

**MINUTES OF THE MEETING
OF THE
LOUISIANA MOTOR VEHICLE COMMISSION
MOTOR VEHICLE SALES FINANCE DIVISION
3519 12th Street
Metairie, Louisiana 70002
Monday, March 11, 2013**

The meeting was called to order at 11:29 a.m. by Chairman Raymond J. Brandt.

Present were:

Chairman Raymond J. Brandt	Commissioner V. Price LeBlanc, Jr.
Commissioner Brian C. Bent	Commissioner John B. Fabre
Commissioner John W. Timmons	Commissioner James C. "Jim" Hicks
Commissioner Joseph W. "Bill" Westbrook	Commissioner Maurice C. Guidry
Commissioner Alexis D. Hocevar	Commissioner Don P. Hargroder

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

Absent were:

Commissioner Troy J. Duhon	Commissioner Thad J. Ryan, III
Commissioner Philip E. Tarver	Commissioner Donna S. Corley

Also, in attendance were Robert Thomas, Owner of White's Auto Sales; Commission staff: Ingya Cattle, Assistant Executive Director; Art Quick, Compliance Investigator 5; Commission Investigators, Wayne Lee, Amy Lawson, Ayanna Burton, Neil Rogers and Scott Landruneau; Administrative Coordinators, Stacey Broussard and Josh Stevenson.

The Executive Director advised the Commission Members a pre-hearing had been on November 5, 2012, pursuant to LSA-R.S. 49:961C, regarding Hearing #2012-065, Robert L. Thomas DBA White's Auto Sales, 1312 Barksdale Boulevard, Bossier City, Louisiana 71111, for alleged violations of LSA-R.S. 6:969.4. Waiver, agreement to forego rights; LSA-R.S. 6:969.7.A. Terms; construction; additional fees and charges; LSA-R.S. 6:969.18. A. (1) & (2) Documentation and compliance fees; notary fees; transfer of equity and other fees; disclosure; LSA-R.S. 6:969.33.A. (1)(a) Effect of violations on rights of parties; LSA-R.S. 6:969.38.A.(1), (2), (3), & (4) Denial, suspension, or revocation of licenses; LSA-R.S.10:9-609.(a)(2) Secured party's right to take possession after default; LSA-R.S.32:705.A.(1) Delivery of certificate of purchaser of vehicle; and LSA-R.S. 47:306.E. Returns and payment of tax; penalty for absorption. In attendance representing White's Auto Sales was Robert L. Thomas, Owner and representing the Commission were: Chairman Raymond J. Brandt; Counselor Burgess E. McCranie; Mike Laviolette, Commission Investigator Supervisor; Wayne Lee, Commission Investigator; Assistant Executive Director, Ingya Cattle; and the Executive Director. The Chairman suggested that a) Mr. Thomas was to correct the alleged violations; b) Commission Investigator Wayne Lee would oversee the corrections; and c) Mr. Thomas shall return to the Commission on March 13, 2013 for a formal hearing to determine the outcome of the case. The Executive Director advised the Commission Members the following Consent Judgment had been reached by the Chairman, Counselor McCranie and Robert L. Thomas, if accepted and ratified by the Commission. Commissioner Hicks made a motion to accept and ratify the Consent Judgment in this matter. Commissioner Hargroder seconded this motion and it was unanimously approved. A court reporter was brought in to record the transcript of this hearing, which will be made a permanent part of the Commission's files.

IN RE:

Hearing #2012-065

**Robert L. Thomas
DBA White's Auto Sales
1312 Barksdale Boulevard
Bossier City, Louisiana 71111**

The Louisiana Motor Vehicle Commission ("Commission") has conducted an investigation of certain acts and practices of Robert L. Thomas D/B/A White's Auto Sales ("Respondent"). Respondent is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached Notice of Hearing.

