESENTATIVES AND I FEEL AN OBLIGATION TO 19 WORK WITH THEM. 20 WOULD YOU LIKE TO TAKE A 21 SHORT OPPORTUNITY AND MAYBE MEET WITH THEM -- I 22 KNOW OF COUPLE OF THEM ARE HERE, MEET WITH THEM 23 IN A PRIVATE ROOM AND MAYBE Y'ALL CAN DISCUSS 24 THE MATTER AND WE CAN TALK ABOUT BRINGING THIS 25 TO A RESOLUTION?</p>
<p style="text-align: right;">Page 91</p> <p>1 FEES ARE AT TWENTY-FIVE TO THIRTY THOUSAND. WE 2 DON'T KNOW THAT THE COURT WOULD SET THEM AT 3 THAT AMOUNT. THAT IS A DETERMINATION THAT 4 WOULD HAVE TO GO BACK TO HEARING BEFORE THE 5 TRIAL COURT UNLESS THERE WAS SOME AGREEMENT AS 6 TO THE AMOUNT. 7 SO, MY RECOMMENDATION WOULD 8 BE -- I KNOW WE HAVE A JULY 11TH DEADLINE TO 9 FILE A BRIEF AND IT WILL COST ATTORNEYS' FEES 10 -- ADDITIONAL ATTORNEYS' FEES FOR THE 11 COMMISSION TO FILE A BRIEF, ALTHOUGH NOT 12 SIGNIFICANT RELATED TO THE OTHER WORK THAT WAS 13 DONE AND ALSO THE OTHER PARTIES WILL ALL INCUR 14 ADDITIONAL ATTORNEYS' FEES TO RESPOND TO OUR 15 BRIEF, AND THEN, THERE WOULD BE A REPLY BRIEF 16 THAT WOULD BE ALLOWED. 17 SO, THERE'S NO DOUBT THAT 18 THERE WOULD BE ADDITIONAL FUNDS USED TO GO 19 FORWARD WITH THE LITIGATION WITH IT AND IF 20 THERE IS MAYBE SOME WAY TO SETTLE IT AND HAVE 21 FINALITY AND A FINAL RULING, MAYBE THAT WOULD 22 BE IN THE BEST INTEREST OF EVERYONE, BUT I KNOW 23 WE HAVE THE JULY 11TH DEADLINE. MY 24 RECOMMENDATION WOULD BE TO ALLOW THE PARTIES 25 THAT ARE INVOLVED, AND NOW WE HAVE MR. BEEVERS</p>	<p style="text-align: right;">Page 93</p> <p>1 I'M ONLY UNCLEAR ON ONE 2 POINT, WHAT YOUR COMMISSIONERS REPRESENT -- 3 ACTUALLY WANT TO SEE HAPPEN IN THIS AND IF YOU 4 CLARIFY THAT, POSSIBLY -- YOU ARE UNDER NO 5 OBLIGATION TO SHARE THIS, BUT I THINK IN THE 6 BEST INTEREST OF TIME AND REPRESENTATION TO 7 SETTLE THIS MATTER. IF YOU WOULD TAKE A FEW 8 MINUTES TO DISCUSS IT WITH YOUR CLIENTS, THEN 9 MAYBE WE COULD BRING IT TO RESOLUTION AS 10 QUICKLY AS POSSIBLE. 11 MR. BEEVERS: 12 WE APPRECIATE THAT AND WE 13 WILL DO IT AT THIS TIME. 14 MR. DUPLESSIS: 15 THANK YOU, SIR. WE 16 APPRECIATE YOUR COOPERATION. 17 MR. TORRANCE, I BELIEVE, CAN 18 YOU -- THANK YOU, OFFICER, I APPRECIATE IT. 19 MR. HALLACK: 20 ARE Y'ALL BETWEEN ITEMS? 21 MR. DUPLESSIS: 22 YES, WE ARE. 23 TEN MINUTE BREAK. 24 MR. HALLACK: 25 DON'T BREAK.</p>

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<p>1 WE HAVE A HEARING THAT IS</p> <p>2 SCHEDULED -- IT WAS ACTUALLY SCHEDULED FOR</p> <p>3 10:30 THIS MORNING, NORTH SHORE SERVICE CENTER,</p> <p>4 R.V. READY. IT WAS, LIKE, EIGHT NON-DELIVERY</p> <p>5 OF TITLE. THEY MISMANAGED THEIR TEMP TAGS.</p> <p>6 THERE WAS SOME VIOLATION OF THAT AND I THINK</p> <p>7 THERE WAS SOME FRAUD ALSO INVOLVED IN THAT.</p> <p>8 THE OWNER OF THE BUSINESS IS</p> <p>9 NORTH SHORE SERVICE CENTER. THEY OWN THE R.V.</p> <p>10 READY. THEY HAVE FILED A CHAPTER 11 BANKRUPTCY</p> <p>11 AND I HAVE BEEN PROVIDED BY THEIR ATTORNEY WITH</p> <p>12 A NOTICE OF BANKRUPTCY, WHICH WOULD, IN EFFECT,</p> <p>13 STAY THIS PROCEEDING.</p> <p>14 I HAVE WITH ME THE ATTORNEY.</p> <p>15 HIS NAME IS P.K. WALLACE.</p> <p>16 MR. WALLACE, YOU MIGHT WANT</p> <p>17 TO INTRODUCE YOURSELF.</p> <p>18 MR. WALLACE:</p> <p>19 YES. I'M P.K. WALLACE AND</p> <p>20 JUST A VERY SIMPLE STATEMENT IS THAT THE OWNER</p> <p>21 OF THE BUSINESS NOW IS EDDIE HARTSO (PHONETIC).</p> <p>22 HE PURCHASED IT FROM MARK BOUDREAU.</p> <p>23 THE INCIDENCES THAT</p> <p>24 OCCURRED, ALL OCCURRED ON THE PRIOR WATCH, IF</p> <p>25 YOU WILL. WE FILED A CHAPTER 11 BANKRUPTCY.</p>	<p>1 THE CURRENT OWNER?</p> <p>2 MR. WALLACE:</p> <p>3 YES.</p> <p>4 MR. DUPLESSIS:</p> <p>5 HIS INTENTIONS ON THIS</p> <p>6 MATTER -- HE IS IN -- THE CURRENT OWNER IS IN</p> <p>7 CHAPTER 11?</p> <p>8 MR. WALLACE:</p> <p>9 THAT IS CORRECT.</p> <p>10 MR. DUPLESSIS:</p> <p>11 THE PREVIOUS OWNER, MR.</p> <p>12 HALLACK, IS?</p> <p>13 MR. WALLACE:</p> <p>14 THE PREVIOUS OWNER IS</p> <p>15 MARK BOUDREAU. WE ARE ATTEMPTING TO WORK</p> <p>16 OUT THE SITUATION WITH HIM AND GET HIM OUT OF</p> <p>17 THE BUSINESS ENTIRELY, SO THAT WE CAN CLEAN</p> <p>18 THIS MESS UP.</p> <p>19 MR. HALLACK:</p> <p>20 I THINK WE SHOULD</p> <p>21 PROCEED AGAINST MR. BOUDREAU. I ALSO WANT</p> <p>22 TO LET YOU KNOW THAT WE HAVE TWO CONSUMERS</p> <p>23 WHO WERE SUBPOENAED TO THIS PROCEEDING.</p> <p>24 THEY WERE ALSO SUBPOENAED FOR APRIL AS WELL.</p> <p>25 THESE ARE TWO PEOPLE THAT HAVE GONE ALMOST A</p>
Page 95	Page 97
<p>1 BECAUSE THERE WERE SOME OTHER DIFFERENCES AND</p> <p>2 OTHER MONIES MISMANAGED AND MISSPENT AND</p> <p>3 MISAPPROPRIATED. SO, WE ARE IN THE PROCESS OF</p> <p>4 STRAIGHTENING THIS UP. WE ARE TRYING TO WORK</p> <p>5 WITH THE PEOPLE AND GET IT RESOLVED, BUT IT IS</p> <p>6 IN A CHAPTER 11. THAT OUGHT TO GIVE US A</p> <p>7 LITTLE BREATHING ROOM OF TIME TO GET ALL OF</p> <p>8 THOSE SITUATIONS STRAIGHTENED UP. SO, I JUST</p> <p>9 WANTED TO LET YOU KNOW.</p> <p>10 MR. DUPLESSIS:</p> <p>11 THE PURCHASE WAS A BULK</p> <p>12 SALES ACT OR WAS IT A CORPORATE PURCHASE?</p> <p>13 MR. WALLACE:</p> <p>14 A CORPORATE PURCHASE.</p> <p>15 MR. DUPLESSIS:</p> <p>16 A CORPORATE PURCHASE?</p> <p>17 MR. WALLACE:</p> <p>18 THAT IS CORRECT.</p> <p>19 MR. DUPLESSIS:</p> <p>20 SO, THE INTENTIONS ARE TO --</p> <p>21 YOU REPRESENT THE PREVIOUS OWNER OR THE CURRENT</p> <p>22 OWNER?</p> <p>23 MR. WALLACE:</p> <p>24 NO, THE CURRENT OWNER.</p> <p>25 MR. DUPLESSIS:</p>	<p>1 YEAR WITHOUT THEIR TITLE. THEY WERE ISSUED</p> <p>2 MANY, MANY TEMPORARY TAGS AND THEY ARE STILL</p> <p>3 WITHOUT A TITLE.</p> <p>4 IS THAT CORRECT?</p> <p>5 MS. VEDROS:</p> <p>6 YES.</p> <p>7 MR. HALLACK:</p> <p>8 BUT, MR. WALLACE HERE HAS</p> <p>9 PLEDGED HIS SUPPORT AND ASSISTANCE TO TRY TO</p> <p>10 GET THEM THEIR TITLES, SO THEY CAN GET THEIR</p> <p>11 PLATES AND WHATEVER.</p> <p>12 WHY DON'T YOU TELL THEM WHO</p> <p>13 YOU ARE?</p> <p>14 MS. VEDROS:</p> <p>15 I'M GINA VEDROS. I</p> <p>16 PURCHASED A MOTORHOME ON MAY OF '07.</p> <p>17 MR. HENRY SMITH:</p> <p>18 I'M SORRY?</p> <p>19 MS. VEDROS:</p> <p>20 GINA VEDROS, V-E-D-R-O-S,</p> <p>21 FIRST NAME, G-I-N-A.</p> <p>22 MR. DUPLESSIS:</p> <p>23 GIVE US YOUR ADDRESS,</p> <p>24 PLEASE.</p> <p>25 MS. VEDROS:</p>

25 (Pages 94 to 97)

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<p>1 6220 HIGHWAY 69, BELLE ROSE, 2 LOUISIANA, 70341. 3 MR. DUPLESSIS: 4 THANK YOU. 5 THIS IS YOUR HUSBAND? 6 MS. VEDROS: 7 NO. 8 MR. DUPLESSIS: 9 I'M SORRY. 10 MR. BYRD: 11 MY NAME IS RICHARD BYRD, 12 B-Y-R-D. MY ADDRESS IS 19431 SHADY OAKS LANE, 13 FRANKLINTON, LOUISIANA. I PURCHASED A NEW 14 MOTORHOME IN MARCH -- MARCH 13TH -- I'M SORRY, 15 MARCH 21ST OF LAST YEAR. 16 MR. DUPLESSIS: 17 CURRENTLY, WHERE DO THESE 18 TITLE RESIDE? 19 MR. WALLACE: 20 I DON'T KNOW THE ANSWER 21 TO THAT AT THIS POINT IN TIME. I HAVE 22 SIMPLY COME IN. THE NEW OWNER CAME IN, IN 23 OCTOBER, DISCOVERED ALL OF THIS AND IN 24 MARCH, WE FILED FOR BANKRUPTCY, BECAUSE THERE 25 WERE SOME OTHER ISSUES -- VERY LARGE ISSUES AS</p>	<p>1 ARE WORKING WITH THE CONSUMERS TRYING TO GET 2 THEIR TITLES. 3 THE REAL BAD GUY IN THIS 4 SITUATION WAS A GENTLEMAN BY THE NAME OF MARK 5 BOUDREAUX, WHO DID OWN THE BUSINESS, BUT HE DID 6 SELL IT IN OCTOBER. SO, I JUST WANTED TO LET 7 Y'ALL KNOW WE REMOVED THAT FROM THE DOCKET, BUT 8 I ALSO WANTED THE CONSUMERS TO LET Y'ALL KNOW 9 THEY ARE STILL TRYING TO GET THEIR TITLES. 10 MR. DUPLESSIS: 11 MR. HALLACK -- AND I MAY 12 DEFER TO THE FIELD OR TO LEGAL, BUT WHAT ARE WE 13 GOING TO DO FOR OUR CONSUMERS? I MEAN, I TAKE 14 IT THAT -- HERE WE ARE. 15 MR. EUGENE SMITH: 16 WHEN DID THEY FILE WITH THE 17 INSURANCE COMPANY, THE BONDING COMPANY TO PAY 18 THE SALES TAX AND TITLES -- 19 MS. HEMPHILL: 20 WE CAN FILE A CLAIM AGAINST 21 THEIR BOND TO GET THE VEHICLE REGISTERED FOR 22 THEM AND -- 23 MR. DUPLESSIS: 24 WELL, WE CAN DO THAT, BUT AT 25 SOME POINT, THESE PEOPLE ARE GOING TO HAVE TO</p>
<p>Page 99</p> <p>1 WELL. 2 SO, WE WILL ATTEMPT TO WORK 3 THIS OUT WITH THEM AND I PLEDGE MY SUPPORT IN 4 AN EFFORT TO DO THAT. IT IS JUST A SITUATION 5 THAT THE NEW OWNER FINDS HIMSELF IN AND HE 6 DIDN'T KNOW ABOUT IT. 7 MR. DUPLESSIS: 8 MR. HALLACK? 9 MR. HALLACK: 10 I JUST -- I'M SORRY, I 11 DIDN'T EXPLAIN THE REASON FOR INTERRUPTING 12 Y'ALL. MR. WALLACE HAS TO BE IN COURT IN NEW 13 ORLEANS AT 1:30. 14 MR. DUPLESSIS: 15 PLEASE PROCEED AND WE WILL 16 INTERRUPT THE SCHEDULE TO TRY TO ACCOMMODATE. 17 IT IS A BIG -- PLEASE PROCEED. 18 MR. HALLACK: 19 WELL, I JUST WANTED TO LET 20 Y'ALL KNOW, SO WE CAN REMOVE THIS FROM THE 21 DOCKET, BECAUSE THEY HAVE FILED CHAPTER 11 22 BANKRUPTCY. CHAPTER 11 BANKRUPTCY WAS FILED ON 23 NORTH SHORE SERVICE CENTER, WHO IS THE OWNER OF 24 R.V. READY. SO, WE REALLY COULDN'T PROCEED, 25 BUT I WANTED HIM TO LET Y'ALL KNOW THAT THEY</p>	<p>Page 101</p> <p>1 HAVE A TITLE TO -- 2 MS. HEMPHILL: 3 WELL, MOTOR VEHICLES CAN 4 MAKE THE TITLE. 5 MS. HUDSON: 6 WE JUST NEED TO EXPEDITE 7 THAT CLAIM ON THE BOND. 8 MR. HILLIARD: 9 THE BOND GOES AGAINST THE 10 PREVIOUS OWNER? 11 MS. HEMPHILL: 12 YES. 13 MR. DUPLESSIS: 14 WELL, YOU PROBABLY -- 15 ACTUALLY, YOU HAVE TWO BONDS HERE THAT SHOULD 16 BE IN EFFECT, BECAUSE IF HE WAS A CORPORATE 17 PURCHASE, HE ASSUMED THE RISK AND LIABILITY OF 18 THE PREVIOUS. SO, THEREFORE, YOU HAVE PROBABLY 19 -- AND I WILL DEFER TO LEGAL, BUT YOU PROBABLY 20 HAVE TWO PEOPLE THAT HAVE BOUGHT RESPONSIBILITY 21 AND BONDS AN OBLIGATION TO PAY TITLE. 22 MR. HALLACK: 23 I WILL AGREE WITH YOU THAT 24 YOU HAVE TWO PEOPLE THAT ARE RESPONSIBLE, BUT I 25 THINK ONLY ONE BOND IS GOING TO APPLY.</p>

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<p>1 IS THAT RIGHT? 2 MS. HEMPHILL: 3 AT THE TIME OF SALE. 4 MR. DUPLESSIS: 5 AT THE TIME OF SALE. 6 FAIRLY CLEAR AND WHAT 7 POSITION WOULD YOU BE IN TO PROVIDE THESE 8 PEOPLE THE TITLES? I APPRECIATE THE METHOD OF 9 GOOD FAITH, BUT I WOULD LIKE TO SEE THIS 10 GENTLEMAN AND THIS LADY GET THEIR TITLES. 11 MR. HALLACK: 12 AND THERE ARE SIX OTHERS. 13 MR. HENRY SMITH: 14 I WOULD, TOO, BECAUSE LIKE 15 HIS HAS BEEN SINCE MARCH OF LAST YEAR. 16 MR. BYRD: 17 I'VE GOT FOUR OR FIVE 18 TEMPORARY TAGS. 19 MS. VEDROS: 20 MINE WAS SINCE MAY OF LAST 21 YEAR, MAY OF '07. 22 MR. EUGENE SMITH: 23 THAT IS AGAINST THE LAW. 24 ONLY ONE TEMPORARY TAG CAN 25 BE ISSUED.</p>	<p>1 EXPEDITE THAT BOND CLAIM, PLEASE? 2 MS. HEMPHILL: 3 YES. WE CAN DO BOTH AT THE 4 SAME TIME. 5 MR. HILLIARD: 6 WHAT ABOUT THE OTHER SIX? 7 MR. HALLACK: 8 WELL, THAT INCLUDES 9 EVERYBODY. 10 MS. HEMPHILL: 11 WE WILL GET IN CONTACT WITH 12 THOSE PEOPLE AND FILE THE CLAIM AGAINST THE 13 BOND FOR THOSE, TOO, AND IF THE BOND IS 14 EXHAUSTED, THEN THE STATE TAKES THE LOSS. 15 MR. DUPLESSIS: 16 THAT'S ONLY FOR THE SALES 17 TAX. 18 MS. HEMPHILL: 19 YES. 20 MS. HUDSON: 21 BUT, THAT GIVES THEM THEIR 22 TAG. 23 MR. DUPLESSIS: 24 THAT IS ONLY FOR THE SALES 25 TAX. THAT DOESN'T GIVE THEM THE TITLE.</p>
Page 103	Page 105
<p>1 MR. DUPLESSIS: 2 WELL, SIR, I WILL TELL YOU 3 THIS. AT THIS TIME, MR. HALLACK WILL TELL US 4 HOW -- WE WILL DISCUSS THIS MATTER RIGHT NOW, 5 BUT I WILL VOW THAT THIS COMMISSION WILL DO 6 EVERYTHING IN OUR POWER TO GET YOU YOUR TITLE 7 AND GET YOUR REGISTRATION IN PLACE. 8 MR. HALLACK: 9 I DON'T THINK WE CAN GO 10 THROUGH WITH THE HEARING, BECAUSE OF THE STAY 11 ORDER. 12 WOULD YOU AGREE? 13 MS. MORRIS: 14 I AGREE. 15 MR. HALLACK: 16 WE CAN GO AGAINST THE BOND. 17 WE CAN DO THAT. 18 MR. WALLACE: 19 THAT'S RIGHT. 20 MR. HALLACK: 21 HE IS GOING TO WORK AND WE 22 WILL STAY IN TOUCH WITH HIM TO FIND THESE 23 TITLES. 24 MR. DUPLESSIS: 25 MS. HEMPHILL, WOULD YOU</p>	<p>1 MS. HEMPHILL: 2 MOTOR VEHICLE WILL MAKE THEM 3 A TITLE. 4 MS. HUDSON: 5 YES. 6 MR. DUPLESSIS: 7 WELL, YOU HAVE GOT TO RECORD 8 A LIEN ON THAT VEHICLE. 9 MS. HEMPHILL: 10 THEY WILL DO ALL OF THAT. 11 MOTOR VEHICLE DOES ALL OF THAT. 12 MR. DUPLESSIS: 13 THEY WILL TAKE CARE OF 14 THAT? 15 MS. HEMPHILL: 16 YES. 17 MS. HUDSON: 18 MR. CHAIRMAN, MAY I MAKE A 19 SUGGESTION -- 20 MR. DUPLESSIS: 21 YES. 22 MS. HUDSON: 23 -- THAT THE TWO CONSUMERS 24 THAT ARE HERE TODAY, LOIS, IF YOU COULD DIRECT 25 THEM TO KIM AND MAKE SURE ALL OF THEIR</p>

<p style="text-align: right;">Page 106</p> <p>1 PAPERWORK IS FILLED OUT, SO WE CAN GET THAT 2 PAPERWORK GOING ON THE CLAIM AGAINST THE BOND 3 TODAY FOR YOU GUYS. 4 MR. HILLIARD: 5 JUST FOR THEIR INFORMATION, 6 HOW LONG DOES IT TAKE TO GET A TITLE AT THIS 7 POINT? 8 MS. HEMPHILL: 9 IT MIGHT TAKE SEVEN MONTHS. 10 MR. DUPLESSIS: 11 WOULD YOU BRIEFLY TELL -- OR 12 SOMEONE TELL US THE BASIS THAT SEVEN MONTHS IS 13 AN AWFUL LONG TIME FOR THESE PEOPLE TO BE 14 RUNNING AROUND -- 15 MS. HEMPHILL: 16 THEY WILL GET A PERMIT TO 17 DRIVE -- 18 MR. DUPLESSIS: 19 OKAY. 20 MS. HEMPHILL: 21 -- AWAITING PAYMENT FROM THE 22 BOND COMPANY. 23 MR. DUPLESSIS: 24 NOW, WHAT CAN WE DO FOR THEM 25 AS FAR AS A LEGAL LICENSE PLATE?</p>	<p style="text-align: right;">Page 108</p> <p>1 WELL, SURELY, IT WOULD BE 2 SOMETHING THAT WOULD BE DISPLAYED ON THE REAR 3 OF THE VEHICLE, THOUGH, WOULDN'T IT? 4 MS. HEMPHILL: 5 NO. 6 MR. HENRY SMITH: 7 I'M SURE IT WOULD BE. 8 MS. HEMPHILL: 9 I DON'T REALLY KNOW. 10 MR. DUPLESSIS: 11 MR. TORRANCE, WOULD YOU MAKE 12 A CALL TO MOTOR VEHICLES? 13 MR. TORRANCE: 14 I WILL. 15 MR. DUPLESSIS: 16 I WILL ASSIGN THIS TO MR. 17 RUSSELL, SINCE Y'ALL HANDLE THAT, BUT MAKE A 18 CALL TO MOTOR VEHICLE TO MAKE SURE THESE PEOPLE 19 GET SOME SORT OF TEMPORARY LICENSE 20 IDENTIFICATION. 21 THIS IS THE TIME OF YEAR 22 THEY WOULD PROBABLY WANT TO ENJOY THEIR 23 MOTORHOME AND THEY WILL BE PULLED OVER EVERY 24 FIVE MINUTES BY THE POLICE. 25 MR. BYRD:</p>
<p style="text-align: right;">Page 107</p> <p>1 MS. HUDSON: 2 THEY GET A PERMIT. 3 MS. HEMPHILL: 4 THEY WILL GET A PERMIT TO 5 DRIVE FROM MOTOR VEHICLES. ONCE WE GIVE IT TO 6 MOTOR VEHICLES, THEY GIVE THEM A PERMIT TO 7 DRIVE. 8 MR. DUPLESSIS: 9 THAT WILL BE IN THE FORM OF 10 A LICENSE PLATE TO PUT ON THE BACK OF THEIR -- 11 MS. HEMPHILL: 12 NO. I DON'T THINK IT IS A 13 LICENSE PLATE. I THINK IT IS JUST A 14 CERTIFICATE -- 15 MR. DUPLESSIS: 16 I WOULD ASK HOW OFTEN AM I 17 GOING TO GET PULLED OVER FOR DRIVING WITH AN 18 EXPIRED -- 19 MR. BYRD: 20 THAT, AND I DRIVE OUT OF 21 STATE ALL OF THE TIME. 22 MS. HEMPHILL: 23 THAT IS THE BEST MOTOR 24 VEHICLES WILL DO. WE DO IT ALL OF THE TIME. 25 MR. HENRY SMITH:</p>	<p style="text-align: right;">Page 109</p> <p>1 MAY I MAKE A STATEMENT? 2 I DO KNOW FOR A FACT THAT THEY HAD THE 3 CERTIFICATE OF ORIGIN TO MY VEHICLE, I'M NOT 4 SURE ABOUT HERS, THEY HAD THE CERTIFICATE OF 5 ORIGIN, THE ORIGINAL, IN THEIR FILE AT THIS 6 OFFICE IN COVINGTON, LOUISIANA. HE SHOWED IT 7 TO ME AND I SEEN IT. WHERE IT'S AT NOW, I HAVE 8 NO IDEA. 9 MS. VEDROS: 10 I KNOW ON MINE, IT WAS A 11 TRADE IN. SO, THEY DO HAVE THE OLD TITLE. 12 MR. WALLACE: 13 WE WILL DO WHATEVER WE HAVE 14 TO, TO GET THAT DONE. 15 MR. DUPLESSIS: 16 I WOULD APPRECIATE IT IF YOU 17 EXPEDITE IT, MR. TORRANCE. 18 MR. TORRANCE: 19 I WILL CHECK WITH MOTOR 20 VEHICLE. 21 YOU ALSO HAVE AN 22 INVESTIGATOR PRESENT -- 23 MR. DUPLESSIS: 24 WELL, HOLD ON, I'M NOT SURE 25 WE WANT TO -- MR. HALLACK, ADVISE US. WE DON'T</p>