Therefore,

IT IS HEREBY AGREED by and between Robert L. Thomas D/B/A White's Auto Sales and the Louisiana Motor Vehicle Commission that:

1. Respondent's place of business is 1312 Barksdale Boulevard, Bossier City, Louisiana 71111.
2. Respondent admits the jurisdiction of the Commission.
3. Respondent waives:
 - a. Any further procedural rights or remedies afforded under the law;
 - b. The requirement that the Commission's judgment recites statement of a findings of fact and conclusions of law; and
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the judgment entered pursuant to this agreement

IT IS HEREBY FURTHER AGREED the Notice of Hearing may be used in construing the terms of the order. No agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

ORDER

IT IS HEREBY ORDERED that Robert L. Thomas D/B/A White's Auto Sales, in satisfaction of the allegations contained in the Notice of Hearing pay a fine to the Louisiana Motor Vehicle Commission in the amount of \$50,000.00, \$25,000.00 of which shall be suspended for a period of five (5) years pending any violation of this order. Upon the Commission finding such a violation, the \$25,000.00 suspended fine shall be due and payable. Robert L. Thomas D/B/A White's Auto Sales shall pay \$8,000.00 upon execution of this order with a balance to be paid in monthly installments beginning on April 15, 2013, and on the 15th of each month thereafter bearing interest at a rate of 6% per annum until pay in full.

IT IS HEREBY ORDERED that Robert L. Thomas D/B/A White's Auto Sales pay the cost of the pre-hearing conference to the Louisiana Motor Vehicle Commission in the amount of \$300.00.

IT IS HEREBY ORDERED that Robert L. Thomas D/B/A White's Auto Sales reimburse those persons listed on Exhibit "A" attached hereto the overpayment of documentary fees in the amount shown. The Commission will be furnished evidence of such payment within thirty (30) days of the date of this order.

IT IS HEREBY ORDERED that Robert L. Thomas D/B/A White's Auto Sales, directly or through any corporation, subsidiary, division, or other device, in connection with any advertisement to promote, directly or indirectly, the purchase, financing, or leasing of automobiles, in or affecting commerce, shall not, in any manner, expressly or by implication:

- a. Misrepresent that when a consumer trades in a used motor vehicle ("trade-in vehicle") in order to purchase another motor vehicle ("newly purchased vehicle"), respondent will pay any remaining loan balance on the trade-in vehicle such that the consumer will have no remaining obligation for any amount of that loan; or
- b. Misrepresent any material fact regarding the cost and terms of financing or leasing any newly purchased vehicle.

IT IS FURTHER ORDERED that Robert L. Thomas D/B/A White's Auto Sales, directly or through any corporation, subsidiary, division, or other device, in connection with a sale or advertisement to promote, directly or indirectly, any extension of consumer credit, in or affecting commerce, shall not in any manner, expressly or by implication:

- a. State the amount or percentage of any down payment, the number of payments or period of repayment, the amount of any payment, or the amount of any finance charge, without disclosing clearly and conspicuously all of the following terms:
 1. The amount or percentage of the down payment;
 2. The terms of repayment; and
 3. The annual percentage rate, using the term "annual percentage rate" or the abbreviation "APR." If the annual percentage rate may be increased after consummation of the credit transaction, that fact must also be disclosed.
- b. State a rate of finance charge without stating the rate as an "annual percentage rate" or the abbreviation "APR," using that term.

- c. Fail to comply in any respect with Regulation Z, 12 C.F.R. § 226, as amended, and the Truth in Lending Act, as amended, 15 U.S.C. §§ 1601-1667.

IT IS FURTHER ORDERED that Robert L. Thomas D/B/A White's Auto Sales, directly or through any corporation, subsidiary, division, or other device, in connection with a sale or advertisement to promote, directly or indirectly, any extension of consumer credit, in or affecting commerce, shall not in any manner, expressly or by implication:

- a. Fail to comply in any respect with LSA-R.S. 6:969.18. Documentation and compliance fees; notary fees; transfer of equity and other fees; disclosure, as amended.
- b. Fail to comply in any respect with LSA-R.S. 10:9-609. Secured party's right to take possession after default, as amended.
- c. Fail to comply in any respect with LSA-R.S. 32:705. Delivery of certificate of purchaser of vehicle, as amended.
- d. Fail to comply in any respect with LSA-R.S. 47:306. Returns and payment of tax; penalty for absorption, as amended.
- e. Fail to comply in any respect with LSA-R.S. 32:1251 et seq. and the rules of the Commission promulgated thereunder, as amended.
- f. Fail to comply in any respect with LSA-R.S. 6:969.1 et seq. and the rules of the Commission promulgated thereunder, as amended.

IT IS FURTHER ORDERED that Robert L. Thomas D/B/A White's Auto Sales and its successors and assigns, within thirty (30) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, they shall submit additional true and accurate written reports.

This order will terminate five (5) years from the date of its issuance or five (5) years from its most recent date that the Commission files a complaint alleging any violation of the order, whichever comes later.