<p style="text-align: right;">Page 110</p> <p>1 WANT TO --</p> <p>2 MR. HALLACK:</p> <p>3 WELL, AS IT APPLIES TO NORTH</p> <p>4 SHORE, WE CAN'T GO ANY FURTHER, BECAUSE OF THE</p> <p>5 STAY ORDER OF BANKRUPTCY.</p> <p>6 MR. DUPLESSIS:</p> <p>7 THAT'S CORRECT. SO, WE ARE</p> <p>8 GOING TO FOREGO THAT FOR A NUMBER OF REASONS,</p> <p>9 BUT I DO APPRECIATE YOU BEING HERE.</p> <p>10 MR. HALLACK:</p> <p>11 I THINK WE NEED TO TRACK MR.</p> <p>12 BOUDREAUX AND FIND OUT WHERE HE'S AT AND SEE</p> <p>13 WHAT WE CAN DO ABOUT GOING AGAINST HIM IF HE IS</p> <p>14 STILL THERE. THIS IS A BUSINESS THAT IS STILL</p> <p>15 RUNNING. THEY ARE JUST NOT SELLING R.V.'S</p> <p>16 ANYMORE?</p> <p>17 MR. WALLACE:</p> <p>18 THAT'S CORRECT.</p> <p>19 MR. HALLACK:</p> <p>20 SO, THEY ARE OUT OF THE R.V.</p> <p>21 BUSINESS. THEY ARE OUT OF THE MOTOR VEHICLE</p> <p>22 BUSINESS ENTIRELY.</p> <p>23 MR. WALLACE:</p> <p>24 THAT IS CORRECT.</p> <p>25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 112</p> <p>1 THANK YOU.</p> <p>2 I JUST WANTED TO POINT THAT</p> <p>3 OUT.</p> <p>4 MS. HEMPHILL:</p> <p>5 THAT'S WHAT I WAS DOING.</p> <p>6 MR. DUPLESSIS:</p> <p>7 I APPRECIATE IT.</p> <p>8 MR. BEEVERS, HAVE YOU</p> <p>9 CONVENED WITH YOUR CLIENTS AND --</p> <p>10 MR. BEEVERS:</p> <p>11 YES, SIR. WE JUST HAD</p> <p>12 AN OPPORTUNITY TO DISCUSS IT AND AS THE</p> <p>13 COMMISSION MAY HAVE FIGURED OUT, IT IS NOT A</p> <p>14 QUESTION OF THE HUNDRED DOLLAR FINE, IT IS</p> <p>15 MORE A QUESTION OF PRINCIPAL. THEY FEEL</p> <p>16 VERY STRONGLY THAT THEY DID NOT VIOLATE THE</p> <p>17 OPEN MEETINGS LAW AS ALLEGED AND CARRIED TO</p> <p>18 COURT AND ANY NEGOTIATIONS WILL HAVE TO</p> <p>19 ENCOMPASS A PROCEDURE WHEREBY JUDGE MORVANT'S</p> <p>20 FINDING WILL BE VACATED AND THEM EXONERATED OF</p> <p>21 THAT, WHETHER IT IS AT THE APPELLATE LEVEL OR</p> <p>22 WE CAN DRAW A JOINT PETITION AND RE-ADDRESS</p> <p>23 JUDGE MORVANT'S JURISDICTION AND SUBMIT IT TO</p> <p>24 THEM, WHICH PROBABLY WOULD BE THE MOST</p> <p>25 EFFICIENT WAY AND WE ARE CERTAINLY OPEN TO</p>
<p style="text-align: right;">Page 111</p> <p>1 WHAT ARE THEY CURRENTLY</p> <p>2 SELLING, WHAT BUSINESS --</p> <p>3 MR. WALLACE:</p> <p>4 THE FRONT OF THE BUSINESS</p> <p>5 HAS A FUEL BUSINESS, GAS STATION, IF YOU WILL.</p> <p>6 THERE IS A CONVENIENCE STORE THERE, AND THEN,</p> <p>7 THERE IS AN AUTO REPAIR BUSINESS IN THE REAR.</p> <p>8 THE PROPERTY IS LOCATED ON HIGHWAY 190. IT IS</p> <p>9 A VERY PRIME PIECE OF PROPERTY.</p> <p>10 ONE OF THE PLANS THAT WE</p> <p>11 INTEND TO UTILIZE IS TO SELL THIS PARTICULAR</p> <p>12 PIECE OF PROPERTY, WHICH IS WORTH IN EXCESS</p> <p>13 OF THREE MILLION DOLLARS, ACCORDING TO THE</p> <p>14 ESTIMATES AND THE APPRAISALS, AND THAT WOULD</p> <p>15 PAY OFF ALL OF THE DEBT, INCLUDING THESE</p> <p>16 ITEMS.</p> <p>17 MR. DUPLESSIS:</p> <p>18 THAT SOUNDS REASONABLE.</p> <p>19 DISCUSSION?</p> <p>20 MR. HALLACK:</p> <p>21 THERE IS A WITNESS FEE,</p> <p>22 RIGHT, THEY WERE SUBPOENAED?</p> <p>23 MR. WALLACE:</p> <p>24 THANK YOU VERY MUCH.</p> <p>25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 113</p> <p>1 LOOKING AT THAT.</p> <p>2 MR. DUPLESSIS:</p> <p>3 OKAY. WELL, THANK YOU. I</p> <p>4 APPRECIATE YOU MEETING WITH YOUR CLIENTS AND</p> <p>5 ANNOUNCING THEIR POSITION. WE WILL MOVE ON</p> <p>6 WITH THAT AT THIS POINT.</p> <p>7 MR. WALLACE:</p> <p>8 I WILL MEET WITH THE</p> <p>9 COMMISSION OR THEIR ATTORNEY AT ANY TIME, ANY</p> <p>10 PLACE. I AM AVAILABLE TWENTY-FOUR/SEVEN.</p> <p>11 MR. DUPLESSIS:</p> <p>12 SEND ME A QUICK MEMO TO MS.</p> <p>13 MORRIS OF THE POSITION OF YOUR CLIENTS, SO WE</p> <p>14 CAN BRING THAT FOR NEGOTIATION?</p> <p>15 MR. WALLACE:</p> <p>16 IT WILL BE DONE TODAY.</p> <p>17 MR. DUPLESSIS:</p> <p>18 THANK YOU. I APPRECIATE</p> <p>19 THAT.</p> <p>20 MS. MORRIS:</p> <p>21 IF WE ARE ABLE TO REACH A</p> <p>22 SETTLEMENT, OUR BRIEF DEADLINE IS BEFORE THE</p> <p>23 NEXT COMMISSION MEETING, YOU MAY WANT TO</p> <p>24 AUTHORIZE SOMEONE, EITHER YOUR FINANCE</p> <p>25 COMMITTEE OR SOMEBODY, TO LOOK AT THE</p>

Page 114	Page 116
<p>1 SETTLEMENT, SO IT CAN GO FORWARD BEFORE YOUR 2 BRIEF DEADLINE. 3 MR. DUPLESSIS: 4 THANK YOU. THAT WENT RIGHT 5 PAST ME. 6 MR. BEEVERS: 7 WILL THE COMMISSION'S 8 ATTORNEY ALSO PROTECT THESE BOARD MEMBERS ON 9 THE BRIEF DEADLINE? 10 MR. DUPLESSIS: 11 MS. MORRIS? 12 MS. MORRIS: 13 YES. WE WILL EITHER SETTLE 14 THE MATTER BEFORE THE END OF THE MONTH OR GO 15 FORWARD WITH THE BRIEF. 16 MR. IRBY: 17 THE REQUEST FOR EXTENSION 18 WAS FILED ON BEHALF OF THE COMMISSION AND EACH 19 NAMED INDIVIDUAL COMMISSION MEMBER. 20 MR. DUPLESSIS: 21 WE HAVE TO LISTEN TO THE 22 OFFICE OF RISK MANAGEMENT -- 23 MR. RUSSELL: 24 RIGHT. 25 MR. DUPLESSIS:</p>	<p>1 IST. SO, IF THE COMMISSION WON'T CONVENE TO 2 REVIEW THE SETTLEMENT, YOU WOULD NEED SOME 3 MEMBER OR MEMBERS TO BE ABLE TO REVIEW THE 4 SETTLEMENT IF THEY AUTHORIZE THE SETTLEMENT TO 5 GO FORWARD (INAUDIBLE). 6 MS. HUDSON: 7 MR. CHAIRMAN, I WOULD LIKE 8 TO GO WITH WHAT MS. MORRIS SAID AND HAVE THE 9 FINANCE COMMITTEE TAKE A LOOK AT THAT AND SEE 10 IF WE CAN SETTLE IT, AND THEN, MOVE FORWARD 11 FROM THAT POINT. 12 MR. DUPLESSIS: 13 IS THAT IN THE FORM OF A 14 MOTION? 15 MS. HUDSON: 16 YES. 17 MR. DUPLESSIS: 18 DO I HAVE A SECOND? 19 MR. BERRY: 20 SECOND. 21 MR. DUPLESSIS: 22 ANY DISCUSSION, 23 COMMISSIONERS? 24 MR. EUGENE SMITH: 25 WHAT IS THE MOTION?</p>
Page 115	Page 117
<p>1 -- AND WE HAVE DONE THE 2 RIGHT THING AS A COMMISSION AND WE WILL 3 CONTINUE TO WORK TOWARDS -- 4 MR. BEEVERS: 5 WE APPRECIATE IT. 6 MR. DUPLESSIS: 7 YES, SIR. 8 MR. BEEVERS: 9 THANK YOU. 10 MR. DUPLESSIS: 11 LET'S SEE. 12 MS. MORRIS: 13 DO YOU WANT TO AUTHORIZE 14 SOMEBODY TO REVIEW THE SETTLEMENT? 15 MR. DUPLESSIS: 16 WOULD YOU RESTATE THE 17 POSITION YOU BELIEVE THE COMMISSION IS 18 CURRENTLY IN, AND THEN, I WILL ENTERTAIN A 19 MOTION FROM ANY COMMISSIONER. 20 MS. MORRIS: 21 WE DO HAVE A JULY 11TH 22 DEADLINE AND THE COMMISSION WON'T MEET UNTIL 23 AFTER THEN. WE ARE GOING TO HAVE TO MAKE SOME 24 CALL TO BE ABLE TO SETTLE, SO WE CAN GO FORWARD 25 WITH THE BRIEF, AT LEAST I WOULD THINK BY JULY</p>	<p>1 MR. DUPLESSIS: 2 WOULD YOU RESTATE THE 3 MOTION, PLEASE? 4 MS. HUDSON: 5 THAT THE FINANCE COMMITTEE 6 LOOK AT THE POSSIBLE -- WHAT MS. MORRIS JUST 7 STATED. 8 MR. HILLIARD: 9 THAT THEY BE AUTHORIZED TO 10 ACCEPT THE SETTLEMENT. 11 MR. EUGENE SMITH: 12 I DON'T EVEN KNOW WHO IS ON 13 THE FINANCE COMMITTEE. 14 MS. HUDSON: 15 IT WOULD BE MYSELF, MR. 16 DUPLESSIS AND MR. HILLIARD. 17 MR. EUGENE SMITH: 18 THREE PEOPLE? 19 MS. HUDSON: 20 YES, SIR. 21 MR. SNYDER: 22 QUESTION. 23 MR. DUPLESSIS: 24 YES? 25 MR. SNYDER:</p>

<p style="text-align: right;">Page 118</p> <p>1 IF THE FINANCE COMMITTEE 2 DETERMINES TO GO FORWARD, WHAT DOES THAT MEAN 3 TO US AT THE END OF THE MONTH? 4 MS. MORRIS: 5 IF A PROPOSED SETTLEMENT 6 THAT IS REACHED AMONG THEIR LAWYERS, WE WOULD 7 SUBMIT IT TO THE FINANCE COMMITTEE BEFORE WE 8 WOULD FINALIZE IT, AND THEN, IF THEY APPROVED 9 IT, THEN IT WOULD SETTLE THE MATTER. 10 MR. SNYDER: 11 I REALIZE THAT. IF THEY 12 DON'T APPROVE IT, WHAT? 13 MS. MORRIS: 14 IF THEY DON'T APPROVE IT, 15 THEN WE WOULD HAVE TO FILE A CLAIM -- WELL, IF 16 THEY ARE GOING TO GO FORWARD WITH THE APPEAL 17 AND MEET THE BRIEF DEADLINE. 18 MR. SNYDER: 19 HAVE WE MADE THAT DECISION 20 THAT WE WILL GO FORTH WITH THE APPEAL? 21 MR. DUPLESSIS: 22 HOLD ON ONE SECOND. 23 MR. HILLIARD: 24 WE CAN TALK ABOUT IT, 25 BUT I THINK WE SHOULD PUT IT OFF FOR THIS</p>	<p style="text-align: right;">Page 120</p> <p>1 MAKE THOSE DECISIONS. 2 MR. BERRY: 3 THEN, WE WILL DECIDE WHETHER 4 OR NOT THEY ARE GOING TO PAY FOR IT. 5 MR. DUPLESSIS: 6 THAT'S CORRECT. 7 SO, WOULD YOU PICK UP FROM 8 THERE? 9 MS. MORRIS: 10 THE OFFICE OF RISK 11 MANAGEMENT WOULD ONLY DETERMINE WHETHER WE 12 HAVE COVERAGE UNDER OUR POLICY AND THAT WOULD 13 ONLY BE FOR THE ATTORNEYS' FEES IN THE SUIT, 14 WHICH HAVEN'T BEEN SET YET, BUT THEY WILL LOOK 15 AT THE ISSUE AS TO WHETHER THERE IS COVERAGE 16 UNDER THAT AND IF THEY DETERMINE THERE IS 17 COVERAGE, THEN THEY WOULD PICK UP THE DEFENSE. 18 IF THEY DETERMINE THAT THERE IS NOT COVERAGE, 19 THEN IT FALLS BACK TO THE COMMISSION TO PAY FOR 20 THE LEGAL EXPENSES. 21 YOU ARE CORRECT, I DON'T 22 THINK AT THE LAST MEETING THERE WAS A 23 DETERMINATION AS TO WHETHER WE WOULD PROCEED 24 WITH THE APPEAL, JUST THAT MR. IRBY WOULD 25 REQUEST AN EXTENSION AND HE DID AND IT WAS</p>
<p style="text-align: right;">Page 119</p> <p>1 MEETING -- 2 MR. SNYDER: 3 I THOUGHT SO, TOO. 4 MR. HILLIARD: 5 -- WHETHER TO GO FORWARD OR 6 NOT. 7 MR. DUPLESSIS: 8 I'M SORRY, EXCUSE ME, WE ARE 9 BACK ON. 10 WHO WAS NEXT? 11 MR. SNYDER: 12 I WAS ASKING IF THE FINANCE 13 COMMITTEE DOES NOT APPROVE THE MOTION, ARE WE 14 GOING TO GO FORWARD WITH THE APPEAL AND WE 15 HAVEN'T VOTED ON THAT, HAVE WE? 16 MR. DUPLESSIS: 17 MS. MORRIS, PLEASE ADVISE 18 US. THIS IS WHERE IT GETS VERY TEDIOUS AND 19 VERY COMPLICATED AND I WOULD DO A QUICK 20 RECITAL. WHERE WE'RE AT IS MR. DAVID 21 (PHONETIC) FILED A PROCEDURE IMMEDIATELY AND 22 QUICKLY WITHOUT QUESTION AND NOTIFIED THE 23 OFFICE OF RISK MANAGEMENT, WHICH IS THEN GOING 24 TO BE HANDED OVER TO THE ATTORNEY GENERAL'S 25 OFFICE FOR LEGAL COUNSEL; IS THAT -- THEY WILL</p>	<p style="text-align: right;">Page 121</p> <p>1 GRANTED AND NOW WE HAVE A LETTER FROM MR. 2 BEEVERS THAT WE JUST GOT FRIDAY AFTERNOON OF 3 THE FORMER COMMISSIONERS ASKING THAT WE GO 4 FORWARD WITH THE APPEAL AND I THINK THAT GIVEN 5 THE SITUATION -- IT IS KIND OF AN ODD 6 SITUATION, BECAUSE THERE WAS ONE SET OF 7 COMMISSIONERS THAT WERE SUED AND NOW THERE IS A 8 NEW SET OF COMMISSIONERS, THAT THEY WERE ACTING 9 AS COMMISSIONERS. THEY WERE DULY APPOINTED 10 COMMISSIONERS AT THE TIME OF THAT ALLEGATION 11 AND I THINK THAT THEY ARE WITHIN THE SCOPE OF 12 WHAT THE COMMISSION -- EVEN THOUGH THERE IS A 13 CHANGE OF MEMBERSHIP, HAVE AN OBLIGATION TO 14 DEFEND THEM. 15 I THINK THAT THERE IS A 16 CHANCE THAT ON APPEAL THE DECISION COULD BE 17 OVERTURNED, BUT I DON'T THINK THAT -- UNTIL YOU 18 HAVE A FINAL DETERMINATION ON THE OPEN MEETINGS 19 LAW VIOLATION, YOU REALLY CAN'T SET THE 20 ATTORNEYS' FEES, BUT THAT WAS RESERVED BY JUDGE 21 MORVANT TO BE DETERMINED AT A LATER DATE. 22 SO, WE HAVE AN INVOICE THAT 23 MR. KLEINPETER HAS SUBMITTED. THERE HAS BEEN 24 NO HEARING ON THAT AND THERE IS NO -- WE DON'T 25 KNOW FOR A HUNDRED PERCENT SURE THAT JUDGE</p>

<p style="text-align: center;">Page 122</p> <p>1 MORVANT WOULD ACCEPT THE RATE THAT MR. 2 KLEINPETER'S INVOICES HAVE FOR THE AMOUNT OF 3 THE WORK. SO, IT COULD BE SOMEWHAT LESS THAN 4 THAT, BUT IF WE PREVAIL ON THE OPEN MEETINGS 5 LAW VIOLATION, THEN THAT WHOLE ISSUE GOES AWAY. 6 THEY WILL NOT HAVE TO DETERMINE ATTORNEYS' 7 FEES. 8 MR. EUGENE SMITH: 9 IS THIS THE SAME CASE THAT 10 WE HAVE GOT HIS RECOMMENDATION THAT WE GO 11 FORWARD WITH IT? 12 MS. MORRIS: 13 MR. IRBY'S RECOMMENDATION 14 WAS -- 15 MR. EUGENE SMITH: 16 DID HE RECOMMEND THAT WE 17 MOVE FORWARD WITH THIS CASE? CAN WE GO AGAINST 18 THAT? 19 MR. DUPLESSIS: 20 WELL, RIGHT NOW, WE ARE 21 WAITING FOR A DETERMINATION FROM THE OFFICE OF 22 RISK MANAGEMENT ON MOVING FORWARD. 23 MS. MORRIS: 24 WELL, THAT WOULD ONLY BE 25 WHETHER OR NOT THEY WOULD PAY -- THEY WOULD BE</p>	<p style="text-align: center;">Page 124</p> <p>1 ABSOLUTELY. 2 MR. IRBY: 3 YES, SIR. 4 MR. EUGENE SMITH: 5 WHAT IS YOUR RECOMMENDATION 6 ON SETTLING IT? 7 MR. IRBY: 8 I THINK THAT THE -- 9 OBVIOUSLY, ANY TIME SOMETHING CAN BE SETTLED TO 10 THE SATISFACTION OF ALL PARTIES, AS AN 11 ATTORNEY, I RECOMMEND THAT. HOWEVER, THIS CASE 12 IS A LITTLE BIT UNIQUE IN THE FACT THAT THE 13 OPEN MEETING LAWS ARE A CHALLENGE ALL OF THE 14 TIME AND THE TWO ISSUES THAT JUDGE MORVANT 15 RULED ON THAT WE VIOLATED HAVE BEEN DETERMINED 16 TO BE NOT VERY IMPORTANT ISSUES AND I THINK WE 17 NEED A CLARIFICATION BY A SUPERIOR COURT TO THE 18 DISTRICT COURTS AS TO WHETHER OR NOT WE ARE 19 DOING THIS, BECAUSE AS MR. ROBERTS HAD 20 TESTIFIED AT THE LAST MEETING, OR SPOKE ABOUT 21 AT THE MEETING, EVERY BOARD AND COMMISSION IN 22 THE STATE IS DOING IT THE SAME WAY AND IF IT IS 23 WRONG, WE NEED TO KNOW IT IS WRONG. IF IT IS 24 RIGHT, WE NEED TO KNOW IT IS RIGHT. 25 SO, I THINK THAT THAT'S</p>
<p style="text-align: center;">Page 123</p> <p>1 RESPONSIBLE FOR ANY PAYMENT. 2 MR. DUPLESSIS: 3 ANY PAYMENT. 4 MS. MORRIS: 5 ANY PAYMENT. 6 MR. DUPLESSIS: 7 SO, MS. MORRIS, WHAT IS 8 THIS COMMISSION OBLIGATED TO DO AT THIS TIME, 9 IF ANYTHING, AND BETWEEN NOW AND THE 11TH? 10 MS. MORRIS: 11 I THINK GIVEN THE FACT THAT 12 YOU HAVE A REQUEST FROM THE FORMER 13 COMMISSIONERS, MR. IRBY, WHO HAS BEEN HANDLING 14 THE CASE, FEELS THAT HE HAS AT LEAST A FIFTY 15 PERCENT CHANCE OF SUCCESS ON APPEAL, THAT YOU 16 SHOULD GO FORWARD WITH THE APPEAL UNLESS THERE 17 CAN BE A SETTLEMENT OF THE ISSUES. 18 ON APPEAL, YOU ARE TAKING A 19 RISK AND YOU ARE GOING TO INCUR ADDITIONAL 20 FEES. IF YOU COULD SETTLE IT WITHIN WHAT YOUR 21 RISK IS AND AVOID THAT RISK, IT MAY BE WORTH IT 22 FOR YOU TO DO THAT. 23 MR. EUGENE SMITH: 24 CAN I ASK HIM A QUESTION? 25 MR. DUPLESSIS:</p>	<p style="text-align: center;">Page 125</p> <p>1 SOMETHING THAT NEEDS TO BE CLARIFIED ON APPEAL 2 AS WELL BESIDES THE ISSUE OF THE ATTORNEYS' 3 FEES. 4 MR. EUGENE SMITH: 5 YOU ARE RECOMMENDING GOING 6 FORWARD, THEN? 7 MR. IRBY: 8 YES, SIR. 9 MR. BERRY: 10 AND NOT ENTERTAINING A 11 SETTLEMENT? 12 MR. IRBY: 13 AS I SAID, ANY TIME A 14 REASONABLE SETTLEMENT CAN BE OBTAINED, I 15 WOULD RECOMMEND THAT, BUT AGAIN LET ME 16 REITERATE, THIS IS A LITTLE BIT DIFFERENT 17 CASE. 18 MR. BERRY: 19 LET'S JUST TALK ABOUT THIS 20 CASE. 21 MR. IRBY: 22 OKAY. 23 IN THIS CASE, I THINK WE 24 SHOULD APPEAL, PERIOD. 25 MR. DUPLESSIS:</p>

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1 YOU WOULD NOT BE INTERESTED
 2 IN A SETTLEMENT NEGOTIATION, MR. IRBY?
 3 MR. IRBY:
 4 MR. CHAIRMAN, THE REASON
 5 I WOULDN'T BE IS BECAUSE OF THE ISSUE ADDRESSED
 6 BY THE DISTRICT COURT THAT NEEDS TO BE
 7 CLARIFIED. IF THIS IS GOING TO BE LAW, THEN
 8 THE COMMISSION IS GOING TO HAVE TO ABIDE
 9 BY IT, BUT I THINK -- I FEEL COMFORTABLE
 10 THE FIRST CIRCUIT IS NOT GOING TO FEEL THAT
 11 THESE TWO MINOR OR TECHNICAL VIOLATIONS
 12 OF THE OPEN MEETINGS LAW ARE SUFFICIENT TO SET
 13 ASIDE WHAT A COMMISSION DECIDED TO DO AT THAT
 14 EXECUTIVE SESSION OR WHATEVER THEY DECIDE TO
 15 ENTER INTO.
 16 MR. DUPLESSIS:
 17 WHAT PART OF THE LAW --
 18 WHAT PORTION OF THE LAW IS THE OPEN MEETINGS
 19 LAW IN?
 20 MR. IRBY:
 21 IT IS TITLE 42.
 22 MR. DUPLESSIS:
 23 MR. KLEINPETER?
 24 MR. KLEINPETER:
 25 OF COURSE, THIS COMMISSION

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1 CAN DO WHATEVER IT WANTS, BUT YOU MIGHT WANT
 2 TO KNOW THAT I -- COMPLETELY UNSOLICITED
 3 ABOUT TWO WEEKS AGO, I GOT A CALL FROM AN
 4 ASSISTANT IN THE ATTORNEY GENERAL'S OFFICE
 5 ASKING ME FOR A COPY OF JUDGE MORVANT'S
 6 DECISION. THIS PARTICULAR PERSON IS THE
 7 ASSISTANT WHO COMMUNICATES WITH BOARDS AND
 8 COMMISSIONS IN THE STATE OF LOUISIANA ON THE
 9 ISSUE OF OPEN MEETINGS LAW. THAT IS HER JOB AT
 10 THE ATTORNEY GENERAL'S OFFICE.
 11 UNSOLICITED, SHE CONTACTED
 12 ME. I SENT IT TO HER. SHE CALLED ME BACK AND
 13 SHE SAID, "OH, I SURE AM GLAD TO GET THIS,
 14 BECAUSE IT REALLY SETS OUT THE LAW IN REALLY
 15 GOOD FORM AND I CAN SHOW ALL OF THE
 16 COMMISSIONERS WHO HAVE QUESTIONS AND VARIOUS
 17 BOARDS THIS DECISION, SO THEY WILL KNOW WHAT
 18 THEIR LIABILITY IS."
 19 YOU KNOW, I HAVE HEARD
 20 MR. ROBERTS. I HAVE HEARD MR. IRBY KEEP
 21 REPEATING THAT ALL BOARDS AND COMMISSIONS
 22 IN THE STATE OF LOUISIANA ARE NOT FOLLOWING
 23 THE LAW. THERE IS NO SUPPORT FOR THAT,
 24 ABSOLUTELY NONE. IT IS JUST AN EMPTY
 25 STATEMENT, YOU KNOW. I'M NOT WORRIED ABOUT

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1 WHAT IS GOING TO HAPPEN ON THE APPEAL. IT
 2 IS VERY WELL SUPPORTED, BUT Y'ALL CAN APPEAL
 3 IT, BUT ANY TIME YOU DON'T WANT TO PUT
 4 SOMETHING TO REST AND GO FORWARD WITH A NEW
 5 DAY IS A BIG MISTAKE AND, YOU KNOW, I WILL BE
 6 GLAD TO GIVE YOU THE ASSISTANT ATTORNEY
 7 GENERAL'S NAME, SO YOU CAN CONTACT HER AND GET
 8 HER INPUT, BECAUSE I -- THAT IS JUST A THIRD
 9 PARTY WHOSE JOB IT IS TO ENFORCE AND MAKE
 10 RECOMMENDATIONS TO COMMISSIONS ON THE OPEN
 11 MEETINGS LAW.
 12 MR. IRBY:
 13 MR. KLEINPETER, I WOULD LIKE
 14 TO KNOW HER NAME AND TELEPHONE NUMBER. I WOULD
 15 LIKE TO DISCUSS THE ISSUE WITH HER.
 16 MR. KLEINPETER:
 17 I'LL GIVE YOU THAT, MR.
 18 IRBY.
 19 MR. EUGENE SMITH:
 20 WE HAVE A MOTION ON THE
 21 FLOOR, DON'T WE?
 22 MR. DUPLESSIS:
 23 WE ARE IN A DISCUSSION
 24 PERIOD, RIGHT NOW.
 25 MR. EUGENE SMITH:

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1 WELL, THE DISCUSSION PERIOD
 2 AND DEBATE IT FROM THE LAWYERS.
 3 MR. DUPLESSIS:
 4 WELL, I THINK, MS. MORRIS,
 5 COULD YOU WRAP UP FOR US?
 6 MS. MORRIS IS ADVISING --
 7 MR. HILLIARD:
 8 I THINK AS COMMISSIONERS --
 9 WE HEARD MR. IRBY'S OPINION, BUT IF I REMEMBER
 10 AT THE LAST MEETING, MR. HALLACK'S OPINION, OUR
 11 OTHER ATTORNEY, IS COMPLETELY OPPOSITE OF HIS
 12 ON WHETHER IT WAS -- I MEAN, YOU KNOW,
 13 ATTORNEYS CAN ARGUE ABOUT ANYTHING, BUT WE HAVE
 14 TWO ATTORNEYS THAT ARE --
 15 MR. IRBY:
 16 THAT WAS THE PILGRIM APPEAL
 17 THAT WE DISAGREED ON.
 18 MR. DUPLESSIS:
 19 MR. HALLACK, DO YOU HAVE ANY
 20 COMMENTS ON THIS SITUATION?
 21 MR. HALLACK:
 22 I'M SORRY, I'VE BEEN OUTSIDE
 23 DEALING WITH THE TWO HEARINGS THAT ARE COMING
 24 UP THIS AFTERNOON. SO, I DON'T EVEN KNOW WHAT
 25 Y'ALL WANT TO DISCUSS. Y'ALL WERE DISCUSSING,

<p style="text-align: center;">Page 130</p> <p>1 OBVIOUSLY, WHETHER OR NOT YOU SHOULD APPEAL 2 JUDGE MORVANT'S RULING ON THE POSITION TO 3 ENFORCE THE OPEN MEETING LAW. YOU ARE ASKING 4 ME WHAT I -- 5 MR. HILLIARD: 6 WE HAD ONE OF OUR 7 ATTORNEY'S OPINION ABOUT -- I THOUGHT IT WAS 8 YOURS BEING -- 9 MR. EUGENE SMITH: 10 BUT, ARE YOU FAMILIAR WITH 11 ALL OF THAT? 12 MR. HALLACK: 13 I'M VERY FAMILIAR WITH ALL 14 OF THAT. 15 MR. BERRY: 16 WELL, ACTUALLY, THE QUESTION 17 WAS -- JUST TO RESTATE THE QUESTION, IT WAS 18 WHETHER OR NOT WE SHOULD TRY TO SETTLE THE CASE 19 ABSENT AN APPEAL IF THE CASE DIDN'T SETTLE 20 PRIOR TO THE DATE OF THE BRIEF BEING FILED AND 21 GOING FORWARD WITH THE APPEAL. 22 MR. HALLACK: 23 IN TERMS OF SETTLEMENT, WHAT 24 ARE THEY OFFERING TO DO? 25 MR. DUPLESSIS:</p>	<p style="text-align: center;">Page 132</p> <p>1 LOOKED FOR IT REPEATEDLY. THEY HAVE EVEN 2 GONE SO FAR AS TO SAY THAT JUDGE MORVANT 3 REFUSED TO ENTERTAIN THIS CASE THAT IS DIRECTLY 4 ON POINT. 5 I HAVE SEEN THE TRANSCRIPT. 6 I DON'T SEE ANY ARGUMENT THAT WAS PUT BEFORE 7 JUDGE MORVANT THAT THIS CASE EVER EXISTED. 8 IT'S KIND OF LIKE THE ARGUMENT THAT EVERYBODY 9 IS TRYING TO ENFORCE AND PUT UPON YOU, THAT 10 ALL OF THE OTHER COMMISSIONS AND AGENCIES IN 11 THE STATE OF LOUISIANA PERFORM THIS WAY AND 12 THAT IS SIMPLY NOT TRUE. I HAVE REPRESENTED 13 NUMEROUS PEOPLE BEFORE NUMEROUS OTHER 14 COMMISSIONS AND AGENCIES AND THAT IS NOT HOW 15 THEY EVER DO IT. 16 THE WORDS "EXECUTIVE 17 SESSION" WITH MOST AGENCIES AND COMMISSIONS IS 18 A BAD WORD, PERIOD. IT SHOULD NEVER -- YOU 19 SHOULD NEVER TRY TO GO INTO IT. THERE ARE SIX 20 VERY, VERY LIMITED CIRCUMSTANCES IN WHICH YOU 21 SHOULD DO IT AND I DON'T THINK IN THIS 22 SITUATION THE SECOND EXCEPTION OF WHAT THEY 23 TRIED TO DO WAS IMPLICATED, BECAUSE YOU CANNOT 24 SHOW PROOF, YOU CANNOT STATE ANYTHING TO 25 SUGGEST THAT DISCUSSING IT IN AN OPEN PUBLIC</p>
<p style="text-align: center;">Page 131</p> <p>1 WE ARE JUST ACTUALLY 2 ENTERING INTO A NEGOTIATION FOR SETTLEMENT. I 3 WOULD GUESS WE WOULD HAVE TO BE SANCTIONED 4 THROUGH THE COURT OF APPEALS MEDIATION PROGRAM, 5 WOULD THAT BE CORRECT? 6 MS. MORRIS: 7 WE COULD EITHER GO THROUGH 8 THE MEDIATION PROGRAM OR IF WE WERE ABLE TO 9 REACH A SETTLEMENT, WE COULD DISMISS THE 10 APPEAL. THE COMMISSION IS THE ONE THAT FILED 11 THE APPEAL. SO, THE COMMISSION CAN DISMISS IT. 12 MR. HILLIARD: 13 SO, THE QUESTION IS -- MR. 14 IRBY'S OPINION IS WE SHOULD APPEAL, WE SHOULD 15 NOT SETTLE. 16 MR. HALLACK: 17 OBVIOUSLY, I DISAGREE WITH 18 THAT. MY INITIAL OPINION WAS THAT EXECUTIVE 19 SESSION WAS BEING HELD ILLEGALLY AND I ASKED 20 THAT IT BE STOPPED. SO, OBVIOUSLY, MY OPINION 21 IS THAT IT WAS AN ILLEGALLY HELD EXECUTIVE 22 SESSION. MR. IRBY, MR. IEYOUNG TOLD THE 23 COMMISSIONERS THAT THERE WAS A CASE THAT WAS 24 DIRECTLY ON POINT THAT SAID YOU CAN DO IT 25 THIS WAY. I CANNOT FIND THAT CASE AND I HAVE</p>	<p style="text-align: center;">Page 133</p> <p>1 MANNER ON THE RECORD WOULD HAVE A PREJUDICIAL 2 EFFECT ON THE LITIGATION. 3 WHAT YOU WERE ASKING THIS 4 COMMISSION TO DO WAS TO VACATE A RULING, A 5 RULING THAT WAS PUBLIC, A RULING THAT THE 6 FIRST CIRCUIT HAD AFFIRMED. SO, IT WAS -- WHAT 7 DETRIMENTAL EFFECT COULD YOU SHOW? NONE 8 YOU WERE JUST ASKING THEM TO VACATE AN 9 OPINION OF WHICH YOU HAD THE FIRST PANEL OF 10 THREE JUDGES OF THE FIRST CIRCUIT COURT OF 11 APPEALS AFFIRM. 12 MR. DUPLESSIS: 13 LET THE CHAIR NOTE THAT WE 14 HAVE FIVE ATTORNEYS AND FIVE DIFFERENT 15 OPINIONS. 16 MS. MORRIS: 17 I GUESS THAT'S WHY A 18 SETTLEMENT IS GOOD, BECAUSE JUDGE MORVANT 19 THOUGHT ONE WAY. WHEN IT GOES TO THE FIRST 20 CIRCUIT, IT WILL GO TO -- BE REVIEWED BY 21 THREE JUDGES AND IF -- WE ARE THE APPELLANT. 22 SO, IN ORDER TO PREVAIL, WE WOULD HAVE TO GET 23 ALL THREE JUDGES ON OUR SIDE. IF TWO JUDGES 24 AGREE WITH US AND ONE DOES NOT, THEN IT IS A 25 SPLIT PANEL AND IT GOES THEN TO ANOTHER HEARING</p>

<p style="text-align: right;">Page 134</p> <p>1 BEFORE FIVE JUDGES. 2 SO, THAT IS ANOTHER 3 PROCEDURE THAT WOULD REQUIRE ANOTHER HEARING 4 AND THERE CAN BE DISAGREEMENT AS TO HOW TO 5 INTERPRET THE LAW. THAT IS SOMETIMES WHY WE 6 SETTLE THINGS, BECAUSE WE DON'T KNOW HOW THE 7 THREE JUDGES THAT WILL BE ASSIGNED, WHETHER 8 THEY WILL AGREE WITH JUDGE MORVANT OR THEY 9 WONT AND YOU CAN SEE THAT, YOU KNOW, DIFFERENT 10 LAWYERS LOOKING AT THE SAME STATUTE HAVE A 11 DIFFERENCE OF OPINION. SO, THAT IS SOMETIMES 12 WHY WE -- 13 MR. BERRY: 14 THE MOTION ON THE FLOOR 15 IS -- 16 MR. HENRY SMITH: 17 ISN'T THE LAW CLEAR? I 18 MEAN, IS IT BLACK AND WHITE? 19 MR. HILLIARD: 20 IF IT WAS CLEAR, WE WOULDN'T 21 HAVE TO HAVE ATTORNEYS. LIFE WOULD BE A LOT 22 BETTER. 23 MR. HALLACK: 24 THE LAW IS CLEAR AND -- 25 MR. HENRY SMITH:</p>	<p style="text-align: right;">Page 136</p> <p>1 I'M GETTING AT. 2 MR. DUPLESSIS: 3 THAT IS INCORRECT. 4 MR. IRBY: 5 SO, I FILED THE OPPOSITION 6 TO THE PETITION. 7 MR. DUPLESSIS: 8 THAT IS AN INCORRECT 9 STATEMENT AND I THINK THERE WAS AN ATTEMPT BY 10 SEVERAL PEOPLE TO SUSPEND MR. HALLACK. IN MY 11 -- THIS IS THE FOURTH TIME I HAVE ADDRESSED 12 THIS AND I'M GETTING A LITTLE IRRITATED 13 ADDRESSING THIS PARTICULAR SUBJECT AND IT DOES 14 RESPOND TO THE THREAD (PHONETIC) THAT WHAT IS 15 PRINTED IN THE LAW BOOKS IS NOT MERELY FOR 16 SUNDAY READING. 17 IN MY OPINION, I HAVE SEEN 18 A WHOLE LOT OF THIS COMMISSION DO THINGS UNDER 19 THE GUISE OF, "OH, WELL, HELL, THAT'S THE WAY 20 IT HAS BEEN DONE FOR YEARS." THAT'S HOW WE 21 GOT INTO THIS SITUATION AND I AM COMMITTED 22 TO NOT LET THIS COMMISSION GO IN THAT 23 DIRECTION, AGAIN. WE ARE GOING TO GET 24 CLARIFICATION. WE ARE GOING TO LOOK AT THE 25 LAW. WE ARE GOING TO DO OUR RESEARCH AND WE</p>
<p style="text-align: right;">Page 135</p> <p>1 THE LAW IS CLEAR. 2 MR. HALLACK: 3 -- THE LAW IS CLEAR AND 4 YOU HAVE HEARD THE ATTORNEYS ON THE OTHER SIDE 5 SAY, "OKAY, WE DIDN'T FOLLOW THE LAW, BUT THAT 6 WAS JUST A TECHNICALITY." IN A SENSE, MURDER 7 IS A TECHNICALITY, BECAUSE WHAT WOULD IT BE 8 WITHOUT A LAW THAT SAYS IT IS ILLEGAL? I MEAN, 9 YOU CAN'T SIT THERE AND SAY, "OKAY, YOU BROKE 10 THE LAW, BUT IT IS JUST A TECHNICALITY AND WE 11 DON'T OBSERVE MERE TECHNICALITIES." THAT'S 12 CRAZY. 13 MR. IRBY: 14 MR. CHAIRMAN, IF I MIGHT 15 SAY SOMETHING, JUST SO THE COMMISSION IS AWARE 16 AND IF YOU ARE NOT, I WILL MAKE YOU AWARE 17 TODAY. 18 THE FACT IS, MR. HALLACK WAS 19 SUSPENDED BY THIS COMMISSION FOR ACTS THAT -- 20 MR. HALLACK: 21 WAIT -- 22 MR. DUPLESSIS: 23 TIME OUT, MR. IRBY. 24 MR. IRBY: 25 -- AT THE TIME OF THE APPEAL</p>	<p style="text-align: right;">Page 137</p> <p>1 WILL BE WELL INFORMED. 2 MR. HALLACK HAS NOT BEEN 3 SUSPENDED BY THIS COMMISSION. HE WAS SUSPENDED 4 -- HE WAS TOLD HE WAS SUSPENDED BY MR. TORRANCE 5 AND MR. ROBERTS. THE APPOINTING AUTHORITY FOR 6 ALL PERSONNEL IN THIS COMMISSION IS THE 7 COMMISSION, NOT THE EXECUTIVE DIRECTOR AND THE 8 CHAIRMAN. I WOULD LOVE TO BE ABLE TO DO WHAT I 9 WANTED, BUT, NO, I'VE GOT TO RESPOND TO THE 10 REST OF MY COMMISSIONERS IN A RESPONSIBLE WAY 11 AND THAT IS HOW WE SERVE THE STATE OF LOUISIANA 12 THROUGH MY APPOINTMENT. 13 IF THEY WISH TO CHANGE THAT, 14 WE WILL, BUT MR. HALLACK HAS NOT BEEN SUSPENDED 15 BY THIS COMMISSION. THAT IS CLARIFICATION WE 16 RESEARCHED. THANK YOU. 17 MS. HUDSON: 18 SO, MR. CHAIRMAN, BACK TO MY 19 MOTION THAT IS ON THE FLOOR -- 20 MR. DUPLESSIS: 21 MS. HUDSON, IF YOU DECIDE TO 22 RESTATE OR AMEND YOUR MOTION, I WILL -- IT HAS 23 BEEN QUITE AWHILE. 24 MS. HUDSON: 25 I MAKE A MOTION THAT WE</p>

<p style="text-align: right;">Page 138</p> <p>1 ATTEMPT THROUGH THE FINANCE COMMITTEE TO SETTLE 2 THIS MATTER AND, OF COURSE, WE WILL REVIEW THE 3 MATTER AND BRING IT TO THE COMMISSION FOR A 4 FULL VOTE. 5 MR. HENRY SMITH: 6 I SECOND. 7 MR. BERRY: 8 THE TIME -- 9 MR. DUPLESSIS: 10 WE WILL HAVE TO TAKE -- 11 LET ME ASK A POINT. CAN WE TAKE A PHONE VOTE 12 OR -- 13 MS. MORRIS: 14 NO. 15 MR. DUPLESSIS: 16 HOW DO WE HAVE TO TAKE A 17 VOTE? I THINK THAT'S THE POINT. 18 DO Y'ALL WANT TO COME BACK 19 AND HEAR THIS THING, AGAIN? 20 MS. HUDSON: 21 WELL, WE SHOULD TRY TO 22 SETTLE, AND THEN, IF THAT DOESN'T WORK, WE NEED 23 A BACK UP MOTION TO MOVE FORWARD. 24 MR. DUPLESSIS: 25 I THINK WE ALWAYS SHOULD TRY</p>	<p style="text-align: right;">Page 140</p> <p>1 YOU KNOW, IF YOU FEEL THAT 2 CONFIDENT IN MYSELF AND THE TWO OTHER MEMBERS, 3 FINE. I FEEL AWKWARD ABOUT IT. 4 MS. MORRIS: 5 TODAY IS THE 17TH AND IF THE 6 BRIEF IS DUE ON THE 11TH, I THINK THAT MR. IRBY 7 WOULD AT LEAST NEED TO KNOW BY THE 1ST AS TO 8 WHETHER HE HAS GOT TO COMPLETE A BRIEF TO MEET 9 THE DEADLINE. 10 MR. DUPLESSIS: 11 YES, SIR? 12 MR. KLEINPETER: 13 A POINT OF INFORMATION, IF 14 YOU DON'T TIMELY FILE YOUR BRIEF. ALL YOU DO 15 IS FORFEIT ORAL ARGUMENT, YOUR APPEAL IS NOT 16 DISMISSED. SO, IT'S NOT LIKE IF IT'S NOT FILED 17 BY THE 11TH, THE APPEAL IS GOING TO -- 18 MS. MORRIS: 19 MR. KLEINPETER IS CORRECT. 20 IF YOU FILE YOUR BRIEF LATE, YOU LOSE YOUR 21 RIGHT TO ARGUE BEFORE THE COURT, BUT YOUR BRIEF 22 IS STILL CONSIDERED -- WHAT MOST OF US CONSIDER 23 THE RIGHT TO ARGUE A CASE TO BE SIGNIFICANT. 24 SO, IT'S NOT SOMETHING THAT WE TAKE LIGHTLY, 25 BUT YOU CAN FILE A MOTION TO REINSTATE YOUR</p>
<p style="text-align: right;">Page 139</p> <p>1 TO SETTLE IN GOOD FAITH WITH ALL PARTIES. I 2 THINK THAT IS OUR OBLIGATION AS INTELLIGENT, 3 REASONABLE PEOPLE TO DO THAT, BUT WE HAVE GOT 4 TO ADDRESS THE ACTUALITY. WHAT DO WE DO IN THE 5 MEANTIME IF WE CAN'T -- 6 MR. SNYDER: 7 MY DISCUSSION WAS EXACTLY 8 WHAT YOU ARE SAYING. THAT IS, IF WHATEVER YOUR 9 -- YOU ONLY HAVE TWO CHOICES ON THE FINANCE 10 COMMITTEE AND IF WE DON'T SETTLE IT THERE, THEN 11 WE ARE NOT GOING TO BE HERE UNTIL THE 15TH. 12 MS. HUDSON: 13 RIGHT. 14 MR. SNYDER: 15 SO, WHAT ARE WE GOING TO DO 16 ABOUT THE APPEAL? 17 MR. DUPLESSIS: 18 WE WILL HAVE A SPECIAL 19 SESSION OR YOU WOULD HAVE TO GIVE US AUTHORITY. 20 I FEEL UNCOMFORTABLE TAKING THE AUTHORITY OF 21 THREE PEOPLE WITHOUT HAVING THE WILL OF THE 22 COMMISSION. 23 MR. SNYDER: 24 RIGHT. 25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 141</p> <p>1 RIGHT TO ORAL ARGUMENT, BUT IT IS TO THE 2 DISCRETION OF THE COURT IF YOU FILED YOUR BRIEF 3 LATE. 4 MR. HENRY SMITH: 5 MR. CHAIRMAN, COULD WE HAVE 6 A SPECIAL MEETING AFTER THE -- THAT SEEMS LIKE 7 A LOGICAL WAY TO -- YOU HAVE GOT TO KNOW WHAT 8 HAPPENS HERE TO KNOW WHERE YOU ARE GOING TO GO 9 HERE. 10 MR. DUPLESSIS: 11 MR. SMITH, I -- YOU KNOW, I 12 THINK UNFORTUNATELY IT IS KIND OF A REPUGNANT 13 THOUGHT TO HAVE ANOTHER SPECIAL MEETING, BUT -- 14 MR. HENRY SMITH: 15 WELL, I KNOW THAT. 16 MR. DUPLESSIS: 17 -- I THINK THAT IS OUR ONLY 18 OBLIGATION, TO BE RESPONSIBLE COMMISSIONERS. 19 MR. HENRY SMITH: 20 -- WE HAVE GOT TO KNOW WHAT 21 HAPPENED THERE WITH THE THREE TO UNDERSTAND 22 WHAT OUR PLANS ARE IN THE FUTURE, TO ME, MA'AM. 23 MS. MORRIS: 24 THAT IS AN OPTION. IF YOU 25 ALL COULD MEET AGAIN NEXT WEEK, IT WOULD GIVE</p>

<p style="text-align: right;">Page 142</p> <p>1 US A WEEK TO COORDINATE WITH RISK MANAGEMENT TO 2 TRY TO GET THAT ISSUE RESOLVED AND MEET WITH 3 THE ATTORNEYS AND SEE -- 4 MR. BERRY: 5 CAN -- 6 MR. DUPLESSIS: 7 REAL QUICK. 8 MS. BINNING: 9 I DON'T HAVE THAT IN THIS 10 BUDGET FOR THIS FISCAL YEAR, FOR JUNE -- 11 THROUGH JUNE 30TH. IF YOU COULD EITHER MAKE 12 THE MEETING AFTER JULY 1ST OR POSSIBLY 13 RESCHEDULE THE JULY MEETING TO THE WEEK AHEAD 14 OR ANOTHER DAY. 15 MR. HENRY SMITH: 16 I AM MORE CONCERNED ABOUT 17 GETTING IT RIGHT THAN I AM GETTING PAID. 18 MR. DUPLESSIS: 19 WELL, AS CHAIR OF THE 20 FINANCE COMMITTEE, WE LOOK AT TWO HUNDRED 21 THOUSAND IN OVER RUN FEES. YOU KNOW, I'VE GOT 22 TO TELL YOU, I WANT TO DEFEND THE 23 COMMISSIONERS. I WANT TO DEFEND THIS 24 COMMISSION. I WANT TO GET THIS THING OVER WITH 25 AND I WANT TO DO IT CHEAP. IT'S A LOT OF</p>	<p style="text-align: right;">Page 144</p> <p>1 I CAN AGREE TO THAT. IF THE 2 COMMISSIONERS AGREE TO THAT -- 3 MS. HUDSON: 4 I AGREE. 5 MR. DUPLESSIS: 6 WE HAVE A MOTION -- WE HAVE 7 A SUBSTITUTE MOTION. DO WE HAVE A SECOND ON 8 ALL OF IT? 9 MR. HENRY SMITH: 10 I SECONDED THE SUBSTITUTE 11 MOTION. 12 MR. DUPLESSIS: 13 DO WE HAVE A SECOND FOR THE 14 FIRST MOTION? 15 MR. HENRY SMITH: 16 I DID. 17 MR. DUPLESSIS: 18 OKAY. THANK YOU. 19 ANY MORE DISCUSSION? 20 (NO RESPONSE.) 21 MR. ROBERTS: 22 ALL IN FAVOR, SIGNIFY BY 23 SAYING "AYE". 24 (ALL "AYE" RESPONSES.) 25 MR. DUPLESSIS:</p>
<p style="text-align: right;">Page 143</p> <p>1 MONEY. 2 MS. MORRIS: 3 I THINK THE 1ST IS ON A 4 TUESDAY. 5 MR. BERRY: 6 MR. SMITH, IS IT YOUR 7 CONCERN THAT WE APPOINTED THREE PEOPLE FROM 8 THIS COMMISSION TO HEAR THE APPEAL, THEY WOULD 9 MAKE SOME DIFFERENT JUDGMENT THAN NINE OR TEN 10 OF US WOULD MAKE? 11 MR. HENRY SMITH: 12 NO. I'M JUST CONCERNED THAT 13 IF WE HAVE DIFFERENT QUESTIONS COMING UP -- 14 MR. BERRY: 15 I THINK IF WE BOIL THIS DOWN 16 -- IN ESSENCE, I WOULD PREFER A SUBSTITUTE 17 MOTION TO THE COMMISSION IS THAT WE AUTHORIZE 18 THE FINANCE COMMITTEE TO HEAR THE SETTLEMENT 19 AND IF AN AGREEMENT CANNOT BE REACHED -- THIS 20 IS GOING TO BE LONG, CANNOT BE REACHED AT THAT 21 MEETING, THEN WE GO AHEAD AND AUTHORIZE MR. 22 IRBY TO GO FORWARD. THIS SEEMS LIKE A FAIRLY - 23 - THAT IS A COUNTRY BOY SOLUTION, BUT IT MAY 24 WORK. 25 MR. HENRY SMITH:</p>	<p style="text-align: right;">Page 145</p> <p>1 OPPOSED? 2 (NO RESPONSE.) 3 MR. ROBERTS: 4 THANK YOU. 5 MR. HENRY SMITH: 6 DOES THAT COVER BOTH? 7 MR. DUPLESSIS: 8 WE HOPE IT DID. SOMEBODY 9 FILE A BRIEF IF IT DIDN'T. 10 TELL ME WHERE WE ARE. 11 OFFICE ACTIVITIES, MS. 12 HEMPHILL, PLEASE TRY TO MAKE IT BRIEF. 13 MS. HEMPHILL: 14 OKAY. 15 MR. DUPLESSIS: 16 WHAT DID I SKIP? 17 MR. HILLIARD: 18 SALVAGE RULES. 19 MR. DUPLESSIS: 20 SALVAGE, WE HAVE HAD SOME 21 DISCUSSION ON THE TABLE ABOUT SALVAGE. 22 MR. IRBY, WOULD YOU PROVIDE 23 US KINDLY WITH THE LAW, THE RULES AND ANY 24 RECOMMENDATION THAT YOU SEE? 25 MR. HALLACK, YOU DO THE</p>

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1 PROSECUTION SIDE, SO YOU SEE A DIFFERENT SIDE
 2 OF THE LAW, WHAT WOULD YOU DO TO PROMULGATE
 3 RULES ON AREAS THAT ARE NOT ADDRESSED, SO WE
 4 CAN SATISFY MR. SMITH'S CONCERNS ON THE SALVAGE
 5 QUESTION.
 6 MS. HUDSON:
 7 MR. CHAIRMAN, I MIGHT
 8 ADD THAT POLICY 93 WAS GIVEN TO ALL OF THE
 9 NEW COMMISSIONERS IN THEIR POLICY AND PROCEDURE
 10 BOOK. SO, THAT'S WHAT WE ARE LOOKING AT
 11 TODAY.
 12 MR. DUPLESSIS:
 13 OKAY.
 14 MR. IRBY:
 15 MR. CHAIRMAN, MS. HUDSON IS
 16 CORRECT. THAT WAS PREPARED BY THE COMMISSION
 17 -- EXECUTIVE DIRECTOR FOR THE COMMISSION AS
 18 A DIRECTIVE FOR THE ENTIRE COMMISSION ON HOW
 19 THEY WERE GOING TO HANDLE VIOLATIONS OF THE
 20 SALVAGE POOL AUCTIONS AND SALVAGE DISPOSAL
 21 SALES.
 22 THE POLICY IS NO. 93.
 23 HOWEVER, THAT IS SIMPLY A POLICY. IT IS NOT
 24 PART OF THE RULES AND REGULATIONS AND IT HAS TO
 25 HAVE A MOTION AND A SECOND AND BE PASSED BY THE

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1 MAJORITY OF THIS COMMISSION TO BECOME THE RULE
 2 AND REGULATION OF THE COMMISSION.
 3 MR. DUPLESSIS:
 4 WHAT IS THE DIFFERENCE
 5 BETWEEN A POLICY AND RULE AND REGULATION, AND
 6 THEN, TELL US ABOUT PROMULGATING THE RULE IN A
 7 FORMAL FORMAT.
 8 MR. IRBY:
 9 TO PROMULGATE A RULE, IT HAS
 10 TO BE ADVERTISED. IT HAS TO BE NOTICE AS
 11 COMING UP AND I THINK IT IS A THIRTY DAY
 12 NOTICE, AND THEN, IT HAS TO BE VOTED ON BY THE
 13 ENTIRE COMMISSION.
 14 MR. EUGENE SMITH:
 15 DO THEY HAVE TO BE GIVEN TO
 16 THE SECRETARY OF STATE?
 17 MR. IRBY:
 18 NO. I THINK --
 19 MS. MORRIS:
 20 IN ORDER TO ADOPT OF A RULE,
 21 YOU NEED TO ADOPT A NOTICE OF INTENT TO ADOPT A
 22 RULE. YOU HAVE TO PUBLISH THAT IN THE
 23 LOUISIANA REGISTER AND YOU HAVE TO ALLOW PUBLIC
 24 COMMENTS TO BE SUBMITTED FOR A CERTAIN PERIOD
 25 OF TIME, AND THEN, ONCE -- IF YOU GET A CERTAIN

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1 NUMBER OF COMMENTS, YOU HAVE A PUBLIC HEARING.
 2 IF YOU DON'T GET A CERTAIN
 3 NUMBER OF COMMENTS, THEN THE BOARD CAN GO
 4 FORWARD AND CONSIDER -- THE COMMISSION CAN
 5 CONSIDER THE FINAL RULE. THEN, ONCE YOU ADOPT
 6 THE FINAL RULE, YOU HAVE TO SUBMIT IT TO THE
 7 LEGISLATIVE AUDITOR FOR FISCAL IMPACT --
 8 APPROVAL OF YOUR FISCAL IMPACT, AND THEN, YOU
 9 HAVE TO SEND IT TO THE CHAIRMAN OF THE
 10 COMMITTEE, HOUSE AND SENATE, WHO HAS AUTHORITY
 11 OVER THIS COMMISSION. SO, IT WOULD BE THE
 12 COMMERCE COMMITTEE AND THEY HAVE THE ABILITY TO
 13 CONDUCT AN OVERSIGHT HEARING IF NECESSARY, IF
 14 THERE IS NO OVERSIGHT HEARING, THEN YOU CAN
 15 FINALLY PUBLISH THEM AND THEY CAN BECOMES RULES
 16 AND HAVE TO BE PUBLISHED IN THE LOUISIANA
 17 ADMINISTRATIVE -- IN THE LOUISIANA REGISTER IS
 18 WHERE WE PUBLISH ADMINISTRATIVE RULES. IT IS A
 19 PROCESS THAT TAKES ABOUT FOUR TO SIX MONTHS.
 20 MR. EUGENE SMITH:
 21 IT HAS THE EFFECT OF LAW?
 22 MS. MORRIS:
 23 YES.
 24 MR. DUPLESSIS:
 25 WELL, IF IT BECOMES LAW,

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1 ESSENTIALLY IT IS ENFORCEABLE.
 2 MS. MORRIS:
 3 IT IS ENFORCEABLE BY THE
 4 COMMISSION.
 5 MR. DUPLESSIS:
 6 CORRECT.
 7 MR. HILLIARD:
 8 SO, THE DIFFERENCE IN THE
 9 POLICY --
 10 MS. MORRIS:
 11 A POLICY -- YOU ARE REQUIRED
 12 TO ADOPT A RULE WHEN IT AFFECTS A THIRD PERSON.
 13 WHEN -- A POLICY SHOULD BE THE ONLY THING THAT
 14 GOVERNS INSIDE THE AGENCY, LIKE HOW EMPLOYEES
 15 ARE GOING TO SUBMIT THEIR EXPENSE
 16 REIMBURSEMENT, THINGS THAT DON'T AFFECT THIRD
 17 PARTIES OUTSIDE THE AGENCY, BUT IF YOU ARE
 18 GOING TO REQUIRE AN INDIVIDUAL, ANY OF YOUR
 19 LICENSEES, TO PROVIDE PAPERWORK ON A SCHEDULE
 20 OR TO TAKE ANY AFFIRMATIVE ACTION, IT HAS TO BE
 21 DONE BY A RULE.
 22 MR. HILLIARD:
 23 SO, THIS POLICY DOESN'T HOLD
 24 ANY WEIGHT AT ALL?
 25 MS. MORRIS:

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<p>1 NOT AT THIS POINT. 2 MR. EUGENE SMITH: 3 IT IS THE LAW. 4 MR. HILLIARD: 5 BUT, THE LAW STATES WHAT, IT 6 JUST STATES THEY HAVE TO TURN IN -- THEY HAVE 7 TO PAY A FEE, BUT THEY DON'T TELL US WHEN THEY 8 HAVE TO PAY, HOW THEY HAVE TO PAY? 9 MS. MORRIS: 10 RIGHT. 11 MR. EUGENE SMITH: 12 THAT'S CORRECT. 13 MS. MORRIS: 14 YOU USUALLY HAVE RULES TO 15 DEFINE THEY HAVE TO TURN IT IN ONCE A MONTH, 16 BY THE 15TH OF THE MONTH OR SOMETHING LIKE 17 THAT. 18 MR. HILLIARD: 19 WHEN WAS THE LAW PASSED? 20 MR. HALLACK: 21 IT WAS EFFECTIVE AUGUST, 22 2007. 23 MR. HILLIARD: 24 SO, WE HAD THE LAW ON THE 25 BOOKS FOR NOT QUITE A YEAR AND WE HAVE NO WAY</p>	<p>1 THE COMMISSION MAY ALSO IMPOSE A CIVIL PENALTY 2 AGAINST ANY PERSON OR ASSOCIATION, CORPORATION, 3 ET CETERA, WHICH IS DETERMINED BY THE 4 COMMISSION TO HAVE VIOLATED THE PROVISIONS OF 5 THIS POLICY. WE HAVE OUR CIVIL PENALTY 6 GUIDELINES, BUT WE DON'T HAVE ANY PENALTIES IN 7 THERE FOR VIOLATING THIS PROCEDURE AND/OR 8 STATUTE. 9 MR. DUPLESSIS: 10 WELL, WE HAVEN'T HAD ANY 11 HEARINGS TO HAVE A VIOLATION. 12 MS. HUDSON: 13 CORRECT, BUT WE NEED TO 14 ESTABLISH OUR PENALTY. 15 MR. DUPLESSIS: 16 WE ARE GOING TO PUT THAT IN 17 THE LEGAL AFFAIRS COMMITTEE. IS THAT THE 18 APPROPRIATE PLACE? WE WILL DO SOMETHING. 19 MR. HALLACK? 20 MR. HALLACK: 21 YOU HAVE A STATUTE THAT 22 ALLOWS YOU TO VIOLATE A LICENSEE FOR WILFUL 23 FAILURE TO ABIDE BY THE LAW, WILFUL FAILURE 24 BEING, "IF I CATCH YOU ONE TIME, I PUT YOU ON 25 NOTICE. YOU DO IT AGAIN, THAT IS A WILFUL</p>
Page 151	Page 153
<p>1 OF ENFORCING IT? 2 MR. DUPLESSIS: 3 WELL, WE DON'T KNOW THAT, 4 BUT THAT IS THE QUESTION BEFORE US WHEN WE 5 START CRACKING THE -- 6 MR. TORRANCE? 7 MR. TORRANCE: 8 THE FIRST PROCEDURE IS A 9 POLICY PROCEDURE. THAT IS THE FIRST STEP. THE 10 SECOND STEP IS YOU EITHER DO A RULE AND 11 REGULATION OR YOU GO TO THE LEGISLATURE AND 12 PASS A LAW. THAT IS THE FIRST STEP WE TAKE IN 13 THE POLICY AND PROCEDURE AND THAT IS WHAT WE 14 DID. DUE TO THE FACT THAT ALL OF THIS OTHER -- 15 MR. HILLIARD: 16 THIS IS ON APRIL 15TH? 17 THAT'S NOT THE DATE OF OUR COPY. THAT'S THE 18 DATE THE POLICY WAS SIGNED? 19 MR. TORRANCE: 20 YES. 21 MR. HENRY SMITH: 22 I'M LOOKING AT 93, MR. 23 TORRANCE, BUT I -- 24 MS. HUDSON: 25 I THINK YOUR QUESTION IS,</p>	<p>1 FAILURE " 2 IF WE HAVE AUCTIONS, SALVAGE 3 POOL DEALERS WHO ARE WILFULLY VIOLATING THIS 4 LAW, YOU CAN ISSUE A VIOLATION TICKET JUST FOR 5 THAT. YOU DON'T NEED A POLICY STATEMENT. YOU 6 DON'T NEED TO DO ANYTHING OTHER THAN THAT. YOU 7 ARE SIMPLY FOLLOWING THE LAW. THAT IS A 8 PENALTY. THAT IS A PENALTY FOR WILFULLY 9 VIOLATING OUR LAW. YOU CAN CITE THESE PEOPLE 10 TODAY FOR DOING THAT. 11 MR. HILLIARD: 12 THIS IS SUPPOSED TO BE 13 TURNING IN A REPORT AT THE END OF EACH MONTH TO 14 US. THAT'S WHAT IT SAYS. 15 MR. SNYDER: 16 YES. 17 MR. HILLIARD: 18 SO, WHO WOULD GET THAT 19 REPORT IN THE OFFICE? 20 MR. TORRANCE: 21 LYNETTE. 22 MR. HILLIARD: 23 LYNETTE GETS THE REPORT FROM 24 THEM EACH MONTH? 25 MS. BINNING:</p>

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<p>1 I GET THE REPORT EACH MONTH 2 AND THE MONEY. 3 MR. HILLIARD: 4 HOW MANY MONTHS DO YOU GET 5 -- I MEAN, THERE'S THIRTY-FOUR AUCTIONS? 6 MS. BINNING: 7 I DON'T KNOW IF ALL OF THOSE 8 ARE SELLING SALVAGE. 9 MR. HENRY SMITH: 10 I WOULD LIKE TO MAKE A POINT 11 ON THAT, MS. LYNETTE. 12 MS. BINNING: 13 OKAY. 14 MR. HENRY SMITH: 15 THERE IS NOT AN AUCTION 16 THAT I HAVE EVER BEEN TO -- IF IT IS A 17 DRIVE IN CAR AUCTION, MR. DUPLESSIS, CORRECT 18 ME IF I'M WRONG, THAT DOESN'T SELL A 19 CAR THAT HAS A SALVAGE TITLE, AM I CORRECT 20 OR -- 21 MR. DUPLESSIS: 22 THAT WAS MY QUESTION TO MR. 23 IRBY AND MR. HALLACK. 24 MS. BINNING: 25 I THOUGHT IT WAS AN</p>	<p>1 DOLLARS. 2 MR. HILLIARD: 3 A DEFINITION OF -- 4 MR. HALLACK: 5 NO. THE SALVAGE POOL BID 6 CARD ELIMINATION. 7 MS. MORRIS: 8 YOU CAN PROBABLY FIND IT 9 BETTER. 10 MR. HALLACK: 11 WHAT DOES IT SAY ABOUT THE 12 DEFINITION? 13 MR. IRBY: 14 THE DEFINITION IS UNDER 781. 15 MS. MORRIS: 16 "THE MANAGER OR PERSON IN 17 CHARGE OF A SALVAGE POOL OR SALVAGE DISPOSAL 18 SALE SHALL KEEP A REGISTER OF ALL SALES OF 19 MOTOR VEHICLES FOR THREE YEARS FROM THE DATE OF 20 SALE, SHOWING THE MAKE, MODEL, YEAR, BODY STYLE 21 AND VEHICLE IDENTIFICATION NUMBER, ODOMETER 22 READING AND THE NAME AND ADDRESS OF SELLER AND 23 BUYER. THE REGISTER SHALL BE MADE AVAILABLE 24 FOR INSPECTION BY AN IDENTIFIED LAW ENFORCEMENT 25 OFFICERS OF THE STATE, PARISH OR MUNICIPALITY</p>
Page 155	Page 157
<p>1 INSURANCE SALVAGE POOL. 2 MR. TORRANCE: 3 IT IS THE INSURANCE SALVAGE 4 POOL. IT HAS NOTHING TO DO WITH SALVAGE TITLE 5 VEHICLES, BECAUSE THAT WOULD BE VIRTUALLY 6 IMPOSSIBLE TO POLICE. IT IS ONLY A LIQUIDATION 7 SALE FROM AN INSURANCE COMPANY THAT SELLS -- 8 DISPOSAL SALE FOR AN INSURANCE COMPANY. THAT 9 IS ALL SUPPLIED IN THE BID CARD LAW. 10 MR. HENRY SMITH: 11 I DID NOT KNOW THAT. I 12 THOUGHT THAT IF YOU HAD A SALVAGE, YOU SUPPLIED 13 FIVE DOLLARS. 14 MR. DUPLESSIS: 15 CAN Y'ALL GIVE US A 16 TECHNICAL CLARIFICATION ON THAT BY POINT OF 17 LAW? 18 MR. HALLACK: 19 HAS ANYBODY GOT A BOOK? 20 MR. DUPLESSIS: 21 A LAW BOOK? 22 MS. HUDSON: 23 ROBERT, SHERI HAS ONE. 24 MR. DUPLESSIS: 25 IT IS UP TO TWO THOUSAND</p>	<p>1 OR AGENTS OF THE COMMISSION AT THE SALVAGE POOL 2 OR SALVAGE DISPOSAL SALE AT ITS BUSINESS 3 LOCATION DURING REGULAR BUSINESS HOURS OR ON 4 HIS (INAUDIBLE)." 5 "IN THE EVENT A BID CARD IS 6 NOT REQUIRED IN ORDER TO PURCHASE A VEHICLE, A 7 TRANSACTION FEE OF FIVE DOLLARS SHALL BE 8 COLLECTED AND REMITTED MONTHLY, ELECTRONICALLY 9 OR OTHERWISE, AND TRANSMITTED TO THE COMMISSION 10 BY THE OWNER OR OPERATOR OF THE SALVAGE POOL IN 11 CONNECTION WITH THE SALE OF EACH VEHICLE." 12 IT IS 808, IF YOU HAVE YOUR 13 BOOK WITH YOU. 14 MR. DUPLESSIS: 15 SO, IT IS NOT LIMITED 16 STRICTLY TO SALVAGE POOLS, IS THAT YOUR 17 INTERPRETATION? 18 MR. HALLACK: 19 WELL, THEN YOU HAVE TO GO 20 LOOK AND SEE HOW THE SALVAGE POOL IS DEFINED. 21 MR. DUPLESSIS: 22 THIS SAYS SALVAGE POOL OR 23 SALVAGE SALE. 24 MS. MORRIS: 25 "SALVAGE POOL OR SALVAGE</p>

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1 DISPOSAL SALE OR A SCHEDULED SALE AT AUCTION
 2 OR BY PRIVATE BID OF WRECKED OR REPAIRABLE
 3 MOTOR VEHICLES BY INSURANCE COMPANIES OR BY
 4 USED MOTOR VEHICLE DEALERS OR AUTOMOTIVE
 5 DISMANTLERS AND PARTS RECYCLERS LICENSED BY THE
 6 COMMISSION."
 7 MR. HALLACK:
 8 THERE IS THE ANSWER TO THE
 9 QUESTION, ANY AUCTION THAT SELLS SALVAGE.
 10 MR. HENRY SMITH:
 11 ANY AUCTION THAT SELLS A
 12 PIECE OF SALVAGE HAS TO PAY THE FIVE DOLLARS.
 13 MR. DUPLESSIS:
 14 IT SOUNDS LIKE WE HAVE SOME
 15 NEW REVENUE STREAMS.
 16 MR. HENRY SMITH:
 17 REVENUE SINCE JUNE OF LAST
 18 YEAR.
 19 MR. HALLACK:
 20 I DON'T THINK MIKE MCTURNER
 21 WAS STRICTLY A SALVAGE POOL DEALER. HE IS AN
 22 AUCTION. SO, HE IS PAYING HIS PORTION OF IT.
 23 MS. HUDSON:
 24 CORRECT.
 25 MR. HENRY SMITH:

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1 IF I AUCTION ONE OFF AT MY
 2 PLACE, I'VE GOT TO COLLECT IT.
 3 MR. DUPLESSIS:
 4 IS THAT THE INTERPRETATION
 5 THAT THE LEGAL STAFF IS --
 6 MR. HALLACK:
 7 I AGREE.
 8 MR. IRBY:
 9 YES.
 10 MR. HILLIARD:
 11 WE HAVE AGREEMENT BY BOTH.
 12 MR. HALLACK:
 13 ALL RIGHT. HOLD ON.
 14 MS. MORRIS?
 15 MR. DUPLESSIS:
 16 PLEASE. WE'RE PULLING FOR
 17 YOU HERE.
 18 MS. MORRIS:
 19 IT APPLIES TO EVERYBODY THAT
 20 IS LICENSED.
 21 MR. DUPLESSIS:
 22 YOU KNOW, I THINK THAT IS
 23 THE CONCLUSION OF THIS COMMISSION.
 24 MR. HILLIARD:
 25 SO, IN OTHER WORDS, WE NEED

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1 TO GET SOMETHING OUT TO EVERY AUCTION, ALL
 2 THIRTY-FOUR AUCTIONS, SAYING, "IF YOU SELL ANY
 3 SALVAGE PIECE OF EQUIPMENT, YOU MUST TURN IT IN
 4 AND IT MUST BE TURNED IN BY THE END OF THE
 5 MONTH OR YOU WILL BE FINED, LICENSE REVOKED"
 6 AND THAT IS ONE OF THE PROVISIONS IN HERE.
 7 MR. DUPLESSIS:
 8 HOLD ON A SECOND. I'M GOING
 9 TO RECOGNIZE THIS GENTLEMAN HERE.
 10 MR. NOLAN:
 11 MY NAME IS JIMMY NOLAN FROM
 12 AUTO WORKS.
 13 I BUY AT SOME OF THE SO
 14 CALLED SALVAGE SALES AND YOU BUY VEHICLES THAT
 15 ARE NOT SALVAGE VEHICLES, BUT YOU HAVE --
 16 BEFORE THEY PASSED THE LEGISLATION TO DO AWAY
 17 WITH THE BID CARD, WE HAD TO BUY A BID CARD.
 18 THEY -- THEN, THE COMMISSION IMPOSED A FIVE
 19 DOLLAR FEE TO GET THEIR REVENUE BACK WHEN THE
 20 BIGGER SALVAGE COMPANIES LEGISLATED FOR -- YOU
 21 KNOW, TO ALLOW ALL THE PUBLIC TO BUY. THE FIVE
 22 DOLLARS, THE PURPOSE OF THAT IS TO GENERATE
 23 REVENUE BACK TO THE COMMISSION THAT THEY LOST
 24 ON THE SIXTY-FIVE DOLLAR BID CARD THAT'S NO
 25 LONGER NEEDED.

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1 THE ONLY PLACE YOU WOULD
 2 NEED A BID CARD IS AT A RECOGNIZED INSURANCE
 3 LIQUIDATION SALVAGE SALE, NOT AT A ROLLING
 4 AUCTION. THEY DO SELL SALVAGE TITLE VEHICLES
 5 AT A ROLLING AUCTION, BUT YOU DON'T HAVE TO
 6 HAVE A BID CARD TO BUY THEM BEFORE A BID CARD
 7 WASN'T NECESSARY.
 8 SO, IN THIS WHOLE PICTURE,
 9 THE ONLY PLACE THE FIVE DOLLARS COULD BE
 10 REGULATED OR GENERATED OR FOLLOWED THROUGH
 11 WOULD BE IN THE INSURANCE STORAGE POOL OR AN
 12 INSURANCE LIQUIDATION. IF YOU ARE SELLING CARS
 13 AT A ROLLING AUCTION WITH A SALVAGE SALE, THERE
 14 IS NO WAY IN THE WORLD FOR THE COMMISSION TO
 15 POLICE THE COLLECTION OF FOUR OR FIVE VEHICLES
 16 OUT OF FOUR OR FIVE HUNDRED THAT ARE SOLD.
 17 I'M JUST TRYING TO ADD MY
 18 TWO CENTS TO CLARIFY IT.
 19 MR. DUPLESSIS:
 20 WE ARE HAPPY TO HAVE A
 21 COMMENT.
 22 MR. NOLAN:
 23 I MAY HAVE CONFUSED
 24 EVERYBODY.
 25 MR. DUPLESSIS:

41 (Pages 158 to 161)

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<p style="text-align: right;">Page 162</p> <p>1 WELL, IT WOULDN'T BE THE 2 FIRST TIME THAT OCCURRED TODAY. 3 MR. NOLAN: 4 SOMETHING WAS MENTIONED 5 ABOUT THIRTY-FOUR AUCTIONS. I DO BUSINESS WITH 6 A LOT OF AUCTIONS IN THE STATE AND I CAN'T SEE 7 THERE BEING NEAR ABOUT THIRTY-FOUR SALVAGE 8 AUCTIONS, WHATSOEVER. 9 MR. HENRY SMITH: 10 I'VE GOT A LIST OF THEM. 11 MR. NOLAN: 12 IS THAT SALVAGE OR TOTAL 13 AUTOMOTIVE AUCTIONS? 14 MR. DUPLESSIS: 15 TOTAL AUTOMOTIVE AUCTIONS. 16 MR. NOLAN: 17 BUT, NOW -- AND LIKE I SAID, 18 THE ONLY ONES WHO I WOULD THINK WOULD BE ABLE 19 TO PAY THE FIVE DOLLARS WOULD BE SALVAGE POOLS 20 SUCH AS COPARTS OR A.A.I. OR INSURANCE 21 LIQUIDATORS, WHICH THAT IS THE BUSINESS THEY 22 ARE IN. 23 MR. DUPLESSIS: 24 WE UNDERSTAND THAT AND I 25 THINK WE DIDN'T GET IT EITHER UNTIL ABOUT FIVE</p>	<p style="text-align: right;">Page 164</p> <p>1 AUTO WORKS, LOCATED -- 2 MR. NOLAN: 3 IN DENHAM SPRINGS. 4 MR. DUPLESSIS: 5 THANK YOU, SIR. I 6 APPRECIATE YOU COMING. 7 COMMISSIONERS? 8 (NO RESPONSE.) 9 MR. DUPLESSIS: 10 I'M SURPRISED. 11 MR. TORRANCE? 12 MR. TORRANCE: 13 I STATED MINE EARLIER. 14 MR. DUPLESSIS: 15 MR. RUSSELL? 16 MR. TORRANCE: 17 WE HAVE INSTRUCTED THE FIELD 18 PEOPLE TO GO OUT AND CONTACT THE AUCTIONS AND 19 EXPLAIN TO THEM WHAT A SALVAGE SALE IS. 20 MR. DUPLESSIS: 21 I'M SORRY. 22 MR. TORRANCE: 23 IT IS A -- GO AHEAD. 24 MR. RUSSELL: 25 WE ARE HAVING A MEETING</p>
<p style="text-align: right;">Page 163</p> <p>1 MINUTES AGO. 2 MR. HILLIARD: 3 THAT'S NOT THE WAY IT IS 4 WRITTEN. 5 MR. DUPLESSIS: 6 NO, AND WE HAD AN 7 UNPRECEDENTED OPPORTUNITY TO SEE THREE LAWYERS 8 AGREE ON SOMETHING. 9 MR. NOLAN: 10 WELL, WHEN SHE READ WHAT SHE 11 READ, ME AND YOU JUST DIDN'T -- I UNDERSTOOD IT 12 TO BE DIFFERENT THAN YOU JUST DID. 13 MR. DUPLESSIS: 14 I WILL GO WITH WHAT THE 15 LAWYERS TELL ME. 16 WE APPRECIATE YOUR COMMENTS. 17 PLEASE STATE YOUR NAME AGAIN AND -- 18 MR. NOLAN: 19 JIMMY NOLAN. 20 MR. DUPLESSIS: 21 JIMMY, THE NAME OF YOUR 22 BUSINESS? 23 MR. NOLAN: 24 AUTO WORKS. 25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 165</p> <p>1 TUESDAY, MR. CHAIRMAN, AND THAT IS GOING TO BE 2 PART OF THE CONVERSATION. I WANT ONE OF THE 3 LAWYERS THERE. I WOULD LIKE FOR YOU TO ATTEND 4 IT FOR INFORMATION PURPOSES, IF YOU CAN. 5 MR. DUPLESSIS: 6 CERTAINLY. 7 I DO THINK TO BE FAIR TO OUR 8 AUCTION PEOPLE, IF WE OURSELVES DIDN'T 9 UNDERSTAND THIS RULE I DON'T THINK WE NEED TO 10 WALK IN HERE LIKE A BUNCH OF STORM TROOPERS AND 11 -- I THINK THAT IS JUST INHERENTLY WRONG. I DO 12 THINK WE NEED TO SEND OUT AN ADVISORY LETTER OF 13 OUR OPINION AND OUR POSITION ON WHAT THEIR 14 OBLIGATIONS ARE AND RESTATE IT ALONG WITH. 15 WE ARE GOING TO HAVE TO 16 CONSTITUTE THE LEGAL COMMITTEE PRETTY QUICK AND 17 WE ARE GOING TO HAVE TO SAY WHAT OUR FINES ARE, 18 WHAT WE ARE GOING TO DO. 19 YES, SIR? 20 MR. TORRANCE: 21 MR. CHAIRMAN, WE'VE ALREADY 22 DONE THAT. WE SENT THE FIELD INVESTIGATORS OUT 23 WITH A LIST OF THE LAW AND THE CRITERIA ON WHAT 24 THEY SHOULD DO EACH MONTH. WE'VE ALREADY DONE 25 THAT.</p>

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1 MR. HILLIARD:
 2 BUT, YOUR UNDERSTANDING WAS
 3 IT WAS JUST SALVAGE POOL, BUT NOW WE ARE SAYING
 4 THAT IT IS ANY VEHICLE WITH SALVAGE TITLES.
 5 MR. TORRANCE:
 6 THAT IS NOT IN THE LAW.
 7 MR. DUPLESSIS:
 8 WELL, IF YOU WOULD, LET ME
 9 SEE WHAT YOU SENT THEM AND I'M GOING TO DEFER
 10 THIS TO OUR LEGAL AFFAIRS COMMITTEE FOR THEM TO
 11 MAKE A DECISION --
 12 MR. TORRANCE:
 13 OKAY.
 14 MR. DUPLESSIS:
 15 -- BUT, I THINK IT WOULD BE
 16 INHERENTLY UNFAIR TO START ENFORCING A LAW THAT
 17 OURSELVES CAN'T --
 18 MR. TORRANCE:
 19 I WAS PRESENT THE WHOLE TIME
 20 THAT BILL WAS GOING THROUGH AND THAT IS THE WAY
 21 THE BILL CAME DOWN FROM THE COMMITTEE ROOM.
 22 MR. DUPLESSIS:
 23 I'M AGAIN GOING TO DEFER TO
 24 IT TO THE LEGAL AFFAIRS COMMITTEE FOR ACTION ON
 25 THAT AND I EXPECT THEM TO ADDRESS IT WITH THE

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1 UTMOST RESPONSIBILITY AND COURTESY TO OUR
 2 LICENSEES.
 3 MR. TORRANCE:
 4 YES.
 5 MR. DUPLESSIS:
 6 LET'S MOVE ON.
 7 IS THAT PRETTY MUCH -- MR.
 8 SMITH, ARE YOU SATISFIED WITH THAT COURSE OF
 9 ACTION?
 10 MR. HENRY SMITH:
 11 I AM ABSOLUTELY SATISFIED --
 12 MR. DUPLESSIS:
 13 OKAY.
 14 MR. HENRY SMITH:
 15 -- AS LONG AS WE GET OUR
 16 FIVE DOLLARS.
 17 MR. DUPLESSIS:
 18 HOPEFULLY, PLUS INTEREST IF
 19 WE CAN WORK IT IN.
 20 FIELD ACTIVITIES, MS.
 21 HEMPHILL.
 22 AGAIN, I'M OUT OF TURN.
 23 MS. HEMPHILL:
 24 IN EVERYBODY'S PACKET I HAVE
 25 A COUNT OF LICENSES FROM A YEAR TO DATE. WE

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1 HAVE TWELVE THOUSAND ONE HUNDRED AND FORTY-
 2 SEVEN LICENSES TOTAL.
 3 ALSO, IN THE BEGINNING OF
 4 JULY, THE OFFICE WILL START PUTTING TOGETHER
 5 THE RENEWAL PACKETS. WE ARE GETTING THE
 6 INFORMATION, COPIES MADE AND GETTING EVERYTHING
 7 TOGETHER THAT WE WANT TO CHANGE. SO --
 8 BECAUSE, WE SEND THE APPLICATIONS OUT IN ABOUT
 9 THE SECOND WEEK IN SEPTEMBER.
 10 I WANT TO BRING UP ONE OTHER
 11 THING. WE TALKED ABOUT TERRY IRBY'S INVOICE,
 12 RIGHT, AND AGREED TO PAY IT?
 13 MR. DUPLESSIS:
 14 YES.
 15 MS. HEMPHILL:
 16 IF HE HAS ANY EXPENSE FOR
 17 THE MONTH OF JUNE, HIS CONTRACT HAS BEEN MAXED
 18 OUT. SO, IS THERE ANYTHING THAT YOU WANT TO DO
 19 FOR --
 20 MR. DUPLESSIS:
 21 MR. IRBY, WHAT DO YOU THINK
 22 THAT YOUR FEES WILL IN THIS?
 23 MR. IRBY:
 24 IN THE MONTH OF JUNE?
 25 MR. DUPLESSIS:

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1 YES.
 2 MR. IRBY:
 3 MR. CHAIRMAN, IT WOULD BE
 4 HARD TO SAY. I WOULDN'T THINK IT WOULD BE MUCH
 5 DIFFERENT THAN THE ONE IN MAY OF TWENTY-EIGHT
 6 HUNDRED, SOMETHING LIKE THAT, BUT MY
 7 UNDERSTANDING WAS THAT THERE IS A FORMAT BY
 8 WHICH THEY DO A SUPPLEMENTAL ADDENDUM TO THE
 9 CONTRACT.
 10 MS. HEMPHILL:
 11 AMEND IT.
 12 MR. IRBY:
 13 AMEND IT.
 14 MR. DUPLESSIS:
 15 MS. HUDSON, I KNOW WE TALKED
 16 ABOUT THIS YESTERDAY. WOULD YOU --
 17 MS. HUDSON:
 18 I GUESS WE WOULD LIKE TO
 19 MAKE A MOTION THAT WE MAKE AN AMENDMENT TO THE
 20 CONTRACT FOR MR. IRBY'S SERVICES TO BE MAXED
 21 OUT AT THREE THOUSAND FOR THE MONTH OF JUNE.
 22 MR. DUPLESSIS:
 23 FAIR ENOUGH.
 24 IS THAT A MOTION?
 25 MS. HUDSON:

<p style="text-align: right;">Page 170</p> <p>1 YES. 2 MR. DUPLESSIS: 3 DO I HAVE A SECOND? 4 MR. HENRY SMITH: 5 I SECOND. 6 MR. DUPLESSIS: 7 DO WE HAVE ANY DISCUSSION ON 8 THAT? 9 MR. HENRY SMITH: 10 Y'ALL, PLEASE HELP ME. 11 MR. DUPLESSIS: 12 A SECOND, I GUESS, IS WHERE 13 WE WANT TO BE. 14 DO WE HAVE ANY DISCUSSION ON 15 THAT MOTION? 16 (NO RESPONSE.) 17 MR. DUPLESSIS: 18 NO DISCUSSION. 19 ALL IN FAVOR? 20 (ALL "AYE" RESPONSES.) 21 MR. DUPLESSIS: 22 OPPOSITION? 23 (NO RESPONSE.) 24 MR. DUPLESSIS: 25 IT PASSES. THANK YOU.</p>	<p style="text-align: right;">Page 172</p> <p>1 A RESIGNATION FROM MR. BRANDT THIA. I BELIEVE 2 HE WAS IN THE -- WHAT AREA WAS HE IN? 3 MR. HALLACK: 4 MOTORCYCLE. 5 MR. DUPLESSIS: 6 MOTORCYCLE. 7 MR. TORRANCE: 8 GONZALES. 9 MR. DUPLESSIS: 10 LOCATION. 11 MR. IRBY: 12 GONZALES. 13 MR. DUPLESSIS: 14 OKAY. SOUNDS GOOD. WE WILL 15 NOTE THAT FOR THE RECORD. 16 IT HAS BEEN FORWARDED TO THE 17 GOVERNOR'S OFFICE. IN FACT, THEY NOTIFIED ME 18 OF THE RESIGNATION. 19 FIELD ACTIVITIES, MR. 20 RUSSELL. 21 MR. RUSSELL: 22 OKAY, MR. CHAIRMAN. 23 FIRST, OUR MONTHLY REPORT 24 FOR THE MONTH OF MAY. NON-ASSIGNED CASES 25 ISSUED WAS TWELVE. WE HAD THIRTY-SEVEN</p>
<p style="text-align: right;">Page 171</p> <p>1 DOES THAT CONCLUDE YOUR 2 FIELD ACTIVITY REPORT -- I'M SORRY, YOUR OFFICE 3 ACTIVITY REPORT? 4 MS. HEMPHILL: 5 YES. 6 I NEED TO ASK YOU ABOUT THIS 7 ONE. 8 (OFF-THE-RECORD DISCUSSION.) 9 MR. DUPLESSIS: 10 I GUESS FINALLY WE ARE ON 11 THE FIELD ACTIVITIES AND BEFORE WE GET TO THAT, 12 LET'S TAKE A SHORT BREAK. WE DO HAVE SOME 13 LUNCH FOR THE COMMISSIONERS. 14 MS. HEMPHILL, WE ARE GOING 15 TO CLOSE THE MEETING ROOM. WE ARE NOT IN 16 EXECUTIVE SESSION. WE WILL SIMPLY LEAVE THE 17 DOOR OPEN AND HAVE LUNCH. 18 LET ME MAKE THAT CLEAR, MR. 19 HALLACK. 20 (LUNCH BREAK.) 21 MR. DUPLESSIS: 22 WE ARE BACK IN SESSION, 23 PLEASE. 24 A LITTLE CLEAN UP ACTIVITY, 25 JUST FOR INFORMATION OF THE COMMISSION. WE HAD</p>	<p style="text-align: right;">Page 173</p> <p>1 PHYSICAL INSPECTIONS. A HUNDRED AND TWENTY-SIX 2 CURBSTONE VIOLATION TICKETS, WHICH I THINK IS 3 RIDICULOUS AND A WASTE OF TIME. MOST OF IT WAS 4 DONE IN THE LAFAYETTE AREA. I THINK ONCE THE 5 COMMITTEE GETS TOGETHER AND WE TRY AND WORK OUT 6 WHAT WE ARE GOING TO DO WITH THESE CURBSTONE 7 TICKETS. THE SEND BACKS, WE WORKED FIVE AND 8 COURTESY CALLS WAS THIRTEEN HUNDRED. 9 IT WAS MENTIONED TODAY, MAIN 10 STREET MOTORS AGAIN, WHICH WHEN A CASE IS OPEN. 11 I DO NOT LIKE FOR IT TO COME OUT IN THE OPEN 12 MEETING AND THAT CASE SHOULD BE FINISHED BY 13 TUESDAY WHEN WE'VE INVITED YOU TO ATTEND THE 14 MEETING AND WE WILL DISCUSS THAT, BUT THERE ARE 15 TWO OTHERS THAT ARE GOING TO MAKE MAIN STREET 16 MOTORS LOOK KIND OF SMALL THAT WE ARE 17 INVESTIGATING, RIGHT NOW. IF THOSE NAMES DO 18 COME UP, I DO REQUEST THEM NOT TO BE MENTIONED 19 IN THIS HEARING. 20 WE DO HAVE THAT MEETING 21 TUESDAY THAT I REQUESTED YOU TO ATTEND. WE ARE 22 GOING TO WORK THE PROCEDURE ON 93 ON WHAT WE 23 CAN DO AND WHAT WE CAN'T DO ABOUT WRITING THESE 24 PEOPLE UP IF THEY HAVE VIOLATED THE PROCEDURE 25 THAT WAS PASSED.</p>

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1 MR. DUPLESSIS:
 2 LET ME CLARIFY SOMETHING.
 3 YOU ARE TALKING ABOUT THE TWO HEARINGS ON THE
 4 CURBSTONING?
 5 MR. RUSSELL:
 6 NO. WHAT WE ARE GOING TO
 7 TALK ABOUT IS THE -- THAT'S ONE OF THE THINGS
 8 WE ARE GOING TO BRING UP AT THE MEETING IF YOU
 9 WILL BE HERE. IT IS JUST 93 ON THESE AUCTIONS
 10 AND HOW WE CAN GO ABOUT --
 11 MR. DUPLESSIS:
 12 OH, I'M SORRY, NO PROBLEM.
 13 MR. RUSSELL:
 14 I'M SORRY.
 15 WE HAVE OUR FIELD
 16 SUPERVISORS HERE. I WOULD LIKE TO INTRODUCE
 17 YOU TO THEM. THIS IS LARRY HULIN. HE IS THE
 18 STATE SUPERVISOR. JUNE POWELL IS THE ASSISTANT
 19 STATE SUPERVISOR.
 20 AS YOU AND I DISCUSSED THE
 21 LAST MEETING, AS OF RIGHT NOW, IT LOOKS LIKE I
 22 WILL BE TURNING MY RESIGNATION IN FOR AUGUST
 23 1ST AND I GUESS THAT'S ALL FOR RIGHT NOW ON THE
 24 FIELD REPORT.
 25 MR. DUPLESSIS:

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1 MR. RUSSELL, WE WOULD KINDLY
 2 LIKE TO THANK YOU FOR YOUR SERVICE OVER THE
 3 YEARS AND WE APPRECIATE WHAT YOU HAVE DONE AND
 4 I'M SURE ALL OF THE COMMISSIONERS FEEL THE SAME
 5 WAY AND WISH YOU THE BEST OF LUCK IN THE
 6 FUTURE.
 7 MR. RUSSELL:
 8 THANK YOU.
 9 MR. DUPLESSIS:
 10 CURBSTONING, LOIS, WOULD
 11 YOU -- THIS IS AN ISSUE THAT WE ARE GOING TO
 12 LEGISLATE. THIS TAKES UP OUR INVESTIGATORS
 13 TIME. I THINK THAT WE ARE HELPLESS OVER THIS.
 14 WE ARE GOING TO HAVE TO DO SOME RESEARCH
 15 ON -- I THINK, MARYLAND AND VIRGINIA HAVE SOME
 16 LAW.
 17 MS. POWELL:
 18 TEXAS.
 19 MR. DUPLESSIS:
 20 TEXAS HAS GOT -- HOW OLD IS
 21 THAT LAW? I SAW IT IN THIS FORM A FEW YEARS
 22 AGO AND IT WASN'T THAT GREAT. IS IT NEW AND
 23 IMPROVED, INDUSTRIAL STRENGTH?
 24 MS. POWELL:
 25 I THINK IT HAS. I WILL GET

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1 SOME INFORMATION ON THAT FOR YOU.
 2 MR. DUPLESSIS:
 3 DO YOU HAVE SOME OPINION ON
 4 IT?
 5 MS. POWELL:
 6 WELL, WE DO NEED TO IMPROVE
 7 IT. WHAT THEY HAVE BASICALLY DONE IS JUST MADE
 8 IT ILLEGAL, BLACK MARKET SALES. THEY JUST HAVE
 9 MORE AUTHORITY THAN WE DO. SO, WE NEED TO SEE
 10 EXACTLY HOW THEIRS IS WORKING TO SEE IF WE CAN
 11 INCORPORATE IT INTO WHAT WE ARE DOING, BUT WE
 12 DO HAVE BLACK MARKET SALES, WHICH WILL FALL
 13 INTO THAT CATEGORY, TOO.
 14 MR. RUSSELL:
 15 IT IS HARD TO TALK -- EXCUSE
 16 ME, MR. CHAIRMAN. IT IS HARD TO GET -- I HAVE
 17 MET WITH THE SHERIFFS' ASSOCIATION AND SOME
 18 CHIEFS AND IT IS HARD TO GET THEM TO UNITE ON
 19 ENFORCING THIS. I MEAN, I'M TELLING YOU, THE
 20 ASSOCIATION RIGHT NOW WILL SAY, NO, AND THE
 21 CHIEFS' ASSOCIATION WILL PROBABLY SAY, NO,
 22 RIGHT NOW.
 23 MR. DUPLESSIS:
 24 THAT IS TO HELP US.
 25 MR. RUSSELL:

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1 THAT'S SOMETHING WE ARE
 2 GOING TO HAVE TO TRY TO WORK OUT AND GET
 3 TOGETHER ON, INVOLVE ENFORCEMENT ON THIS
 4 MATTER, BECAUSE IT IS ALL OVER AND IT IS
 5 AFFECTING SALES TAX FOR THE CITY, ESPECIALLY,
 6 AND THE PARISHES.
 7 MR. DUPLESSIS:
 8 WOULD YOU SHOOT ME A MEMO
 9 FOR TUESDAY, OR BASIS IN A MEMO AND GET SOME
 10 INPUT FROM YOUR FIELD INVESTIGATORS ON HOW THEY
 11 FEEL? I MEAN, THEY HAVE GOT TO SUFFER THAT
 12 PAIN WITH THOSE CURBSTONERS.
 13 YOU KNOW, IF WE ARE GOING TO
 14 DO THIS, WE ARE GOING TO HAVE TO FIND A WAY TO
 15 BRING IT TO A CONCLUSION. WE DON'T NEED TO
 16 WASTE OUR TIME.
 17 MR. RUSSELL:
 18 YOU'RE RIGHT.
 19 MR. DUPLESSIS:
 20 IF ANYBODY FROM THE USED CAR
 21 ASSOCIATION, IF THEY WOULD HAVE INPUT ON THIS,
 22 WE WOULD FIND THEIR INPUT ON CURBSTONING
 23 VALUABLE.
 24 MR. WRIGHT:
 25 CERTAINLY, IF YOU CAN GET

<p style="text-align: right;">Page 178</p> <p>1 THE COOPERATION OF THE CITY AND PARISH POLICE, 2 MAYBE EVEN THE STATE. WITHOUT THE AUTHORITY TO 3 GO IN AND ACTUALLY ARREST AND CHARGE SOMEONE, 4 YOU ARE NOT EVER GOING TO GET ANYTHING DONE. 5 MR. DUPLESSIS: 6 I THINK WE AGREE. 7 WE WOULD LIKE FOR YOU GUYS, 8 Y'ALL HAVE THE LOCAL BUSINESSES, SO WE ARE 9 THERE TO PROTECT YOU. 10 MR. WRIGHT: 11 WE WOULD BE HAPPY TO. 12 THANKS. 13 MR. DUPLESSIS: 14 MIKE, IS THERE ANYTHING ELSE 15 YOU WANT TO TALK ABOUT ON FIELD ACTIVITIES? I 16 GUESS WE HAD A FEW CASES THAT WERE PRETTY 17 SIGNIFICANT AND WE ARE NOT GOING TO PRESSURE 18 THE COMMISSIONERS BY GOING OVER THAT, BUT THEY 19 SHOULD BE BROUGHT FORWARD AND WE SHOULD HEAR 20 THAT MAYBE AT THE NEXT MEETING? 21 MR. RUSSELL: 22 DEFINITELY POSSIBLE. ONE OF 23 THEM SHOULD HAVE DISCUSSED IT WITH YOU THE 24 OTHER DAY WHEN YOU WERE IN HERE. ONE OF THEM 25 DISCUSSED AT A FUTURE HEARING ON THESE CASES I</p>	<p style="text-align: right;">Page 180</p> <p>1 OH, IT IS NOT. 2 DO WE HAVE -- WE WILL BE 3 HANDING IT OUT. DID EVERYBODY GET A COPY? 4 IN THE FINANCE COMMITTEE THE 5 OTHER DAY, WE RAN INTO TWO PROBLEMS. ONE IS A 6 BUDGETARY ISSUE AND THE OTHER IS OUR LEGAL 7 BILLS ARE LARGE AND WE HAVE TO BE NOT ONLY 8 RESPONSIBLE FOR THE OBLIGATIONS IN FRONT OF US, 9 BUT WE HAVE TO BE, ADDITIONALLY, FINANCIALLY 10 RESPONSIBLE. WE CAN FIGHT TO THE DAY THE WORLD 11 ENDS, BUT IF WE ARE BROKE DOING IT FROM LEGAL 12 BILLS, IT IS PROBABLY NOT A GOOD THING. SO, WE 13 HAVE TO BE PRUDENT. WE HAVE GOT TO BALANCE THE 14 SCALES OF JUSTICE AND THE ECONOMY AND MAKE SURE 15 THAT WE DO HAVE SOME MONEY. 16 WITH ALL OF THAT BEING SAID, 17 I WOULD LIKE TO GET THESE BILLS UP FRONT BEFORE 18 THE COMMISSION EARLY. I WOULD LIKE TO HAVE 19 THEM PRESENTED TO WHERE YOU CAN LOOK AT THEM. 20 WE HAVE HAD A LOT OF LEGAL BILLS AND A LOT OF 21 ATTORNEY ISSUES THAT YOU HAVE SEEN AND WHAT I 22 DON'T WANT YOU TO DO IS WALK IN BLIND AND NOT 23 KNOW WHAT IS GOING ON, NOT HAVE A LINE ITEM 24 BUDGET. SOMEBODY IS, LIKE, "WELL, YOU KNOW, 25 HERE IS MY LEGAL BILL AND IT'S THIRTY-TWO GRAND</p>
<p style="text-align: right;">Page 179</p> <p>1 JUST BROUGHT UP. 2 MR. DUPLESSIS: 3 OKAY. 4 MR. RUSSELL: 5 SO, WE WILL TALK ABOUT THAT 6 TUESDAY WHEN YOU COME TO THE MEETING. 7 MR. DUPLESSIS: 8 VERY GOOD. 9 ANY QUESTIONS FROM THE 10 COMMISSIONERS? 11 (NO RESPONSE.) 12 MR. DUPLESSIS: 13 MR. RUSSELL, THANK YOU. 14 LET'S SEE. WE ARE GOING TO 15 SKIP FORMALIZED REPORTING REQUESTS ON THE 16 SEMINARS. THE YOUNG LADY IS REDOING HER REPORT 17 AND SHE IS GOING TO REPORT ON THAT IN JUST A 18 MINUTE. 19 LET'S SEE. WE ARE GOING TO 20 SKIP NO. 11. POLICY AND PROCEDURES REGARDING 21 PROFESSIONAL SERVICES INVOICES, I BELIEVE THAT 22 IS IN YOUR PACKET. 23 MS. HEMPHILL: 24 NO. 25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 181</p> <p>1 FOR THE MONTH" AND, YOU KNOW, WE JUST SPENT -- 2 WE SPENT LAST YEAR A QUARTER OF A MILLION ON 3 LEGAL FEES. 4 IT WAS A LITTLE BIT MORE 5 THAN WHAT WE THOUGHT AND THOSE THINGS HAPPEN, 6 BUT I WANT TO THE COMMISSION TO KNOW WHAT THEY 7 ARE GETTING INTO EVERY MEETING, EVERY ISSUE, 8 TRANSPARENCY INCLUDING THE BILLS FROM OUR 9 ATTORNEYS. SO, WHAT I HAVE RECOMMENDED IS MS. 10 MORRIS AND MR. HALLACK COME UP WITH A VERY 11 SIMPLE PROFESSIONAL SERVICES AGREEMENT ON 12 MAKING SURE THAT OUR INVOICES ARE TIMELY AND 13 THEY ARE EASY TO READ, THAT THEY ARE IN NOT 14 LATIN, BUT PLAIN ENGLISH THAT THE COMMISSIONERS 15 CAN READ WITH THE ITEMS IN THE BILLINGS, SO WE 16 CAN ACT ON THEM RESPONSIBLY AND TIMELY. 17 SO, IF THERE IS ANY 18 DISCUSSION ON THIS -- THAT WAS THE INTENT OF 19 THIS LINE ITEM. 20 MS. MORRIS: 21 DO YOU WANT ME TO EXPLAIN 22 IT? 23 MR. DUPLESSIS: 24 PLEASE, IF YOU WOULD. 25 MS. MORRIS:</p>

<p style="text-align: right;">Page 182</p> <p>1 THE WAY I DRAFTED IT. 2 BECAUSE YOU DO HAVE -- YOU ARE PAYING LEGAL 3 BILLS FROM 2005, 2006 AND YOU HAVE ALL OF THESE 4 OVERLAPPING OUTSTANDING LEGAL BILLS, THIS WOULD 5 REQUIRE -- AND I DID IT NOT JUST FOR LEGAL 6 SERVICES, BUT ANYBODY THAT YOU HAVE A CONTRACT 7 WITH, SO THAT YOU CAN LOOK AT ALL OF YOUR 8 CONTRACTUAL -- THAT BUDGET ITEM AT THE SAME 9 TIME. 10 IF EVERYONE WOULD SUBMIT -- 11 ALL OF YOUR CONTRACTORS SUBMIT THEIR BILL TEN 12 DAYS PRIOR TO THE MEETING, THEN THE FINANCE 13 COMMITTEE -- IF THEY WOULD GO TO THE FINANCE 14 COMMITTEE CHAIR AND THE FINANCE CHAIR WOULD 15 DISTRIBUTE IT TO THE FINANCE COMMITTEE. THE 16 FINANCE COMMITTEE MEMBERS AND THE CHAIRMAN HAVE 17 THE RIGHT TO HAVE A HEARING ON ANY BILL. 18 IF THERE ARE ITEMS THAT THEY 19 HAVE QUESTIONS ABOUT, THEY CAN CALL THE 20 CONTRACTOR IN AND IF THERE ARE NO -- IF THERE 21 IS NO CONCERN, THEN THEY CAN REVIEW IT AND MAKE 22 A RECOMMENDATION TO THE FULL COMMISSION FOR 23 PAYMENT, BUT YOU WOULD BE HANDLING ALL OF YOUR 24 BILLS FOR A SINGLE MONTH AT A SINGLE TIME, 25 WHICH WOULD BE EASIER FOR YOU TO CONTROL THE</p>	<p style="text-align: right;">Page 184</p> <p>1 IF THEY WEREN'T PAID 2 THAT MONTH, THEN THEY WOULD BE PAID THE 3 FOLLOWING MONTH AND THAT WOULD ONLY BE ON A 4 LATE SUBMISSION. THE EARLIEST WE COULD 5 POSSIBLY HAVE THEM ISSUED, WOULD BE THE THIRD 6 TUESDAY OF THE MONTH. THEY WOULD HAVE TEN DAYS 7 TO GET THEIR BILLS IN AND IF THEY SHOWED UP THE 8 DAY OF THE 15TH, WE DIDN'T GET A CHANCE TO SEE 9 IT. I WOULD RECOMMEND THEY NOT BE PAID UNTIL 10 WE HAVE HAD TIME TO REVIEW THEM. 11 MS. BINNING: 12 RIGHT, BUT IN THE CASE OF, 13 LIKE, THE COURT REPORTER AND THE COMPUTER GUY, 14 DO Y'ALL WANT TO, FROM NOW ON, VOTE ON THEIR 15 INVOICES AS WELL OR -- 16 MR. DUPLESSIS: 17 THIS IS PROFESSIONAL 18 SERVICES AS STATED UNLESS IT IS AMENDED. IT 19 WOULD -- WOULD IT BE POSSIBLE TO GET IT IN BY 20 THE 10TH OF THE MONTH? THAT WOULD GIVE YOU 21 TWENTY-FIVE DAYS. 22 (OFF-THE-RECORD DISCUSSION.) 23 MR. DUPLESSIS: 24 IT WOULD INCLUDE THOSE. 25 MS. BINNING:</p>
<p style="text-align: right;">Page 183</p> <p>1 BUDGET AND TO MAKE ANY AMENDMENTS TO YOUR 2 BUDGET GOING FORWARD IF YOU HAVE THE BILLS IN A 3 MORE TIMELY FASHION. 4 I THINK THAT MOST OF YOUR 5 CONTRACTS REQUIRE THAT YOUR CONTRACTORS BILL 6 MONTHLY ANYWAY, BUT YOU DON'T -- AND THEY ARE 7 SUPPOSED TO SUBMIT THEIR BILLS WITHIN THIRTY 8 DAYS, BUT IT DOESN'T SEEM LIKE THAT ALWAYS 9 HAPPENS. THIS MAKES IT A LITTLE SHORTER TIME 10 TO SUBMIT THE BILL. 11 MR. DUPLESSIS: 12 MS. BINNING? 13 MS. BINNING: 14 DOES THIS ALSO INCLUDE THE 15 COURT REPORTER AND WE HAVE A COMPUTER ANALYST 16 ON CONTRACT AS WELL, DOES THAT MEAN WE CAN'T 17 PAY THEIR BILLS UNTIL Y'ALL ACTUALLY VOTE ON IT 18 IN A MEETING? 19 MS. MORRIS: 20 THAT'S THE WAY THIS IS 21 DRAFTED. IT IS UP TO THE COMMISSION. I 22 DRAFTED IT TO INCLUDE ALL CONSULTING SERVICES, 23 BECAUSE THAT IS -- YOU DON'T KNOW THE AMOUNT OF 24 THE FEE UNTIL YOU GET THE BILL. IT'S NOT -- 25 MR. DUPLESSIS:</p>	<p style="text-align: right;">Page 185</p> <p>1 OKAY. 2 MR. HALLACK: 3 SO, IF THE BILL IS NOT 4 PRESENTED WITHIN TEN DAYS PRIOR TO THE MEETING, 5 IT WILL BE DEFERRED UNTIL THE NEXT MONTH? 6 MR. DUPLESSIS: 7 IN MOST CASES. I WOULD HAVE 8 TO SAY, THE WAY THIS IS DRAFTED -- 9 MS. MORRIS: 10 I JUST WANTED THE FINANCE 11 COMMITTEE MEMBERS TO HAVE THE OPPORTUNITY TO 12 GO THROUGH THE DOCUMENTATION, AND THEN, THEY 13 HAVE WITHIN SEVENTY-TWO HOURS BEFORE THE 14 MEETING TO ASK FOR A HEARING ON THAT BILL, 15 AND THEN, THE HEARING COULD BE EITHER THE 16 DAY OF THE COMMISSION MEETING OR SOME OTHER 17 DATE THAT THE FINANCE COMMITTEE IS GOING TO 18 MEET. 19 SO, IT MIGHT DELAY PAYMENT 20 OF ANY INVOICE THAT HAS A QUESTION. IT 21 WOULDN'T -- IF THERE WAS A QUESTION ABOUT YOU 22 DIDN'T SEND YOUR RECEIPTS OR YOU DIDN'T SEND 23 YOUR AFFIDAVIT, YOU CAN CERTAINLY CONTACT THE 24 VENDOR AND SAY, "WE NEED THIS OTHER 25 DOCUMENTATION IN ORDER TO GO FORWARD WITH IT".</p>

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1 BUT THE BILL BEING PRESENTED AT THE MEETING OR
 2 THE DAY BEFORE THE MEETING, IT IS VERY
 3 DIFFICULT FOR ANYBODY TO HAVE A CHANCE TO
 4 REVIEW THEM.
 5 MR. DUPLESSIS:
 6 YOU CERTAINLY KIND OF
 7 FEEL OBLIGATED TO PAY THEM WITHOUT PROPER
 8 TIME TO REVIEW AND INVESTIGATE AND I THINK
 9 THAT PUTS A LOT OF -- IT PUTS THE FINANCE
 10 COMMITTEE AND THE COMMISSION IN A PRECARIOUS
 11 POSITION. THEY KIND OF LOOK LIKE HARD
 12 NOSED IF THEY DON'T APPROVE IT, BUT YET
 13 THEY ARE NOT FISCALLY RESPONSIBLE IF THEY DO
 14 APPROVE IT. SO, THIS WOULD GIVE US
 15 CLARIFICATION.
 16 MR. HILLIARD:
 17 ONE THING TO CONSIDER, THE
 18 ONE THING BEHIND THE TEN DAYS PRIOR TO -- YOU
 19 ARE SAYING THE TEN DAYS OF EACH MONTH, YOU ARE
 20 TALKING ABOUT THE EARLIEST. IF YOU SAY IT HAS
 21 TO BE IN BY THE 5TH OF EACH MONTH, THEN THEY
 22 KNOW THAT THERE IS A CERTAIN DAY. IT IS NOT A
 23 QUESTION ABOUT WHAT DAY IT IS IN.
 24 MR. DUPLESSIS:
 25 THAT IMPROVES THIS DOCUMENT

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1 IMMENSELY.
 2 MR. HILLIARD:
 3 TO ME, I JUST LIKE HAVING A
 4 CERTAIN --
 5 MR. DUPLESSIS:
 6 MR. HALLACK, IS FIVE DAYS
 7 AFTER THE 1ST OF THE MONTH OKAY?
 8 MR. HALLACK:
 9 THAT'S FINE.
 10 MR. DUPLESSIS:
 11 MR. IRBY?
 12 MR. IRBY:
 13 THAT'S FINE.
 14 MR. DUPLESSIS:
 15 MS. MORRIS?
 16 MS. MORRIS:
 17 YES. THAT'S OKAY WITH ME.
 18 MR. DUPLESSIS:
 19 ADDITIONAL DISCUSSION?
 20 (NO RESPONSE.)
 21 MR. DUPLESSIS:
 22 I'M SURE WE WILL ENTERTAIN A
 23 MOTION WITH A POSSIBLE AMENDMENT ON IT.
 24 MR. HILLIARD:
 25 I MOVE THAT WE ACCEPT THE

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1 POLICY WITH THE CHANGE TO THE 5TH OF EACH MONTH
 2 IN PLACE OF THE TEN DAYS PRIOR TO EACH
 3 REGULARLY SCHEDULED MEETING.
 4 MR. BERRY:
 5 I SECOND.
 6 MR. DUPLESSIS:
 7 THANK YOU, SIR.
 8 ANY MORE DISCUSSION?
 9 (NO RESPONSE.)
 10 MR. DUPLESSIS:
 11 ALL IN FAVOR?
 12 (ALL "AYE" RESPONSES.)
 13 MR. DUPLESSIS:
 14 OPPOSED?
 15 (NO RESPONSE.)
 16 MR. DUPLESSIS:
 17 THE MOTION CARRIES. THANK
 18 YOU, APPRECIATE IT.
 19 CHAIRMAN'S REPORT ON OPEN
 20 CASES. I BELIEVE WE COVERED THAT.
 21 IS THERE ANYTHING ELSE THAT
 22 WE NEED TO DISCUSS ON OPEN CASES OR OPEN
 23 OPPORTUNITY?
 24 YES, SIR?
 25 MR. HALLACK:

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1 AT THE LAST MEETING, WE HAD
 2 A DISCUSSION ABOUT THE -- OH, GOSH, I CAN'T
 3 REMEMBER THE NAME OF THE CASE, BUT REMEMBER
 4 WHERE WE -- THERE WERE QUESTIONS OF WHETHER --
 5 IT IS A DEMAND FOR REPURCHASE AND THEY HAD NOT
 6 SERVED US.
 7 MS. MORRIS, YOU WERE GOING
 8 TO CONTACT THE CLERK'S OFFICE. WE THOUGHT THAT
 9 THE PROBLEM WAS THEY HAD FAX FILED IT AND WHEN
 10 YOU FAX FILE SOMETHING, YOU HAVE FIVE DAYS IN
 11 WHICH TO FOLLOW IT UP WITH A HARD COPY, BUT DID
 12 WE EVER FIND OUT WHAT HAPPENED THERE?
 13 MS. MORRIS:
 14 I DON'T THINK I HAD THE
 15 RIGHT SUIT NUMBER.
 16 MR. HALLACK:
 17 OH, OKAY.
 18 I CAN'T REMEMBER THE NAME OF
 19 THE CASE OFF THE TOP OF MY HEAD.
 20 WE HAVEN'T BEEN SERVED WITH
 21 ANYTHING, HAVE WE, LOIS?
 22 MR. IRBY:
 23 WAS THAT MARINE
 24 MANUFACTURING?
 25 MR. HALLACK:

48 (Pages 186 to 189)