JUDGMENT RENDERED AND SIGNED this 11th day of March 2013.

Chairman Raymond J. Brandt
LOUISIANA MOTOR VEHICLE COMMISSION

AGREED:

ROBERT L. THOMAS
DBA WHITE'S AUTO SALES

By: _____

LOUISIANA MOTOR VEHICLE COMMISSION

By: _____

Burgess E. McCranie, Jr., Commission Counsel

The Executive Director advised the Commission Members, due to unforeseen legal expenses relative to law and rule changes of recreational products licensing of the 2012 Regular Session of the Louisiana Legislature., Counselor McCranie had exceeded the limits of the contract and requested the following amendment to the contract be approved: "The total of all sums payable under this contract including fees and reimbursement of expenses shall not exceed the maximum amount of \$226,000.00 for the period commencing September 9, 2011 and ending on September 8, 2013. " After a brief discussion, Commissioner Westbrook made a motion to approve the amendment to Counselor McCranie's current contract. Commissioner Hargroder seconded this motion and it was unanimously approved.

Chairman Brandt called for a reading of the minutes of the November 5, 2012 meeting. Commissioner Hocevar made a motion to accept the minutes as read. Commissioner Hargroder seconded this motion and it was unanimously approved.

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

“Chairman Brandt asked for a review of the November, December, January and February financial statements of the Louisiana Motor Vehicle Commission, Motor Vehicle Sales Finance Division, copies of which were before each Commission Member. Commissioner Westbrook made a motion to accept the November, December, January and February financial statements as presented and incorporate into these minutes. This motion was seconded by Commissioner Hargroder and it was unanimously approved.”

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

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Cavalry SPV I, LLC	Valhalla, New York	#SF-2012-00988

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Guidry motion to ratify the motor vehicle sales finance license issued, #SF-2012-00988. Commissioner Hocevar seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Obey Financial Group, L.L.C.	Alexandria, Louisiana	#SF-2012-00989

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Westbrook motion to ratify the motor vehicle sales finance license issued, #SF-2012-00989. Commissioner Timmons seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Ross Downing Buick GMC Cadillac, L.L.C.	Hammond, Louisiana	#SF-2012-00990

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner LeBlanc motion to ratify the motor vehicle sales finance license issued, #SF-2012-00990. Commissioner Bent seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Available Credit Service of Baton Rouge, Inc.	Baton Rouge, Louisiana	#SF-2012-00991

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Fabre motion to ratify the motor vehicle sales finance license issued, #SF-2012-00991. Commissioner Timmons seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Gulco of Louisiana, LLC DBA Tower Loan of Lafayette	Lafayette, Louisiana	#SF-2012-00992

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Guidry motion to ratify the motor vehicle sales finance license issued, #SF-2012-00992. Commissioner Hargroder seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Luckmore Finance Corporation	New Orleans, Louisiana	#SF-2013-00180

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2013-00180. Commissioner Bent seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
Tommy's Wholesale Auto, LLC DBA Citizens Financial of Shreveport	Shreveport, Louisiana	#SF-2013-00358

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hicks motion to ratify the motor vehicle sales finance license issued, #SF-2013-00358. Commissioner Westbrook seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
Hendricks Auto Sales LLC	Vidalia, Louisiana	#SF-2013-00565

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Westbrook motion to ratify the motor vehicle sales finance license issued, #SF-2013-00565. Commissioner Fabre seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
Innovate Loan Servicing Corporation	Fort Worth, Texas	#SF-2013-00647

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hikcs motion to ratify the motor vehicle sales finance license issued, #SF-2013-00647. Commissioner Guidry seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
First JJB Inc.	New Bedford , Massachusetts	#SF-2013-00687

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner LeBlanc motion to ratify the motor vehicle sales finance license issued, #SF-2013-00687. Commissioner Hargroder seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
J&J's Bargain Barn LLC	Haughton, Louisiana	#SF-2013-00716

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hicks motion to ratify the motor vehicle sales finance license issued, #SF-2013-00716. Commissioner Westbrook seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
Lendstrong, LLC	Sunrise, Florida	#SF-2013-00741

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hicks motion to ratify the motor vehicle sales finance license issued, #SF-2013-00741. Commissioner Fabre seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
Fred's Automotive Repair & Wrecker Service, LLC	Vidalia, Louisiana	#SF-2013-00769

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Westbrook motion to ratify the motor vehicle sales finance license issued, #SF-2013-00769. Commissioner Hargroder seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Big Easy Auto, LLC	Harvey, Louisiana	#SF-2013-00770

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner LeBlanc motion to ratify the motor vehicle sales finance license issued, #SF-2013-00770. Commissioner Hocevar seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Auto Guarantee LLC	Eunice, Louisiana	#SF-2013-00772

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Guidry motion to ratify the motor vehicle sales finance license issued, #SF-2013-00772. Commissioner Hargroder seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Northshore Financial, L.L.C. DBA Northshore of Financial of Covington	Covington, Louisiana	#SF-2013-00777

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner LeBlanc motion to ratify the motor vehicle sales finance license issued, #SF-2013-00777. Commissioner Bent seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Northshore Financial, L.L.C.	Hammond, Louisiana	#SF-2013-00779

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner LeBlanc motion to ratify the motor vehicle sales finance license issued, #SF-2013-00779. Commissioner Bent seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Northshore Financial, L.L.C. DBA Northshore Financial of Slidell	Slidell, Louisiana	#SF-2013-00780

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hocevar motion to ratify the motor vehicle sales finance license issued, #SF-2013-00780. Commissioner Bent seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
LKQ Birmingham, Inc. DBA LKQ Heavy Truck Parts & Equipment	West Monroe, Louisiana	#SF-2013-00781

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hicks motion to ratify the motor vehicle sales finance license issued, #SF-2013-00781. Commissioner Westbrook seconded this motion and it was unanimously approved.

<u><i>SALES FINANCE COMPANY</i></u>	<u><i>CITY</i></u>	<u><i>LIC. #</i></u>
Westwood Auto Sales of Shreveport, Inc. DBA Westwood Auto Sales	Bossier City, Louisiana	#SF-2013-00813

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hicks motion to ratify the motor vehicle sales finance license issued, #SF-2013-00813. Commissioner Westbrook seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
Republic Finance, LLC DBA Republic Finance	Abbeville, Louisiana	#SF-2013-00814

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Guidry motion to ratify the motor vehicle sales finance license issued, #SF-2013-00814. Commissioner Hargroder seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
State Financial Services - Springleaf, Inc.	Mobile, Alabama	#SF-2013-00821

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner Hicks motion to ratify the motor vehicle sales finance license issued, #SF-2013-00821. Commissioner Fabre seconded this motion and it was unanimously approved.

<u>SALES FINANCE COMPANY</u>	<u>CITY</u>	<u>LIC. #</u>
North American Automotive Group of Hammond LLC	Hammond, Louisiana	#SF-2013-00824

The Executive Director reported the application and supporting documentation were in order for this motor vehicle sales finance applicant. Commissioner LeBlanc motion to ratify the motor vehicle sales finance license issued, #SF-2013-00824. Commissioner Bent seconded this motion and it was unanimously approved.

Ratification of GAP Administrator License issued:

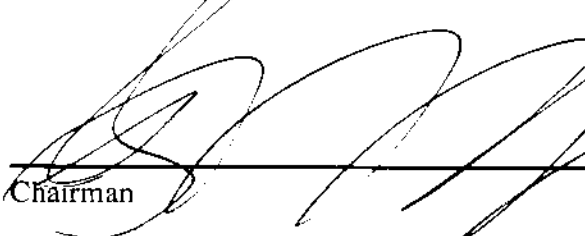
<u>GAP ADMINISTRATOR</u>	<u>CITY</u>	<u>LIC. #</u>
Partners Alliance Corporation	Poway, California	#GA-2013-00115

The Executive Director reported the application and supporting documentation were in order for this GAP administrator applicant. Commissioner Hocevar made a motion to ratify the motor vehicle sales finance license issued, #GA-2013-00115. Commissioner LeBlanc seconded this motion and it was unanimously approved.

The Chairman called for a review of the license issued. Commissioner LeBlanc made a motion to ratify the licenses issued: sales finance, #SF-2013-00585 through #SF-2013-00846; GAP Administrators, #GA-2013-00106 through #GA-2013-00123; GAP Administrator Agents, #GAA-2012-00064 and #GAA-2013-00022 through #GAA-2013-00066. Commissioner Hocevar seconded this motion and it was unanimously approved.

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

There being no further business, Commissioner Hocevar made a motion to adjourn the meeting at 12:05 p.m. Commissioner Bent seconded this motion and it was unanimously approved.


Chairman


Executive Director