DINA BANKSTON HAYES, CSR, RPR

<p style="text-align: right;">Page 190</p> <p>1 MARINE MANUFACTURING. 2 MS. HEMPHILL: 3 YES. 4 MR. IRBY: 5 YES. WE GOT SERVED ON THE 6 29TH AND I'VE BEEN IN TOUCH WITH THE ATTORNEY. 7 HE HAS GIVEN US ADDITIONAL TIME TO FILE 8 RESPONSE TO THE PLEADINGS. 9 MR. DUPLESSIS: 10 ARE WE SQUARE THERE, ARE WE 11 GOING TO HASH THAT ONE OUT? 12 MR. HALLACK: 13 YES, SIR. 14 MR. DUPLESSIS: 15 ANY OTHER ACTIVITIES IN THE 16 FIELD OR OPEN CASES WE NEED TO DISCUSS? 17 I GUESS THE APPEAL WAS THE 18 HOT ONE. OKAY. 19 MR. HALLACK: 20 WE JUST NEED TO MAKE SURE 21 WHETHER OR NOT WE WERE SERVED. 22 MR. DUPLESSIS: 23 MS. HUDSON, WOULD YOU 24 PLEASE? THANK YOU. GO AHEAD. 25 WOULD YOU --</p>	<p style="text-align: right;">Page 192</p> <p>1 WHAT YOU WOULD PROPOSE IN A FORM TO GET THIS 2 INFORMATION TO US. 3 MS. SIMPSON: 4 WELL, IF YOU TAKE A LOOK IN 5 YOUR PACKET, THERE IS A PROVIDED OUTLINE THAT I 6 DID OF MY SEMINAR TRIP. THAT IS -- BASICALLY, 7 I TOOK ALL OF THE INFORMATION THAT WE RECEIVED 8 FROM THE TRIP AS WELL AS ALL OF THE CONTACT 9 PEOPLE THAT WE SPOKE WITH AT THE TRIP AND WE 10 PUT DOWN EVERYTHING THAT WAS DISCUSSED AND WAYS 11 THAT IT BENEFITTED OTHER STATES AND I ALSO 12 LISTED THE WAYS THAT IT COULD POSSIBLY BENEFIT 13 OUR STATE. 14 I TALK ABOUT ONLINE TRAINING 15 PROGRAMS BEING AVAILABLE POSSIBLY ON OUR 16 WEBSITE, WHICH I THINK WILL BE VERY HELPFUL FOR 17 A LOT OF OUR DEALERS, A.T.V. RIDER SAFETY 18 COURSES. ALSO, WHAT I THOUGHT WAS A VERY KEY 19 POINT, THERE IS A LINK THAT PEOPLE CAN GO TO 20 THAT LETS THEM KNOW WHERE A.T.V. RIDING 21 COURSES ARE AVAILABLE CLOSE BY THEM AND HOW 22 THAT WOULD BENEFIT US BEING THE COMMISSION AND 23 HELPING THE CONSUMERS IN LOUISIANA. 24 I ALSO DISCUSSED SOME OTHER 25 THINGS ABOUT ONLINE RENEWALS. ANOTHER STATE</p>
<p style="text-align: right;">Page 191</p> <p>1 MS. SIMPSON: 2 OKAY. 3 MR. DUPLESSIS: 4 I KNOW YOU ARE SHY AND ALL 5 OF THESE PEOPLE ARE HERE. 6 WOULD YOU STAND OVER THERE 7 REAL QUICK AND WE ARE GOING TO GO BACK TO THE 8 LINE ITEM AGENDA, THE POLICY REGARDING 9 FORMALIZED REPORTS ON SEMINARS. I THINK IN OUR 10 QUEST TO DO SOMETHING ON THE CURBSTONING 11 REQUIRES RESEARCH AND THE SEMINARS IN OTHER 12 STATES. 13 YOU HAD SENT US A VERY NICE 14 EXAMPLE, AND WE ARE GOING TO REVIEW IT AGAIN, 15 ABOUT A SEMINAR THAT YOU ATTENDED IN MAINE AND 16 WE ARE GOING TO REDUCE IT TO A FORMALIZED 17 REPORT FORMAT BY WHICH THE COMMISSIONERS CAN 18 TAKE ACTION ON AND WE WOULD OBSERVE YOUR 19 RECOMMENDATIONS. THAT WOULD HOLD, TOO, FOR THE 20 FIELD, THE SUPERVISORS, ANYBODY TRAVELING FOR 21 THE QUEST OF KNOWLEDGE OUT OF STATE OR GOING 22 SOMEWHERE. WE CAN EITHER COIN LAWS, RULES OR 23 SOMETHING OF THAT NATURE. 24 SO, TELL US REAL QUICKLY 25 ABOUT YOUR MAINE TRIP IN A CAPSULE, AND THEN,</p>	<p style="text-align: right;">Page 193</p> <p>1 TRIED TO DO THAT LAST YEAR AND THEY WERE VERY 2 DISAPPOINTED IN THAT RESPONSE. SO, I THOUGHT 3 THAT WE SHOULD CONSIDER OTHER POINTS TO THAT 4 BEFORE WE SPEND ALL OF OUR TIME AND MONEY DOING 5 THAT. 6 THAT'S JUST -- LIKE PRIVACY 7 ISSUES, THE VERY LAST THING ON THERE, YOU KNOW, 8 NOWADAYS EVERYBODY IS CONCERNED WITH IDENTITY 9 THEFT AND THE STATE OF OKLAHOMA HAS REMOVED A 10 LOT OF THE NON-ESSENTIAL INFORMATION FROM THEIR 11 APPLICATION. LIKE, FOR INSTANCE, ON US, WE NO 12 LONGER REQUIRE THE BUYER'S IDENTIFICATION CARDS 13 AND ON THOSE APPLICATIONS IT LISTS OUR HAIR 14 COLOR AND EYE COLOR AND WEIGHT AND WE DON'T 15 EVEN NEED THAT INFORMATION ANYMORE, ESPECIALLY 16 NOW THAT THE BUYER'S LICENSES DON'T EVEN PRINT 17 OUT, BECAUSE THAT WAS THE ONLY THING THAT USED 18 THE INFORMATION. 19 PERHAPS GETTING RID OF THAT 20 INFORMATION, IT WOULD HELP US TO PROCESS THE 21 APPLICATIONS FASTER. IT WOULD ALSO HAVE THE 22 DEALERS FEEL MORE COMFORTABLE GIVING THEIR 23 INFORMATION TO US, BECAUSE WE ARE NOT ASKING 24 FOR SO MUCH MORE INFORMATION, BECAUSE WE HAVE 25 HAD COMPLAINTS FROM PEOPLE, "WHY DO YOU NEED TO</p>

<p style="text-align: center;">Page 194</p> <p>1 KNOW THIS, WHY IS THAT SO IMPORTANT FOR YOU TO 2 KNOW?"</p> <p>3 THIS IS THE BASIC POINT 4 OF WHAT I HIT AT THE SEMINAR AND YOU CAN 5 READ IT. IT HIT A LOT OF DIFFERENT THINGS 6 IN IT, AND THEN, MR. RON ASKED THAT I PUT A 7 SAMPLE TOGETHER OF -- LIKE THE FORMAT THAT 8 I USED TO CREATE MY PRESENTATION TO BE USED 9 FOR FUTURE ATTENDEES OF A SEMINAR. SO, I 10 PUT THIS TOGETHER. IT IS NOT IN YOUR PACKET, 11 BUT IT IS JUST A QUICK FORMAT SAYING THE 12 TOPIC AND THE LOCATION AND THE DATE, AND 13 THEN, JUST GIVE, LIKE, WHAT SHOULD BE HIT 14 WHEN YOU MAKE YOUR PRESENTATION TO THE 15 COMMISSION.</p> <p>16 IT WOULD BE -- THE BODY 17 OF THE PRESENTATION WOULD NEED TO INCLUDE THE 18 CONFERENCE TOPICS AND THE ATTENDEES AS WELL 19 AS THE INFORMATION EXCHANGED BETWEEN THE 20 DIFFERENT STATES AND ALSO THE NETWORKING 21 THAT WAS MADE THERE AND I THOUGHT THAT AS A 22 SUMMARY OF YOUR PRESENTATION, YOU WOULD NEED TO 23 HIT THE KEY POINTS OF THE SEMINAR AND THE WAY 24 THAT YOU FEEL THOSE POINTS WOULD BENEFIT THIS 25 COMMISSION AND THE STATE OF LOUISIANA AND</p>	<p style="text-align: center;">Page 196</p> <p>1 BE --</p> <p>2 MS. HUDSON: 3 UP TO DATE.</p> <p>4 MR. DUPLESSIS: 5 -- WE NEED TO GET, LIKE MY 6 KIDS SAY, IF WE DONT GET IT ON THE COMPUTER, 7 DAD, SOMEBODY WILL KIND OF -- IF YOU COULD DO 8 THAT, WE COULD LOOK AT THAT AND WE WILL DEVELOP 9 AN I.T. COMMITTEE WITHIN THE LICENSING 10 COMMITTEE, BECAUSE THAT IS WHERE MOST OF IT IS 11 GOING TO COME FROM.</p> <p>12 MS. HUDSON: 13 SURE.</p> <p>14 MR. DUPLESSIS: 15 IF WE COULD JOIN IN WITH 16 SOME OF OUR PARTNERS, OUR LICENSEES LIKE 17 YAMAHA, HONDA, KAWASAKI, THAT DOES HAVE 18 A.T.V.'S AND WE COULD POINT CLICK LINKS ON 19 THERE, WE WOULD WELCOME THEM TO PUT THEIR ICONS 20 ON AND WE COULD PROMOTE DRIVER SAFETY AND 21 TRAINING THROUGHOUT THE INDUSTRY AND COMBINED 22 WITH THOSE MANUFACTURERS AND OUR LICENSEES WHEN 23 THEY GO THROUGH THOSE MANUFACTURER LINKS TO GET 24 WHERE THEY NEED TO BE. SO, THAT IS JUST KIND 25 OF PUTTING US WHERE WE -- WHERE I THINK WE</p>
<p style="text-align: center;">Page 195</p> <p>1 RECOMMENDATIONS FOR POSSIBLE FUTURE ATTENDANCE 2 TO THAT SEMINAR.</p> <p>3 MR. DUPLESSIS: 4 VERY GOOD.</p> <p>5 MS. HUDSON: 6 GOOD JOB.</p> <p>7 MS. SIMPSON: 8 THIS WAS A SURPRISE.</p> <p>9 MR. DUPLESSIS: 10 I REALIZE THAT I KIND OF 11 CAUGHT YOU OFF GUARD, MISCOMMUNICATION. 12 WHAT I WOULD LIKE TO DO, AND 13 WE DONT HAVE TO DO IT THIS MEETING, BUT I 14 THINK WE ARE PROBABLY GOING TO ADOPT A 15 RESOLUTION WITH REGARD TO THIS MATTER. I WOULD 16 LIKE TO COME UP WITH MAYBE A LITTLE MORE 17 STRUCTURED FORMAT AND WE WILL WORK ON THAT, BUT 18 I THINK THE COMMISSIONERS HAVE IT.</p> <p>19 WHAT I DID NOTICE THROUGH 20 YOUR REPORT, AND I THINK IT IS VALUABLE THAT WE 21 OBSERVE THIS, MS. HUDSON, UNDER THE CONDITIONS 22 OF THE CHAIRMAN, I AM GOING TO ADD A COMMITTEE 23 TO YOUR LICENSE COMMITTEE, WHICH WOULD INCLUDE 24 I.T. AND THAT'S ONE OF THE THINGS THAT, IF WE 25 ARE GOING TO GET INTO THIS CENTURY, WE NEED TO</p>	<p style="text-align: center;">Page 197</p> <p>1 SHOULD BE.</p> <p>2 SO, WITH THAT BEING SAID, 3 WE WILL OPEN UP THE DISCUSSION AND A POSSIBLE 4 MOTION.</p> <p>5 MS. HUDSON: 6 WELL, I MEAN, WHAT YOU JUST 7 SAID IS ABSOLUTELY CORRECT AND WHEN YOU PUT 8 HYPER LINKS ON THE WEBSITE, THE COST OF THAT IS 9 VIRTUALLY ZERO. IT'S NOT LIKE YOU HAVE TO HAVE 10 A COMPUTER PROGRAMMER COME IN HERE AND DO THAT. 11 WE COULD PUT ALL OF THOSE HYPER LINKS ON THERE 12 AND IT WOULD REALLY, I THINK, MAKE A LOT OF 13 GOOD POINTS.</p> <p>14 MS. SIMPSON: 15 THE WEBSITE IS THE WAY TO GO 16 NOWADAYS. I THINK THAT A LOT OF OUR 17 INFORMATION COULD BE PUT ON OUR WEBSITE AND BE 18 AVAILABLE FOR EVERYBODY. I THINK IT COULD BE 19 UTILIZED A LOT MORE THAN IT IS, RIGHT NOW.</p> <p>20 MR. DUPLESSIS: 21 SO, COULD WE -- WOULD 22 YOU WORK THROUGH AMANDA SINCE SHE SEEMS TO 23 BE OUR NEW INTERNET CONNECTION. SHE IS 24 CERTAINLY THE RIGHT AGE PROFILE TO BE INTERNET 25 SAVVY.</p>

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<p>1 WOULD YOU ASK HER AND WORK 2 WITH HER TO GET SOME RECOMMENDATIONS AND I 3 THINK YOU OFFER TO ALL YOUR FIELD AGENTS AND 4 YOUR OFFICE STAFF TO MINIMIZE THE PAPERWORK 5 THAT THEY HAVE RECOMMENDATIONS ON THE WEBSITE. 6 MY GOSH, LET'S GET TO IT IF WE COULD MAKE IT 7 QUICKER, SIMPLER, MORE DIRECT AND MORE 8 TRANSPARENT, ESPECIALLY WHEN IT IS FREE. WE 9 LIKE FREE. OKAY. 10 MR. HILLIARD: 11 THANK YOU. 12 MR. DUPLESSIS: 13 ANY MORE DISCUSSION? 14 (NO RESPONSE.) 15 MR. DUPLESSIS: 16 WOULD THERE BE A POSSIBLE 17 MOTION ON THE FLOOR, MS. HUDSON? 18 MS. HUDSON: 19 SO MOVED. 20 MR. DUPLESSIS: 21 WOULD YOU STATE YOUR 22 MOTION? 23 MS. HUDSON: 24 I MAKE A MOTION THAT WE 25 FROM AN I.T. COMMITTEE IN THE LICENSING</p>	<p>1 NECESSARY? 2 MS. MORRIS: 3 I'M GOING TO PASS OUT A 4 RESOLUTION THAT I PREPARED. THIS IS A 5 RESOLUTION DESIGNATING -- IT IS DRAFTED 6 CURRENTLY TO DESIGNATE YOUR CHAIRMAN AS THE 7 APPOINTING AUTHORITY, BUT ACCORDING TO THE 8 STATUTE 32:783(D)(1), THIS COMMISSION IS 9 AUTHORIZED TO EMPLOY PERSONNEL, BUT IT IS 10 SOMEWHAT DIFFICULT FOR THE COMMISSION, FOURTEEN 11 PEOPLE, TO GET TOGETHER WHENEVER YOU HAVE A 12 PERSONNEL MATTER OR MR. DUPLESSIS HAS TO BE 13 EVERY MEETING HANDED TIMESHEETS TO APPROVE TIME 14 AND ATTENDANCE TO HELP WITH PAYROLL, BUT REALLY 15 HE WAS NOT DESIGNATED BY THE COMMISSION TO DO 16 THAT, BUT IT WOULD BE CUMBERSOME TO PUT ALL OF 17 THOSE THINGS ON YOUR AGENDA AND HOLD THEM UP 18 FOR A MONTH. 19 THIS RESOLUTION IS ONE 20 BASED UPON WHAT SOME OTHER BOARDS HAVE THAT 21 CIVIL SERVICE WILL ACCEPT TO DESIGNATE AN 22 INDIVIDUAL AS THE APPOINTING AUTHORITY, 23 WHICH WOULD GIVE THEM THE POWER TO DO ANY 24 OF THE NECESSARY DOCUMENTATION. HIRE, FIRE, 25 PROMOTE, GRANT STEP INCREASES, TAKE</p>
Page 199	Page 201
<p>1 COMMITTEE AND WORK WITH AMANDA IN BRINGING THAT 2 FORWARD. 3 MR. BERRY: 4 I SECOND. 5 MR. DUPLESSIS: 6 ANY DISCUSSION ON THE MOTION 7 ON THE FLOOR? 8 (NO RESPONSE.) 9 MR. DUPLESSIS: 10 WITH THAT BEING SAID, ALL IN 11 FAVOR? 12 (ALL "AYE" RESPONSES.) 13 MR. DUPLESSIS: 14 OPPOSED? 15 (NO RESPONSE.) 16 MR. DUPLESSIS: 17 THANK YOU. THE MOTION 18 PASSES. OKAY. 19 LET'S SEE, FIELD ACTIVITIES, 20 THE CHAIRMAN'S REPORT. 21 I GUESS THE LAST ITEM ON THE 22 AGENDA WOULD BE APPOINTING AUTHORITY. 23 MS. MORRIS, WOULD YOU GIVE 24 US A SYNOPSIS OF THIS AND WOULD YOU GIVE US A 25 BRIEF RECITAL OF WHY YOU THINK IT MAY BE</p>	<p>1 DISCIPLINARY ACTION OVER THE EMPLOYEES WITHIN 2 THIS COMMISSION. 3 IT WILL HAVE TO BE -- IF 4 IT IS ADOPTED BY THE COMMISSION, IN THIS FORM 5 OR ANY OTHER FORM, IT WILL HAVE TO BE PUBLISHED 6 IN THE LOUISIANA REGISTER TO GIVE PUBLIC 7 NOTICE. 8 MR. DUPLESSIS: 9 THANK YOU, MS. MORRIS. 10 DISCUSSION? 11 MR. HILLIARD: 12 I'M STILL READING. 13 DOES THERE NEED TO BE ANY 14 REPORTING BACK TO THE COMMISSION ON WHAT WE DO 15 ON THIS? 16 MS. MORRIS: 17 NO. 18 MR. DUPLESSIS: 19 IT SHOULD CONTAIN REPORTING 20 TO THE COMMISSION BY ALL MEANS. 21 MS. MORRIS: 22 WE COULD ADD A PARAGRAPH 23 THAT WOULD SAY ON YOUR CURRENT AGENDA, YOU HAVE 24 CHAIRMAN'S REPORT, HE SHOULD REPORT ALL 25 PERSONNEL ACTIONS AT THE MONTHLY MEETING. WE</p>

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1 CAN ADD THAT.
 2 MR. BERRY:
 3 PART OF THE DRIVING REASON
 4 TO DO THIS IS TO EXPEDITE HIRING AND ADDRESS
 5 PERSONNEL ACTIONS?
 6 MR. DUPLESSIS:
 7 CORRECT.
 8 MS. MORRIS:
 9 THE APPROVAL OF PAPERWORK
 10 THAT WOULD GO TO CIVIL SERVICE.
 11 MR. DUPLESSIS:
 12 I THINK WHAT WE HAVE HEARD
 13 TODAY IS A LOT OF ACTION BETWEEN THE CHAIRMAN
 14 AND THE DIRECTOR, WHICH IS NICE. I DON'T THINK
 15 IT IS (INAUDIBLE) INTENTIONAL. I THINK IT WAS
 16 JUST AN ACTION. THAT IS THE ISSUE THAT YOU
 17 HAVE.
 18 THE LAW DOES NOT STATE THAT
 19 WE TALK ABOUT PARTICULAR INSTANCE THAT THEY
 20 WERE UNDER THE IMPRESSION THEY COULD DO IT, BUT
 21 IN CONFLICT OF THE LAW, THEY COULD NOT DO IT.
 22 SO, IT IS UP TO THE COMMISSION.
 23 THE PROBLEM IS, IF YOU WANT
 24 TO STAY HERE UNTIL 5:00 LOOKING AT EVERY
 25 TIMESHEET, IF YOU WANT TO LOOK AT ALL OF THE

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1 PERSONNEL MATTERS, THEN WE CAN DO THAT.
 2 OTHERWISE, IT IS GOING TO HAVE TO BE AUTHORIZED
 3 BY THIS COMMISSION TO HAVE AN APPOINTING
 4 AUTHORITY, WHICH WOULD CHANGE, BECAUSE THE
 5 CURRENT APPOINTING AUTHORITY IS THE COMMISSION
 6 ITSELF, WHICH MEANS YOU WOULD BE DULY OBLIGATED
 7 TO RATIFY, INVESTIGATE AND PASS THE MOTION ON
 8 EVERY SINGLE ITEM IN FRONT OF THE COMMISSION
 9 WITHIN REASON.
 10 YOU NEED TO CLARIFY, MS.
 11 MORRIS.
 12 MS. MORRIS:
 13 UNDER CIVIL SERVICE, YOU
 14 HAVE TWO TYPES OF PERSONNEL HERE. YOU HAVE
 15 CLASSIFIED PERSONNEL AND UNCLASSIFIED
 16 PERSONNEL. FOR YOUR CLASSIFIED PERSONNEL,
 17 WHICH IS EVERYBODY BUT YOUR EXECUTIVE DIRECTOR
 18 AND ASSISTANT EXECUTIVE DIRECTOR, IN ORDER TO
 19 DISCIPLINE AN EMPLOYEE, YOU HAVE A PROCEDURE
 20 THAT YOU GO THROUGH AND IF YOU WANTED TO SEND A
 21 PRE-TERMINATION LETTER OR IF YOU WANTED TO
 22 SUSPEND SOMEBODY, YOU WOULD HAVE TO HAVE A
 23 COMMISSION MEETING IN ORDER TO DO IT, BECAUSE
 24 THE EMPLOYEE COULD CHALLENGE IT ON THE BASIS
 25 THAT THE DISCIPLINE WAS NOT BY THE APPOINTING

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1 AUTHORITY.
 2 SO, AS FAR AS I'M AWARE, YOU
 3 DID NOT HAVE AN APPOINTING AUTHORITY RESOLUTION
 4 IN PLACE. SO, THEN IT GOES BACK TO THE STATUTE
 5 AND THE STATUTE IS THE FULL COMMISSION. SOME
 6 STATUTES VEST THAT AUTHORITY IN THE EXECUTIVE
 7 DIRECTOR. SOME STATUTES SAY THAT THE CHAIRMAN
 8 HAS THE AUTHORITY, BUT YOUR PARTICULAR STATUTE
 9 GIVES THE AUTHORITY TO THE COMMISSION.
 10 IT IS JUST DIFFICULT, I
 11 THINK, TO HANDLE PERSONNEL MATTERS BY FOURTEEN.
 12 SO, BECAUSE YOU ARE ALL OVER THE STATE AND TO
 13 GET A MEETING TO HANDLE A MATTER THAT YOU MIGHT
 14 NEED TO TAKE CARE OF MORE OFTEN THAN A MONTHLY
 15 BASIS IS CUMBERSOME. LIKE I SAID, MR.
 16 DUPLESSIS HAS BEEN SIGNING OFF ON PAYROLL SINCE
 17 HE HAS BEEN HERE.
 18 YOUR UNCLASSIFIEDS, I CAN'T
 19 -- MR. TORRANCE IS THE EXECUTIVE DIRECTOR AND
 20 HE CAN SIGN OFF ON OTHER PEOPLE'S PAYROLL AND
 21 TIME AND ATTENDANCE, BUT HE CAN'T SIGN OFF ON
 22 HIS OWN. SO, MR. DUPLESSIS HAS BEEN ASKED TO
 23 DO THAT AND A SIGNATURE IS NECESSARY TO GET THE
 24 PAYROLL PROCESSED, BUT REALLY THERE WAS NO
 25 DESIGNATION FROM THE COMMISSION AND THAT'S WHY

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1 I HAVE THE LANGUAGE IN HERE THAT ANY PRIOR
 2 ACTIONS WOULD BE DEEMED RATIFIED IF THEY WERE
 3 TAKEN PRIOR TO --
 4 MR. DUPLESSIS:
 5 I WOULD ASK MS. BINNING TO
 6 TALK ABOUT MY DILIGENCE -- I THINK YOU FIND IT
 7 DIFFICULT AT TIMES AND I'M OKAY WITH THAT.
 8 COULD YOU SPEAK TO THAT?
 9 MS. BINNING:
 10 I THINK THAT YOU WERE BEING
 11 VERY RESPONSIBLE TRYING TO MAKE SURE THAT
 12 THINGS WERE DONE BEFORE YOU SIGNED THEM.
 13 MR. DUPLESSIS:
 14 DISCUSSION FROM THE
 15 COMMISSION?
 16 MR. HILLIARD:
 17 I MOVE, WITH THE AMENDMENT
 18 THAT A REPORT ON PERSONNEL MATTERS BE MADE AT
 19 MONTHLY MEETINGS.
 20 MS. HUDSON:
 21 SECOND.
 22 MS. MORRIS:
 23 I WANT TO GO OVER THE
 24 LANGUAGE. TO INSERT BEFORE THE LAST PARAGRAPH,
 25 "BE IT FURTHER RESOLVED THAT THE CHAIRMAN SHALL

52 (Pages 202 to 205)

DINA BANKSTON HAYES, CSR, RPR

1 REPORT ALL NON-CONFIDENTIAL PERSONNEL MATTERS
2 ON A MONTHLY BASIS TO THE FULL COMMISSION."

3 MR. HILLIARD:

4 BRIEFLY.

5 MR. DUPLESSIS:

6 ANY COMMENTS FROM OUR GUESTS

7 HERE?

8 MR. KIRALY:

9 WHOSE JOB WAS IT BEFORE?

10 MR. DUPLESSIS:

11 THE COMMISSION'S.

12 MR. KIRALY:

13 JUST THE TOTAL COMMISSION?

14 MR. DUPLESSIS:

15 THE TOTAL COMMISSION.

16 MR. KIRALY:

17 NOW, IT WOULD JUST BE YOURS?

18 MR. DUPLESSIS:

19 IT WILL BE MINE WITH

20 SIGNIFICANT RATIFICATION AND INFORMATION TO THE
21 BOARD.

22 MR. WRIGHT:

23 SO, THIS MEANS ANYONE THAT

24 IS NOT A CIVIL EMPLOYEE CAN BE DISMISSED BY
25 YOU?

1 FAIREST OR THE PERSON THAT WOULD MAYBE DEEM

2 IT IN THE BEST WAY, BUT IT'S JUST THE WAY THAT

3 IT SEEMS AND I UNDERSTAND WHAT YOU ARE SAYING,

4 TRANSPARENCY IS A WONDERFUL THING, BUT EVEN

5 TO APPOINT THIS GENTLEMAN ON THE END OF THE

6 TABLE AS THAT PERSON, TO HAVE SOMEONE BE ABLE

7 TO REVIEW IT WITH THAT PERSON, THAT MAKES

8 SENSE.

9 I UNDERSTAND YOU ARE TRYING

10 TO CUT THROUGH THE PAPERWORK AND MAKE THINGS

11 TIMELY AND A LITTLE BIT ON A BETTER EDGE, BUT

12 IT JUST DOESN'T SEEM RIGHT THAT THE PERSON

13 SITTING AT THE CENTER OF THE TABLE SHOULD HAVE

14 ABSOLUTE AUTHORITY AND, AGAIN, IT IS AN OPINION

15 AND I JUST WANTED TO BRING IT UP TO THE BOARD,

16 BECAUSE IT DOESN'T SEEM FAIR. I WOULDN'T WANT

17 THAT IN MY POSITION ANY MORE THAN WOULD ANYBODY

18 ELSE, I DON'T BELIEVE, BUT AGAIN IT IS JUST MY

19 OPINION.

20 MR. DUPLESSIS:

21 I APPRECIATE THOSE COMMENTS.

22 MR. BERRY:

23 THERE'S A LOT OF DAY TO DAY

24 WORK THAT ONE PERSON NEEDS TO SEE, BUT I THINK

25 WHEN IT COMES TO HIRING AND FIRING,

1 MR. DUPLESSIS:

2 MS. MORRIS?

3 MS. MORRIS:

4 YES, UNDER THE TERMS OF THIS

5 RESOLUTION.

6 MR. DUPLESSIS:

7 YES.

8 MR. BERRY:

9 I HAVE A PROBLEM WITH THAT.

10 MR. KIRALY:

11 YES.

12 MR. WRIGHT:

13 IT SOUNDS LIKE SOMETHING TO

14 GET RID OF JACK TO ME.

15 MR. TORRANCE:

16 THAT'S WHAT IT IS.

17 MR. KIRALY:

18 NOT TO DISRESPECT ANYONE,

19 MR. CHAIRMAN, YOU MAY BE THE BEST PERSON SUITED
20 FOR THAT POSITION, BUT IN ALL FAIRNESS, I DON'T

21 THINK GIVING THE PERSON THAT SITS AT THE CENTER

22 OF THE TABLE ABSOLUTE POWER OVER SOMEONE ELSE,

23 A FAIR -- TO ANYONE.

24 I'M NOT SAYING THAT YOU

25 WOULDN'T BE THE BEST QUALIFIED PERSON OR THE

1 DISCIPLINING EMPLOYEES, THAT THAT SHOULD BE A

2 SHARED RESPONSIBILITY WITH THE FOURTEEN OF US

3 AND I KNOW THAT -- I SERVE ON ANOTHER BOARD, A

4 SCHOOL BOARD, AND WE HAVE A DISTRICT

5 SUPERINTENDENT WHO RECOMMENDS TO THE BOARD, BUT

6 THE BOARD ALWAYS RETAINS THE FINAL ACT OF

7 SAYING "YES" OR "NO", I MEAN, WHEN IT COMES TO

8 TENURE HEARINGS FOR TEACHERS, EMPLOYEE

9 MALINTENT AND THOSE SORTS OF THINGS.

10 NINETY-NINE TIMES OUT OF A

11 HUNDRED, IT IS A GOOD CALL AND THERE IS NO

12 QUESTION ABOUT IT, BUT I JUST THINK -- AND IT

13 DOESN'T -- IT IS AN APPEARANCE THING. I HAVE

14 TO AGREE TO THE GENTLEMAN IN THE BACK, IT JUST

15 -- IT DOESN'T LOOK LIKE IT IS WHAT WE OUGHT TO

16 BE ALL ABOUT.

17 SOME OF THESE THINGS, WE

18 OUGHT TO ALL PARTICIPATE IN. THERE IS A GREAT

19 MAJORITY OF IT, BUT FRANKLY, YOU KNOW, IF

20 SOMEBODY GOES IN AND SPENDS FIVE CENTS MAKING A

21 COPY, I DON'T CARE, SOMEBODY ELSE CAN TAKE CARE

22 OF THAT, BUT I THINK THAT PART OF THE REASON

23 WE ARE ALL HERE AND WE ARE ALL APPOINTED IS FOR

24 -- TO RESERVE SOME POWER FOR BIG DECISIONS, NOT

25 ONLY FOR THE BOARD, BUT TO TAKE IT ALL OFF OF

<p style="text-align: right;">Page 210</p> <p>1 YOUR BACK, TOO, BECAUSE THAT SHOULDN'T BE --</p> <p>2 SOME OF THOSE THINGS SHOULDN'T BE A ONE MAN</p> <p>3 BAND, EITHER FOR ONE MAN OR FOR THE BAND.</p> <p>4 MR. DUPLESSIS:</p> <p>5 FURTHER DISCUSSION?</p> <p>6 MS. MATERNE:</p> <p>7 WELL, WOULDN'T YOU BE</p> <p>8 SETTING A PRECEDENT THAT WHOEVER THEN IS THE</p> <p>9 CHAIRMAN WOULD HAVE ALL OF THAT RESPONSIBILITY,</p> <p>10 ALSO?</p> <p>11 MR. DUPLESSIS:</p> <p>12 WELL, I THINK IT IS SOMEWHAT</p> <p>13 OF A COMMON PRACTICE.</p> <p>14 MS. MORRIS:</p> <p>15 I INSERTED THE CURRENT</p> <p>16 CHAIRMAN'S NAME. SO, IF THERE WAS A CHANGE IN</p> <p>17 CHAIRMAN, YOU WOULD HAVE TO ADOPT ANOTHER ONE</p> <p>18 AND SET A PRECEDENCE AND IT WOULD GO TO THE</p> <p>19 NEXT CHAIRMAN, BUT I DIDN'T DRAFT IT TO BE THE</p> <p>20 CHAIRMAN, SO THAT IT COULD BE RECONSIDERED AT</p> <p>21 THAT TIME, BUT IT COULD BE ALTERED EITHER WAY</p> <p>22 AND IT COULD BE LIMITED -- YOU KNOW, SOME OF</p> <p>23 THE PARAGRAPH COULD BE STRICKEN AND LIMITED TO</p> <p>24 CERTAIN FUNCTIONS AND THEY NEED TO BE RESERVED.</p> <p>25 MR. HENRY SMITH:</p>	<p style="text-align: right;">Page 212</p> <p>1 NOT WITH AUTHORITY.</p> <p>2 MR. HENRY SMITH:</p> <p>3 I JUST THINK THERE SHOULD BE</p> <p>4 SOME AUTHORITY WITH ALL THE COMMISSIONERS ON</p> <p>5 THE HIRING AND FIRING AND THE MAJOR DISCIPLINE,</p> <p>6 YOU KNOW, THE MAJOR THINGS. I'M NOT TALKING</p> <p>7 ABOUT THE LITTLE MINOR THINGS. THAT IS JUST MY</p> <p>8 PERSONAL FEELING, YOU KNOW.</p> <p>9 MR. DUPLESSIS:</p> <p>10 MS. HEMPHILL, YOU ARE THE</p> <p>11 HEAD OF H.R., HUMAN RESOURCES?</p> <p>12 MS. HEMPHILL:</p> <p>13 YES.</p> <p>14 MR. DUPLESSIS:</p> <p>15 IN THE PAST THREE YEARS,</p> <p>16 HOW MANY WRITE UPS HAVE YOU ENGAGED IN, IN THIS</p> <p>17 COMMISSION?</p> <p>18 MS. HEMPHILL:</p> <p>19 TWO, THREE -- TWO MAYBE.</p> <p>20 MR. DUPLESSIS:</p> <p>21 TWO MAYBE?</p> <p>22 MS. HEMPHILL:</p> <p>23 YES, POSSIBLY TWO.</p> <p>24 MR. DUPLESSIS:</p> <p>25 H.R. POSSIBLY OR DO YOU HAVE</p>
<p style="text-align: right;">Page 211</p> <p>1 THAT'S MY FEELING, THAT</p> <p>2 THERE SHOULD BE CERTAIN LIMITATIONS ON IT.</p> <p>3 WE ARE A COMMISSION. SO, I THINK THE</p> <p>4 COMMISSION SHOULD BE INVOLVED IN FIRING OR</p> <p>5 DISCIPLINE OTHER THAN, YOU KNOW, SOME MINOR</p> <p>6 INFRACTION OR SOMETHING LIKE THAT. I THINK</p> <p>7 THAT SHOULD BE BROUGHT BEFORE THE WHOLE BOARD.</p> <p>8 MS. HUDSON:</p> <p>9 I WANT TO ASK YOU SOMETHING,</p> <p>10 MR. SMITH. HOW MANY TIMES HAVE WE HEARD IN THE</p> <p>11 PAST, JUST SINCE I HAVE BEEN SERVING, HOW MANY</p> <p>12 TIMES HAVE WE HEARD A PERSONNEL ISSUE BROUGHT</p> <p>13 BEFORE US?</p> <p>14 MR. HENRY SMITH:</p> <p>15 I'M SORRY?</p> <p>16 MS. HUDSON:</p> <p>17 A PERSONNEL ISSUE.</p> <p>18 ZERO?</p> <p>19 MR. HENRY SMITH:</p> <p>20 OFFHAND, I CAN'T THINK OF</p> <p>21 ONE, BUT, YOU KNOW --</p> <p>22 MS. HUDSON:</p> <p>23 I CAN REMEMBER.</p> <p>24 MR. HILLIARD:</p> <p>25 SOMEBODY WAS DOING IT, JUST</p>	<p style="text-align: right;">Page 213</p> <p>1 RECORDATION FOR ANY WRITE UPS?</p> <p>2 MS. HEMPHILL:</p> <p>3 IN THE PAST THREE YEARS --</p> <p>4 MR. TORRANCE:</p> <p>5 NONE.</p> <p>6 MS. HEMPHILL:</p> <p>7 -- NONE IN THE PAST THREE</p> <p>8 YEARS.</p> <p>9 MR. DUPLESSIS:</p> <p>10 I THINK THAT IS KIND OF THE</p> <p>11 FEELING. IN THREE YEARS, WE'VE NEVER HAD A</p> <p>12 SINGLE WRITE UP OF MISBEHAVIOR OF ANY EMPLOYEE</p> <p>13 IN THIS COMMISSION.</p> <p>14 MS. HEMPHILL:</p> <p>15 I MEAN, I HAVE HAD TO MAYBE</p> <p>16 VERBALLY TALK TO SOMEONE, YOU KNOW, BUT, NO, WE</p> <p>17 DON'T HAVE A PROBLEM.</p> <p>18 MR. SNYDER:</p> <p>19 THAT SOUNDS GOOD.</p> <p>20 MS. HEMPHILL:</p> <p>21 WE REALLY DON'T HAVE ANY</p> <p>22 PROBLEMS, YOU KNOW.</p> <p>23 MR. DUPLESSIS:</p> <p>24 MR. RUSSELL?</p> <p>25 MR. RUSSELL:</p>

<p style="text-align: right;">Page 214</p> <p>1 I WAS HIRED BY A VOTE OF THE 2 COMMISSION. I CAME BEFORE THE COMMISSION AND 3 PRESENTED MY SITUATION AND I WAS HIRED BY A 4 MAJORITY VOTE OF THE COMMISSION. 5 MR. DUPLESSIS: 6 THANK YOU, SIR. 7 COMMISSIONERS, ANY MORE 8 DISCUSSION? 9 MR. HENRY SMITH: 10 NOBODY HAS ANY FEELINGS ON 11 THIS ONE WAY OR ANOTHER? 12 MR. HILLIARD: 13 I'M KIND OF BALANCED 14 BETWEEN BOTH SIDES OF IT. I DON'T WANT TO HAVE 15 TO BRING EVERYTHING UP, BUT ALSO I WANT TO ABLE 16 TO -- YOU KNOW, I SAID "REPORTING" EARLIER. 17 MAYBE RATIFICATION TO ME IS MORE APPROPRIATE 18 THAN REPORTING. YOU KNOW, DECISIONS HAVE TO BE 19 RATIFIED BY THE COMMISSION, BUT I CAN 20 UNDERSTAND BOTH SIDES OF IT. I JUST DON'T WANT 21 TO BE GOING OVER PERSONNEL MATTERS CONSTANTLY 22 OR OTHER STUFF. 23 MS. HUDSON: 24 I THINK THAT IS A KEY POINT. 25 MR. HILLIARD:</p>	<p style="text-align: right;">Page 216</p> <p>1 -- WITH THE QUESTION OF 2 ROBERT BEING -- 3 MR. BERRY: 4 I TRUST HIS DECISIONS, IT'S 5 NOT PERSONAL, BUT PROCEDURES. 6 MR. HILLIARD: 7 -- WITH THE QUESTION OF 8 ROBERT BEING SUSPENDED, SOMETHING WAS DONE 9 WITHOUT ANY AUTHORITY EVER BEING APPOINTED 10 TO DO IT AND I'M SURE THERE HAVE BEEN 11 SITUATIONS WHERE PEOPLE HAVE BEEN REPRIMANDED, 12 FIRED, HIRED OR WHATEVER WITHOUT THE AUTHORITY 13 ACTUALLY EVER BEING GIVEN TO SOMEBODY TO DO 14 IT. YOU KNOW, I GUESS MR. IEYOUB BEING 15 BROUGHT IN OFFICIALLY WAS NEVER VOTED ON BY 16 THE COMMISSION. SO, OFFICIALLY, HE WAS NEVER 17 HIRED, BECAUSE THE EXECUTIVE DIRECTOR DID NOT 18 HAVE THE APPOINTING AUTHORITY TO DO IT. 19 MS. HUDSON: 20 WE WILL PAY HIM. 21 MR. HILLIARD: 22 WELL, WE DID PAY HIM. 23 MR. DUPLESSIS: 24 MR. ADCOCK IS THE SAME WAY. 25 MS. MORRIS:</p>
<p style="text-align: right;">Page 215</p> <p>1 THERE IS SOME LINE THAT 2 NEEDS TO BE DRAWN, WHAT IS ACCEPTABLE AND WHAT 3 NEEDS TO BE DONE BY THE WHOLE COMMISSION AND 4 WHAT NEEDS TO BE RATIFIED. 5 MS. HUDSON: 6 SO, MR. STEVE, -- 7 MR. BERRY: 8 YES, MA'AM. 9 MS. HUDSON: 10 -- WOULD IT WORK FOR 11 YOU IF WE HAD MR. RON TAKE CARE OF WHAT 12 THIS RESOLUTION SAYS, BUT IT HAS TO BE RATIFIED 13 BY THE COMMISSION? 14 MR. BERRY: 15 I DON'T EVEN CARE IF ALL OF 16 IT IS. THERE ARE JUST SOME ITEMS THAT ARE BIG 17 ENOUGH THAT THERE OUGHT TO BE FOURTEEN PEOPLE 18 INVOLVED IN IT AND NOT ONE. 19 MR. HILLIARD: 20 TO GIVE YOU AN EXAMPLE -- 21 MR. BERRY: 22 THE PRESIDENT OF THE UNITED 23 STATES CAN ONLY PULL THE TRIGGER ON SO MANY 24 THINGS. 25 MR. HILLIARD:</p>	<p style="text-align: right;">Page 217</p> <p>1 THIS RESOLUTION, FOR 2 CLARIFICATION, DOESN'T ADDRESS YOUR CONTRACT 3 PEOPLE. THIS WAS CLASSIFIED AND UNCLASSIFIED 4 PERSONNEL, BUT IF YOU WANTED TO PUT CONTRACTS 5 IN THERE, YOU COULD, BUT I THINK ALL OF YOUR 6 CONTRACTS NOW HAVE BEEN APPROVED BY THE FULL 7 COMMISSION. 8 MS. HUDSON: 9 RIGHT. 10 MR. HENRY SMITH: 11 SEE, IT WAS TWO MONTHS 12 BEFORE I KNEW MR. HALLACK WASN'T REPRESENTING 13 US. I MEAN, I DIDN'T KNOW. I KNEW HE CAME 14 AND SAT AND DIDN'T SAY ANYTHING, BUT NO 15 COMMISSIONER VOTED. NO COMMISSIONER HAD ANY 16 VOICE IN IT, JUST AN EXAMPLE. I MEAN -- 17 MS. HUDSON: 18 TRUE. 19 MR. HILLIARD: 20 WHERE DO WE DRAW THE LINE, 21 THEN? DO WE FEEL COMFORTABLE SUSPENDING VERSUS 22 -- ARE YOU OKAY IF AN APPOINTING AUTHORITY 23 SUSPENDS SOMEBODY OR -- 24 MR. BERRY: 25 SURE.</p>

<p style="text-align: right;">Page 218</p> <p>1 MR. HILLIARD: 2 -- OR -- BUT, NOT -- 3 MR. BERRY: 4 I MEAN, I'M OKAY IF YOU 5 RECOMMEND FIRING SOMEBODY. THAT'S OKAY WITH 6 ME. I JUST THINK THAT THE ACT OF DOING IT -- 7 MR. HILLIARD: 8 THE ACTUAL HIRING AND 9 FIRING -- 10 MR. BERRY: 11 -- NOW, UNLESS THE THIRTEEN 12 OF US WANT TO HIDE BEHIND RON IF IT IS A TOUGH 13 CALL. YOU KNOW, IF SOMEBODY NEEDS TO BE FIRED, 14 THEN THEY NEED TO BE FIRED. I DON'T CARE WHO 15 IT IS. IF WE NEED TO HIRE SOMEBODY, WE NEED TO 16 HIRE THE BEST PERSON WE CAN HIRE. 17 MR. SNYDER: 18 WHY DON'T WE MODIFY THE 19 MOTION TO SAY THAT HIRING AND FIRING HAVE TO 20 COME HERE? 21 MR. BERRY: 22 THAT'S FINE WITH ME. 23 MR. SNYDER: 24 THERE IS NO WAY THAT YOU CAN 25 JUST SAY YOU CAN ONLY GO THIS FAR AND YOU HAVE</p>	<p style="text-align: right;">Page 220</p> <p>1 WELL, I MEAN, I WOULD THINK 2 IN A PERFECT WORLD -- AND I DON'T KNOW HOW THIS 3 THING WORKS. I WOULD THINK THE PERSONNEL 4 COMMITTEE WOULD INTERVIEW. THEY WOULD COME UP 5 WITH A RECOMMENDATION AND BRING IT TO THE BOARD 6 AND THE BOARD WOULD SAY "YES" OR "NO". THAT'S 7 HOW -- 8 MR. HENRY SMITH: 9 ABSOLUTELY. ABSOLUTELY. 10 MR. DUPLESSIS: 11 MR. MORALES, DO YOU HAVE 12 SOMETHING? 13 MR. MORALES: 14 JUST A POINT OF INTEREST, AS 15 FAR AS STATE AGENCIES AND SUCH, WHO HAVE 16 THOUSANDS OF EMPLOYEES AND SUCH. TYPICALLY, 17 THERE IS AN APPOINTING AUTHORITY, THERE IS NOT 18 A COMMISSION OR A GROUP THAT GETS TOGETHER AND 19 DECIDES SOMEONE IS FIRED AND THAT'S CLASSIFIED 20 OR UNCLASSIFIED. 21 THEIR APPEAL RIGHT CERTAINLY 22 IS THROUGH THE CIVIL SERVICE COMMISSION IF THE 23 APPOINTING AUTHORITY CHOOSES TO FIRE THAT 24 PERSON, BUT IN THE DEPARTMENTS, THERE IS AN 25 APPOINTING AUTHORITY AND ONLY HE CAN HIRE AND</p>
<p style="text-align: right;">Page 219</p> <p>1 GOT TO BE ABLE TO -- 2 MR. BERRY: 3 FIRING IS THE LAST FORM OF 4 DISCIPLINE. SO, I'M SURE WE UNDERSTAND THAT. 5 MR. HENRY SMITH: 6 I WOULD CONCUR WITH THAT. 7 MR. DUPLESSIS: 8 COULD Y'ALL WORK WITH THE 9 PERSONNEL COMMITTEE MAKING THOSE DECISIONS? 10 MR. BERRY: 11 I'LL BE HAPPY IF YOU DO IT. 12 I HAVE NO PROBLEM WITH THAT. I MEAN, I REALLY 13 DON'T, WHAT YOU HAVE GOT TO DO EVERYDAY TO KEEP 14 THE TRAIN RUNNING DOWN THE TRACK. IT CANNOT BE 15 DONE -- IF IT CAN BE DONE BY COMMITTEE, THAT IS 16 VERY COMPLICATED. YOU KNOW, SOMEBODY HAS TO 17 DECIDE IF WE CAN PAY BILLS OR WE CAN PAY PEOPLE 18 FOR WORK. IF YOU HAVE ISSUES -- I JUST THINK 19 THAT THERE ARE A FEW KEY THINGS TO KEEP IN MIND 20 ON THIS HIRING AND FIRING. 21 MR. HILLIARD: 22 FOR HIRING -- I MEAN, ANY 23 NEW EMPLOYEE THAT NEEDS TO BE HIRED, PERIOD, 24 HAS TO COME BEFORE THE COMMITTEE? 25 MR. BERRY:</p>	<p style="text-align: right;">Page 221</p> <p>1 FIRE INDIVIDUALS. 2 SO, I MEAN, WHAT IS BEING 3 PROPOSED HERE ISN'T THAT UNUSUAL. THAT'S THE 4 WAY IT IS IN THE STATE DEPARTMENTS. YOU HAVE 5 AN APPOINTING AUTHORITY AND IT IS NOT BY -- 6 MR. BERRY: 7 WHAT I'M SAYING IS THAT WE 8 WERE ALL APPOINTED, BUT THEN WE WERE RATIFIED 9 BY THE SENATE AND THE SENATE DECIDED WE WERENT 10 GOING TO HAVE THIS JOB WHETHER WE ARE APPOINTED 11 OR NOT. THE QUESTION MAY HAVE BEEN UP IN THE 12 AIR, IF I UNDERSTAND THE PROCESS CORRECTLY. 13 MR. MORALES: 14 IN STATE DEPARTMENTS, MANY 15 OF THE HIGHER LEVEL EMPLOYEES ARE APPOINTED BY 16 THE GOVERNOR, BUT STILL ALL OF THEM ARE NOT 17 APPOINTING AUTHORITIES. YOU STILL HAVE THE 18 APPOINTING AUTHORITY WHO HAS THAT SOLE 19 AUTHORITY TO HIRE AND FIRE. 20 MR. BERRY: 21 RIGHT. 22 MR. MORALES: 23 THAT'S JUST A POINT OF 24 INTEREST FOR INFORMATION. 25 MR. ROSS:</p>

<p style="text-align: right;">Page 222</p> <p>1 JOHN ROSS, I HAVE BEEN IN 2 THE INDUSTRY NOW TWENTY-FIVE YEARS AND I HAVE 3 DEALT WITH THE USED MOTOR VEHICLE COMMISSION 4 MANY, MANY TIMES. WHY WOULD YOU WANT TO FIX 5 SOMETHING THAT ISN'T BROKEN? LIKE THEY SAID, 6 THEY HAVEN'T HAD A PROBLEM FOR TWO YEARS. I 7 THINK THE WAY IT IS BEING RUN RIGHT NOW IS VERY 8 EFFICIENT, FROM MY -- I'M NOT A CONSUMER, BUT, 9 OF COURSE, I'M A DEALER, BUT WHEN WE HAVE A 10 PROBLEM, I GET DISCIPLINED. 11 MR. DUPLESSIS: 12 WELL, I THINK -- I DON'T 13 KNOW IF YOU HAVE BEEN HERE FOR A LOT OF THESE 14 HEARINGS. I THINK EARLIER THAT WHAT MR. 15 TORRANCE SAID WAS THE FACT THAT THEY HAVEN'T 16 BROUGHT ANYTHING TO THE COMMISSION TO BE 17 APPROVED AND IT HAS BEEN THE CHAIRMAN AND THE 18 EXECUTIVE DIRECTOR. SO, THEREFORE, THOSE 19 PREVIOUS ACTIONS THAT THIS COMMISSION HAS TAKEN 20 HAVE BEEN IN VIOLATION OF STATE LAW. 21 THE APPOINTING AUTHORITY 22 CURRENTLY IS THE COMMISSION, THE ENTIRE 23 COMMISSION, BUT IF IT IS NOT BROUGHT TO THE 24 COMMISSION, IT IS NOT AN ACT. JUST LIKE MR. 25 ADCOCK NOT BEING BROUGHT IN FRONT OF THE</p>	<p style="text-align: right;">Page 224</p> <p>1 I DON'T THINK ANYBODY IS 2 GOING TO REALLY CRAWL ME FOR APPROVING HIS GAS 3 BILL. WE CAN ALWAYS UNWIND IT. I MEAN, YOU 4 CAN PAY THE GAS BILL BACK AND WE WILL BRING IT 5 BACK THROUGH THE COMMISSION IF THAT IS HOW YOU 6 SO DEEM TO HANDLE THE BILLS. 7 MR. ROSS: 8 SO, THIS COMMISSION HAS BEEN 9 IMPROPERLY RUN FOR THE LAST TWENTY YEARS BY 10 LETTER OF THE LAW? 11 MR. DUPLESSIS: 12 I THINK THAT IS ABUNDANTLY 13 CLEAR. 14 MR. ROSS: 15 OKAY. 16 MS. DUPLESSIS: 17 MS. BINNING? 18 MS. BINNING: 19 FROM A PAYROLL STANDPOINT, 20 I JUST WANTED TO GIVE A LITTLE CLARIFICATION 21 THERE. IF YOU ARE THE APPOINTING AUTHORITY, 22 YOU WOULD BE THE ONE SIGNING, LIKE, THE 23 EMPLOYEES' MERIT INCREASES AND THAT SORT OF 24 THING AS WELL, RIGHT? 25 MR. DUPLESSIS:</p>
<p style="text-align: right;">Page 223</p> <p>1 COMMISSION, HIS BILL WAS HELD UP BY THE 2 DEPARTMENT OF ADMINISTRATION, BECAUSE HE WAS 3 NOT PROPERLY APPOINTED. IT IS THE SAME THING 4 WITH SO MANY OF THESE ACTS, THEY HAVE TO BE 5 BROUGHT BEFORE THE COMMISSION. 6 SO, IF THE COMMISSION 7 WANTS TO STAY HERE UNTIL 6:00 AND THEY WANT 8 TO DO THEIR DUTY WITH ALL OF THE THINGS THAT 9 THEY ARE CHARGED WITH, THEN WE CAN DO THAT. 10 I PERSONALLY DON'T WANT TO BE HERE UNTIL 11 6:00. 12 I THINK IT CAN BE HANDLED 13 BY AN APPOINTING AUTHORITY THAT IS TO APPROVE 14 BILLS. NOW, IF I DON'T HAVE APPOINTING 15 AUTHORITY, THE NEXT TIME MR. TORRANCE WANTS 16 HIS GAS BILL PAID OR SOMETHING OF THAT NATURE 17 -- I ACTUALLY DID THAT IN THE BEST INTEREST, 18 ASSUMING THAT IT WOULD BE RATIFIED BY THE 19 COMMISSION, BUT I WILL BE HAPPY TO HAVE MR. 20 TORRANCE STAND UP AND PRESENT A GAS BILL AND 21 BRING IT IN FRONT OF THE ENTIRE COMMISSION AND 22 WE CAN LOOK AT EVERY BILL EVERYDAY AND IT MAKES 23 ME FEEL BETTER, BECAUSE I HAVE TO SPEND LESS 24 TIME HERE AT THE COMMISSION, BUT I ACTUALLY DID 25 THAT PROBABLY OUT OF ORDER.</p>	<p style="text-align: right;">Page 225</p> <p>1 I ASSUME I WOULD BE, IF THAT 2 WOULD BE THE WISHES OF THE BOARD. 3 MS. MORRIS: 4 IN THE PROPOSED RESOLUTION, 5 THE SPECIFIC THINGS THAT I LISTED WERE TO 6 EXECUTE DOCUMENTATION TO HIRE, PROMOTE, GRANT 7 STEP INCREASES, APPROVE DISCIPLINARY ACTION AND 8 OTHER ACTION INVOLVING EMPLOYMENT OR PERSONNEL. 9 THAT IS IN THE PARAGRAPH THAT STARTS, WITH ALL 10 CAPITAL, "THEREFORE" IF Y'ALL WANT TO AMEND OR 11 DELETE FROM THAT LIST, THAT IS THE LIST OF 12 ITEMS. 13 MR. HENRY SMITH: 14 WELL, WHAT WILL THEN BE THE 15 EXECUTIVE DIRECTOR'S JOB? I THOUGHT HE WAS THE 16 ONE THAT HANDLED THE DAY TO DAY OFFICE. I 17 MEAN, WHAT'S WRONG WITH THAT? IT HAS WORKED 18 FOR -- I HAVE BEEN HERE FIFTEEN YEARS AND IT 19 HAS WORKED FOR FIFTEEN YEARS. HE HAS HANDLED 20 THE DAY TO DAY OFFICE ACTIVITIES AND, YOU KNOW, 21 THE -- I DON'T KNOW. 22 I MEAN, Y'ALL HAVE GOT TO 23 SPEAK UP. 24 MS. MATERNE: 25 WELL, WHY DON'T WE PUT</p>

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<p>1 SOMETHING IN HERE WHERE YOU HANDLE EVERYTHING 2 UP TO A CERTAIN POINT, YOU KNOW, FIRINGS -- OR 3 HANDLE THE DISCIPLINARY ACTION, BUT FIRINGS 4 HAVE TO BE APPROVED BY THE ENTIRE COMMISSION, 5 COULD WE DO SOMETHING LIKE THAT? 6 MR. DUPLESSIS: 7 IT'S UP TO THE RULE OF THE 8 COMMISSION, HOW MUCH -- YOU KNOW, DO Y'ALL WANT 9 TO SIT AND HAVE HEARINGS ON PERSONNEL MATTERS, 10 DO YOU WANT TO BRING THAT OUT -- MS. MORRIS, 11 YOU WILL HAVE TO TELL US -- YOU HAVE PROBABLY 12 THE MOST EXPERIENCE HERE ON BOARDS AND 13 COMMISSIONS OF MOST PEOPLE. I WOULD DEFER TO 14 YOU. 15 MS. MORRIS: 16 WELL, AS I SAID, YOU HAVE 17 TWO CLASSES OF EMPLOYEES. AS MR. MORALES 18 MENTIONED, YOU HAVE CLASSIFIED CIVIL SERVICE 19 AND IN ORDER TO DISCIPLINE THEM, YOU HAVE 20 RULES THAT YOU HAVE TO FOLLOW THROUGH CIVIL 21 SERVICE AND YOU HAVE TO GIVE NOTICE TO THE 22 EMPLOYEE. THE EMPLOYEE HAS TO HAVE AN 23 OPPORTUNITY TO RESPOND. THEN, IT HAS TO -- 24 THE RESPONSE HAS TO BE REVIEWED AND IT DEPENDS 25 UPON THE SEVERITY OF THE OFFENSE, WHETHER IT IS</p>	<p>1 RIGHT. 2 MS. MORRIS: 3 A LOT OF DISCIPLINARY 4 ACTIONS MIGHT NOT BE TERMINATION. IT MIGHT BE 5 THAT YOU PUT THE PERSON ON MONITORING, AND 6 THEN, YOU KNOW, THEY HAVE TO REPORT THEIR 7 ATTENDANCE TO MAKE SURE THEY ARE COMING TO WORK 8 TIMELY OR SOMETHING. YOU MIGHT HAVE A 9 MONITORING OR SOME SORT OF PLAN OF ACTION THAT 10 THEY HAVE TO FOLLOW. IT MIGHT NOT BE AN 11 OFFENSE THAT IS CONSIDERED, YOU KNOW, WORTHY OF 12 TERMINATION, BUT YOU COULD SAY THAT IF WE 13 APPROVE DISCIPLINARY ACTIONS, BUT NOT INCLUDING 14 TERMINATION. 15 MR. HENRY SMITH: 16 BUT, STILL NOBODY 17 ANSWERED MY QUESTION. WHAT IS GOING TO BE 18 THE JOB OF THE EXECUTIVE DIRECTOR AND OUR 19 ASSISTANT? 20 MS. HUDSON: 21 DO YOU NEED TO ASK MR. 22 TORRANCE TO STAND UP AND TELL YOU WHAT HE IS 23 DOING ON A DAY TO DAY BASIS? 24 MR. HENRY SMITH: 25 MR. TORRANCE, HAVE YOU BEEN</p>
Page 227	Page 229
<p>1 HABITUALLY COMING TO WORK TARDY OR IF IT 2 FALSIFYING A DOCUMENT. IT JUST DEPENDS UPON 3 WHAT ISSUE YOU ARE TRYING TO ADDRESS AT THAT 4 POINT, BUT IT IS A PROCESS THAT YOU WILL HAVE 5 TO GO THROUGH. 6 IT IS A PRETTY LENGTHY 7 PROCESS, BECAUSE YOU HAVE TO HAVE TIME -- YOU 8 HAVE TO GIVE APPROPRIATE NOTICE AND ALLOW THEM 9 TO RESPOND. IF THE COMMISSION WAS TO BE THE 10 ONE TO BE ABLE TO INITIATE THE LETTER TO GIVE 11 NOTICE, AND THEN, REVIEW THE INFORMATION THAT 12 THE EMPLOYEE RESPONDS, THEN IT IS GOING TO GO 13 ON THREE OR FOUR MONTHS IF YOU ARE MEETING 14 MONTHLY. 15 MS. MATERNE: 16 I WAS SAYING -- 17 MS. MORRIS: 18 -- CIVIL SERVICE HAS A 19 WHOLE -- 20 MS. MATERNE: 21 -- AN AUTHORITY TO HANDLE IT 22 THROUGH THE DISCIPLINARY UNTIL IT GETS TO -- 23 MS. MORRIS: 24 UNLESS IT IS A TERMINATION. 25 MS. MATERNE:</p>	<p>1 HANDLING THE DAY TO DAY OPERATIONS OF THE 2 OFFICE? 3 MR. TORRANCE: 4 I THOUGHT I WAS. 5 MR. HENRY SMITH: 6 PLEASE STAND UP AND TELL US. 7 MR. TORRANCE: 8 I THOUGHT I WAS. I ALWAYS 9 THOUGHT I WAS HANDLING IT IN A PROPER MANNER. 10 I HAVEN'T HAD ANY COMPLAINTS FROM ANYONE UNTIL 11 TODAY. I DON'T KNOW WHAT THIS DOCUMENT IS 12 GOING TO DO. IF THEY WANT TO GET RID OF ME, I 13 MEAN, ALL THEY'VE GOT TO DO IS TELL ME AND I 14 WILL LEAVE THIS PLACE. 15 THIS PLACE HAS OPERATED 16 PROPERLY FOR THE LAST FIFTEEN YEARS UNDER MY 17 SUPERVISION AND BEYOND THAT, BECAUSE I WAS 18 THE ASSISTANT BEFORE I WAS MADE THE DIRECTOR. 19 I HAVE NEVER HAD A COMPLAINT. I HAVE DONE 20 NOTHING BUT HELP PEOPLE ALL MY LIFE AND I 21 WILL CONTINUE DOING SO. I HAVE DONE NOTHING 22 WRONG AND FOR PEOPLE TO SIT THERE AND MAKE 23 ALLEGATIONS TOWARD ME, I TAKE OFFENSE TO 24 THAT. 25 MR. HENRY SMITH:</p>

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1 WELL, I'M NOT TALKING ABOUT
2 ALLEGATIONS, MR. TORRANCE. THE DAY TO DAY
3 OPERATION OF THIS COMMISSION, HAVE YOU BEEN THE
4 ONE TO DO IT?
5 MR. TORRANCE:
6 YES, SIR, I HAVE.
7 MR. HENRY SMITH:
8 YOU WOULD CONSULT WITH MR.
9 ROBERTS?
10 MR. TORRANCE:
11 I DIDN'T DO NOT ONE THING AT
12 THIS COMMISSION THAT I DIDN'T FOLLOW UP WITH
13 THE DIRECTOR -- I MEAN, THE CHAIRMAN OR MEMBERS
14 OF THIS COMMISSION. I'VE NEVER DONE NOTHING ON
15 MY OWN. IT IS ALWAYS DONE WITH THE BLESSING OF
16 THE CHAIR.
17 ALL THIS STUFF, THE
18 APPOINTING AUTHORITY THAT YOU ARE SPEAKING
19 ABOUT, THE COMMISSION HAD TO VOTE ON THE
20 CONTRACTS, WE'VE NEVER DONE THAT. THAT IS ALL
21 NEWS TO ME AND IF MR. DUPLESSIS SAYS I WAS
22 OPERATING WRONG, WELL, NOBODY EXPLAINED THAT TO
23 ME. THAT'S JUST THE WAY THE OFFICE WAS RAN FOR
24 THE LAST FIFTEEN YEARS. IF I DID WRONG, I
25 APOLOGIZE.

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1 AND THAT IS THE WAY IT WAS AND THAT IS THE WAY
2 IT HAS ALWAYS BEEN.
3 THE APPOINTING AUTHORITY
4 HAS TO BE IN PLACE. THE CURRENT APPOINTING
5 AUTHORITY -- IF YOU WANT TO CONTINUE THAT
6 RESPONSIBILITY, IT IS EVERY MEMBER OF THIS
7 COMMISSION, BUT WITH THAT COMES THE
8 RESPONSIBILITY THE TIME AND REVIEW OF THE ITEMS
9 IN FRONT OF YOU.
10 SO, YOU HAVE GOT TO MAKE A
11 DECISION WHETHER YOU WANT SOMEONE TO DO A LOT
12 OF THAT WORK AND MAKE THOSE TOUGH DECISIONS
13 OR YOU WANT TO DO IT ALL YOURSELVES IN THE
14 FORMAT OF AN OPEN MEETING. THAT'S WHAT IS
15 BEFORE YOU.
16 IF YOU THINK THAT RATIFYING
17 SOMETHING THAT HAS BEEN WRONG FOR TWENTY YEARS
18 MAKES IT RIGHT, I WOULD RESPECTFULLY SAY THAT
19 WHAT IS BEFORE US ON THIS APPEAL, THE OPEN
20 MEETINGS VIOLATION, IS PROBABLY A REFLECTION OF
21 SOME OF THAT. IT WAS IMPROPERLY DONE NO MATTER
22 WHAT.
23 SO, WITH THAT BEING SAID,
24 MR. TORRANCE, I WILL RECOGNIZE -- AND THIS
25 IS THE LAST DISCUSSION FROM THE GALLERY AND THE

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1 MR. BERRY:
2 MR. SMITH, MAKING AN
3 ASSUMPTION THAT ALL OF THAT IS TRUE, ALL THIS
4 REALLY DOES IS FORMALIZE THAT RELATIONSHIP. IT
5 SAYS YOU HAVE A STAFF THAT REPORTS TO THE
6 EXECUTIVE DIRECTOR AND THE EXECUTIVE DIRECTOR
7 REPORTS TO THE BOARD, OR THE COMMISSION IN THIS
8 CASE, AND THE COMMISSION HAS DECIDED TO SAY,
9 "IF WE DO THIS, WE WANT THIS FELLOW TO ACT ON
10 BEHALF OF THE OTHER THIRTEEN OF US, SAVE FOR
11 SOME MATTERS THAT WE WILL RESERVE FOR THE
12 WHOLE."
13 I THINK THAT IS -- AT LEAST
14 THAT IS THE WAY IT WORKS IN MY HEAD. IT MAY
15 NOT WORK FOR ANYBODY ELSE, BUT IT SEEMS TO BE A
16 GOOD WAY TO DO THINGS.
17 MS. HUDSON:
18 GOOD ANSWER.
19 MR. DUPLESSIS:
20 AT SOME POINT, WE HAVE TO
21 BRING THIS TO A CONCLUSION AND WE ARE GOING TO
22 HAVE TO AGAIN MAKE A MOTION TO CLARIFY THESE
23 THINGS AND, MR. TORRANCE, YOU WERE CORRECT.
24 YOU AND I CANNOT COME TOGETHER AND AGREE TO DO
25 SOMETHING WITHOUT THE VOTE OF THIS COMMISSION

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1 COMMISSION HAS TO BRING IT TO A VOTE AND I
2 WOULD LIKE TO BRING THIS MATTER TO CLOSURE.
3 YES, SIR?
4 MR. TORRANCE:
5 I WOULD JUST LIKE TO SAY
6 THAT THAT'S THE WAY IT WAS DONE AS A COMMISSION
7 BEFORE, BUT IF THAT IS THE WISH OF THIS BODY
8 IN THE FUTURE, IT WILL BE DONE IN THE SAME
9 MANNER, I MEAN, WHICHEVER WAY Y'ALL WANT IT
10 DONE. IF Y'ALL SAY YOU WANT TO RATIFY
11 EVERYTHING, THAT'S FINE WITH ME. I WILL
12 UTILIZE THAT.
13 MR. DUPLESSIS:
14 THE COMMISSION HAS TO COME
15 TO AN AGREEMENT ON THIS.
16 MS. HUDSON:
17 I WOULD LIKE FOR MY VOTE TO
18 STAND.
19 MR. DUPLESSIS:
20 WELL, WE HAVEN'T PUT IT INTO
21 A MOTION FOR A VOTE, YET.
22 MS. HUDSON:
23 I'M SORRY. I DID MAKE A
24 MOTION.
25 MR. DUPLESSIS:

59 (Pages 230 to 233)

DINA BANKSTON HAYES, CSR, RPR

1 WOULD YOU RESTATE YOUR
2 MOTION?
3 MS. HUDSON:
4 JEFF --
5 MR. HILLIARD:
6 THAT WE ACCEPT IT WITH THE
7 REPORTING ON PERSONNEL MATTERS AT THE MONTHLY
8 MEETINGS.
9 MR. DUPLESSIS:
10 OKAY.
11 MR. HILLIARD:
12 THAT WAS THE ONLY AMENDMENT
13 I ADDED TO IT.
14 MS. HUDSON:
15 I DID A SECOND.
16 MR. DUPLESSIS:
17 THERE IS A MOTION AND A
18 SECOND WITH THE AMENDMENT ATTACHED TO THE
19 MOTION -- TO THE DOCUMENT AS STATED.
20 MR. HILLIARD:
21 THAT HE WOULD HAVE TO REPORT
22 BACK. SO, WE ARE NOT GOING TO -- I MEAN, I
23 JUST WANT TO MAKE SURE THERE IS -- THAT NOTHING
24 IS DONE BEHIND THE SCENES, THAT WE KNOW WHAT
25 HAPPENS AND IF IT NEEDS TO BE CHANGED, THE

1 THAT'S RIGHT.
2 MR. HENRY SMITH:
3 RIGHT. I KNOW THAT.
4 MR. HILLIARD:
5 BUT, AT THIS POINT, ANYTHING
6 THAT IS DONE BY HIM HAS TO BE DONE BY EVERYBODY
7 ON THE COMMISSION.
8 MR. HENRY SMITH:
9 I HAVE BEEN CHAIRMAN. I
10 KNOW. I HAD TO APPROVE THOSE THINGS.
11 MR. HILLIARD:
12 BUT, OFFICIALLY, YOU DIDN'T
13 HAVE THE AUTHORITY TO DO IT.
14 MR. DUPLESSIS:
15 RIGHT.
16 MR. HILLIARD:
17 THIS IS JUST SAYING THAT THE
18 CHAIRMAN WOULD HAVE THE AUTHORITY TO DO WHAT
19 WAS BEING DONE ANYWAY WITHOUT THE --
20 MR. HENRY SMITH:
21 WHAT WAS BEING DONE ANYWAY.
22 MR. HILLIARD:
23 -- WITHOUT THE RIGHT CHECK
24 BOX.
25 MR. HENRY SMITH:

1 COMMISSION HAS AN OPPORTUNITY TO CHANGE IT.
2 THAT WAS THE ONLY THING I WAS LOOKING AT, SO
3 THAT IT DIDN'T -- AND NO OFFENSE TO RON AT ALL.
4 I TRUST YOU, BUT, I MEAN,
5 WHO KNOWS WHAT IS COMING DOWN THE ROAD AND I
6 WANT TO MAKE SURE THAT THE PERSON MAKING IT HAS
7 TO SAY WHAT THEY HAVE DONE OR HAVEN'T DONE.
8 IF SOMEBODY WANTS TO SAY ANY
9 DIFFERENT, THEY CAN SAY THEY HAVE UP TO A
10 CERTAIN LIMIT. THAT IS A DIFFERENT MOTION.
11 MR. HENRY SMITH:
12 I DON'T THINK WE ARE TALKING
13 ABOUT WHETHER WE TRUST MR. DUPLESSIS OR NOT. I
14 TRUST HIM WITH ALL MY HEART. I CAN'T SEE HIM
15 HAVING TO OKAY A GAS VOUCHER OR OFFICE DAILY
16 ACTIONS. ALL OF THAT IS BEING DONE BY MR.
17 TORRANCE.
18 MR. HILLIARD:
19 WELL, I THINK SHE SAID --
20 MR. DUPLESSIS:
21 I BELIEVE I CAN DELEGATE
22 SOME OF THAT.
23 MR. HILLIARD:
24 HE CAN'T DO IT FOR HIMSELF.
25 MR. DUPLESSIS:

1 I'VE GOT YOU.
2 MR. BERRY:
3 BEFORE VOTE ON THAT MOTION,
4 I WOULD LIKE TO MAKE AN AMENDMENT AND YOU WILL
5 HAVE TO, AS OUR ATTORNEY, PUT THE WORDS, BUT
6 THE COMMISSION WOULD RETAIN THE RIGHT TO FIRE
7 SOMEBODY.
8 MR. KIRALY:
9 YES.
10 MR. BERRY:
11 ON RECOMMENDATION.
12 MR. DUPLESSIS:
13 WE HAVE A MOTION, AN
14 AMENDMENT AND AN AMENDMENT. WOULD YOU GIVE ME
15 THE PROPER PROCEDURE?
16 MR. BERRY:
17 LAST THING FIRST.
18 MR. DUPLESSIS:
19 WELL, WE HAVE TO VOTE ON
20 THAT. WE HAVE TO VOTE ON THE AMENDMENT THAT --
21 MR. HILLIARD:
22 WELL, THE MOTION WAS MADE
23 WITH THE CHANGES.
24 MR. DUPLESSIS:
25 WITH AMENDMENT.

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<p>1 SO, WE HAVE TO VOTE ON THAT 2 AMENDMENT; IS THAT CORRECT? 3 MR. BERRY: 4 NO REVERSE ORDER. I AM 5 OFFERING A SUBSTITUTE MOTION. 6 MS. MORRIS: 7 YOUR SUBSTITUTE MOTION IS TO 8 ADOPT BOTH CHANGES AND MR. HILLIARD -- 9 MR. BERRY: 10 THAT'S MY SUBSTITUTE MOTION. 11 MS. MORRIS: 12 WE HAVE A SUBSTITUTE MOTION 13 -- WE HAVE TWO AMENDMENTS. 14 MR. BERRY: 15 MONTHLY REPORT ON PERSONNEL 16 ACTIONS AND RETAIN AUTHORITY TO FIRE WITH THE 17 BOARD. 18 MR. DUPLESSIS: 19 OKAY. 20 MR. HILLIARD: 21 A QUESTION AS FAR AS 22 PERSONNEL MATTERS, FOR HIRING AND FIRING, THAT 23 IS DONE -- I MEAN, WE STILL HAVE THE OPEN 24 MEETINGS LAW -- 25 MR. DUPLESSIS:</p>	<p>1 "APPROVE DISCIPLINARY ACTION", AS IT IS TYPED, 2 AND WE WOULD PUT, "OTHER THAN TERMINATION OF AN 3 EMPLOYEE." 4 MR. BERRY: 5 (NODS HEAD AFFIRMATIVELY.) 6 MR. DUPLESSIS: 7 DISCUSSION ON -- NOW, WE 8 HAVE TO VOTE ON THAT AMENDMENT? 9 MS. MORRIS: 10 WE HAVE A MOTION -- 11 MR. BERRY: 12 I WOULD ASK FOR A ROLL CALL 13 VOTE. 14 MR. DUPLESSIS: 15 I WOULD ASK FOR A ROLL CALL 16 VOTE. 17 MS. MORRIS: 18 WE HAVE A MOTION, BUT WE 19 DON'T HAVE A SECOND. 20 MR. CALMES: 21 I SECOND. 22 MR. DUPLESSIS: 23 SECOND. OKAY. 24 WE HAVE A ROLL CALL VOTE ON 25 THE SECOND AMENDMENT.</p>
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<p>1 RIGHT. 2 MR. HILLIARD: 3 -- AND A LOT OF PERSONNEL 4 MATTERS OR FIRING, AREN'T THERE PRIVACY 5 ISSUES? 6 MS. MORRIS: 7 THERE COULD BE AND THAT IS 8 AN EXCEPTION THAT ALLOWS FOR AN EXECUTIVE 9 SESSION IF YOU ARE DISCUSSING THE CHARACTER OF 10 A PERSON THAT IS AN EXCEPTION. IT WOULD BE 11 NOTICED ON THE AGENDA THAT IT COULD BE 12 DISCUSSED IN EXECUTIVE SESSION, HOWEVER THE 13 PERSON WHO IS TO BE DISCUSSED IN THE EXECUTIVE 14 SESSION HAS THE RIGHT TO OBJECT AND REQUEST 15 THAT IT BE HELD IN OPEN SESSION. 16 MR. HILLIARD: 17 OKAY. 18 MS. MORRIS: 19 BUT, IT IS FOR THE 20 PROTECTION OF THE PRIVACY OF THE PERSON BEING 21 DISCUSSED. IF THEY WAIVE THAT PROTECTION, IT 22 WOULD HAVE TO BE DISCUSSED IN (INAUDIBLE). 23 SO, IN ORDER TO GET MR. 24 BERRY'S AMENDMENT TO THE PARAGRAPH THAT SAYS 25 "THEREFORE", THE SECOND TO LAST ONE, IT SAYS,</p>	<p>1 MR. HENRY SMITH: 2 THE SUBSTITUTE MOTION, ONE 3 MORE TIME, SO I'M PERFECTLY CLEAR. 4 MS. MORRIS: 5 THE SUBSTITUTE MOTION WOULD 6 BE THE RESOLUTION AS TYPED EXCEPT ON THE 7 PARAGRAPH THAT STARTS WITH THE WORD 8 "THEREFORE", THE SECOND TO LAST LINE AFTER 9 "APPROVE DISCIPLINARY ACTION" WOULD ADD "OTHER 10 THAN TERMINATION OF AN EMPLOYEE", AND THEN, 11 PRIOR TO THE LAST PARAGRAPH, WE WOULD ADD A 12 PARAGRAPH TO SAY, "BE IT FURTHER RESOLVED, THAT 13 THE CHAIRMAN SHALL REPORT ALL NON-CONFIDENTIAL 14 PERSONNEL MATTERS AT THE MONTHLY MEETINGS TO 15 THE FULL COMMISSION." 16 MR. DUPLESSIS: 17 THERE IS A MOTION AS STATED. 18 MR. CALMES: 19 SECOND. 20 MR. DUPLESSIS: 21 WE HAVE A SECOND. 22 DISCUSSION ON THAT? 23 (NO RESPONSE.) 24 MR. DUPLESSIS: 25 WE NEED TO GET A VOTE, ROLL</p>

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<p>1 CALL VOTE. 2 MS. HEMPHILL: 3 "YES" IS TO ACCEPT THE 4 RESOLUTION -- 5 MS. MORRIS: 6 WITH AMENDMENTS. 7 MS. HEMPHILL: 8 HENRY SMITH? 9 MR. HENRY SMITH: 10 NO. 11 MS. HEMPHILL: 12 STEVE BERRY? 13 MR. BERRY: 14 YES. 15 MS. HEMPHILL: 16 KEVIN CALMES? 17 MR. CALMES: 18 YES. 19 MS. HEMPHILL: 20 GEORGE FLOYD? 21 MR. FLOYD: 22 YES. 23 MS. HEMPHILL: 24 JEFF HILLIARD? 25 MR. HILLIARD:</p>	<p>1 LET'S MOVE TO HEARINGS. I 2 BELIEVE THAT IS THE NEXT AGENDA ITEM. 3 MR. HALLACK: 4 MR. CHAIRMAN, I WOULD LIKE 5 TO SEE SOMEBODY ADJOURN THE REGULAR MEETING 6 BEFORE WE GO ON TO THE HEARINGS, BECAUSE THAT 7 PUTS US -- 8 MR. DUPLESSIS: 9 NOT A PROBLEM. 10 MR. HALLACK: 11 SIR? 12 MR. DUPLESSIS: 13 NOT A PROBLEM. 14 MS. HUDSON: 15 I MAKE A MOTION WE ADJOURN 16 THE MEETING. 17 MR. BERRY: 18 SECOND. 19 MR. DUPLESSIS: 20 ANY DISCUSSION? 21 (NO RESPONSE.) 22 MR. DUPLESSIS: 23 ALL IN FAVOR? 24 (ALL "AYE" RESPONSES.) 25 MR. DUPLESSIS:</p>
Page 243	Page 245
<p>1 YES. 2 MS. HEMPHILL: 3 VANESSA HUDSON? 4 MS. HUDSON: 5 YES. 6 MS. HEMPHILL: 7 GAYLE MATERNE? 8 MS. MATERNE: 9 YES. 10 MS. HEMPHILL: 11 EUGENE SMITH? 12 HE IS GONE. 13 MS. HEMPHILL: 14 PHILLIP SNYDER? 15 MR. SNYDER: 16 YES. 17 MS. HEMPHILL: 18 CURTIS STEWART? 19 MR. STEWART: 20 YES. 21 MS. HEMPHILL: 22 EIGHT "YES", ONE "NO". 23 MR. DUPLESSIS: 24 THE MOTION PASSES. VERY 25 GOOD.</p>	<p>1 OPPOSED? 2 (NO RESPONSE.) 3 MR. DUPLESSIS: 4 IT PASSES. THANK YOU. 5 (WHEREUPON, AT 1:30 P.M., 6 THE MEETING WAS ADJOURNED.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 CERTIFICATE
2 I, DINA BANKSTON, CERTIFIED SHORTHAND
3 REPORTER, R.P.R., AND DEPUTY CLERK OF COURT IN
4 AND FOR THE STATE OF LOUISIANA, DO HEREBY
5 CERTIFY THAT;
6 ON JUNE 17, 2008, THE FOREGOING
7 PROCEEDINGS WERE TAKEN BY ME IN STENOGRAPHY AND
8 BY ELECTRONIC DEVICE AND THEREAFTER REDUCED TO
9 TYPEWRITING, AND THE FOREGOING TWO HUNDRED
10 FORTY-FIVE PAGES CONTAIN A FULL AND CORRECT
11 TRANSCRIPTION OF THE REGULAR MEETING OF THE
12 LOUISIANA USED MOTOR VEHICLE AND PARTS
13 COMMISSION;
14 I AM NOT OF KIN OR IN ANYWISE ASSOCIATED
15 WITH ANY OF THE PARTIES TO SAID CAUSE OF
16 ACTION, OR THEIR COUNSEL, AND THAT I AM NOT
17 INTERESTED IN THE EVENT THEREOF.
18
19
20 _____
21 DINA BANKSTON, C.S.R., R.P.R.
22
23
24
25

A				
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APPENDIX B

Additional IG Comments

Inspector General Comments

Jack Torrance

Jack Torrance blames his lack of supervision over staff members on policy changes made by the Commission members during 2008. The allegations of improper activities received by the Office of Inspector General were not limited to activities that began after the implementation of those changes. Mr. Torrance claimed in his response to the OIG report that the Commission removed his authority to supervise and manage his employees. That, however, does not appear to be supported by Louisiana law or by the Commission's resolution upon which he relies to support his contention that he was divested of authority to manage employees.

LSA-RS 32:783 D(2) states that the executive director of the Commission "shall be in charge of the commission's office and shall devote such time as necessary to fill the duties thereof." LAC 46:2705 also states that the executive director "shall be in charge of the commission's office and shall conduct and direct the activities thereof in the manner described by the commission. The employees of the commission shall report to the executive director." The resolution directs Mr. Torrance to inform appropriate Commission members as to all personnel matters, including "any pending disciplinary actions." Jeff Hilliard, the Commission Chairman, stated during a Commission meeting, "Mr. Torrance is the authority of the office and the field. We did not replace Mike Russell. His duties were overseeing the field. It's all to Jack."

The amount of time allowed for investigators to work from home was based upon the work product derived from the time spent working from home, their statements, and their job description. The work product provided by the investigators to demonstrate what they do while working from home was grossly inadequate to justify the compensation received.

Gary Davis

Direct surveillance disputes Mr. Davis' claims on his work reports and his response to the OIG report. Obviously absent in his response to transporting children and working in his yard during regular business hours is a denial that he performed such personal tasks while being compensated with public funds. During a personal interview, Mr. Davis was provided specific dates of when his activities were observed and he failed to sufficiently explain the public purpose of his activities then, just as he does in his written response.

Mr. Davis' inability to "recall what type of business" he had at Medallion Imports and Crown Auto Sales exemplifies the reasons for questioning the time sheets and work reports that he submitted for payment. Had Mr. Davis actually performed the work he reported and used the time that he claimed to have worked from home to properly document the nature of his business with these two dealers, he would be able to definitively state the public purpose achieved by his visits there. His response further substantiates that he accepted

compensation for work not performed and that he did not perform the amount of work inside his house necessary to justify the compensation he received.

Larry Hulin

In his response, Mr. Hulin misquoted and apparently misunderstood the portion of the report that he claims is “completely FALSE.” Mr. Hulin admitted during an interview that he does not contact “complainants” to ensure that his subordinates properly handle complaints. The statement in the report is accurate as written but is “completely FALSE” when misquoted by Mr. Hulin.

Evidently, Mr. Hulin also misunderstood our recommendation addressing the fact that he only reviews the investigators’ work reports every four months. It is that very practice that we recommend be changed so that management can identify problems with the field investigators’ work production in a timely manner.

Further comment on the remaining investigators’ responses was not necessary.

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A copy of this report has been made available for public inspection at the Office of State Inspector General and is posted on the Office of State Inspector General's website at www.doa.louisiana.gov/oig/inspector.htm. Reference should be made to Case No. 1-08-0021. If you need any assistance relative to this report, please contact Bruce J. Janet, CPA, State Audit Director at (225) 342-4262.

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