

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2006 CA 0956

GULF STREAM COACH, INC.

VS.

TURPIN PONTIAC RV CENTER & LOUISIANA USED MOTOR  
VEHICLE & PARTS COMMISSION

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JUDGMENT RENDERED: MARCH 23, 2007

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ON APPEAL FROM THE  
NINETEENTH JUDICIAL DISTRICT COURT  
DOCKET NUMBER 533,951, DIVISION I  
PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA

HONORABLE R. MICHAEL CALDWELL, JUDGE

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LOUISIANA RECREATIONAL AND USED  
MOTOR VEHICLE COMMISSION

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ALEXANDRIA, LA

ATTORNEY FOR DEFENDANT/APPELLEE  
TURPIN PONTIAC RV CENTER

BEFORE: CARTER, C.J., WHIPPLE AND MCDONALD, JJ.

MCDONALD, J.

Turpin Pontiac RV Center (Turpin Pontiac) of Alexandria, Louisiana, filed a complaint with the Louisiana Recreational and Used Motor Vehicle Commission (the Commission)<sup>1</sup> against Gulf Stream Coach, Inc. (Gulf Stream) of Nappanee, Indiana, alleging that Gulf Stream failed to repurchase four motor homes within sixty days of receipt of Turpin Pontiac's certified letter of intent to cease the sale of Gulf Stream recreational vehicles, in violation of La. R.S. 32:773.2(A)(2).

After a hearing, the Commission found that Gulf Stream had violated La. R.S. 32:773(A)(2) and rendered judgment against Gulf Stream and in favor of Turpin Pontiac in the amount of \$31,759.00 (the remaining balance on the repurchase minus repair and cleaning costs), plus hearing costs and attorneys fees in the amount of \$962.50, court reporter fees in the amount of \$287.00, and penalties in the amount of \$2,083.04 through May 17, 2005, and penalties thereafter to accrue at the rate of \$15.66 per day, until paid. Additionally, the Commission ruled that Turpin Pontiac could pursue any further claims in a civil proceeding.

Gulf Stream filed a petition for judicial review of this decision to the Nineteenth Judicial District Court. Turpin Pontiac answered the appeal, asking that the judgment be modified in its favor, and otherwise affirmed. The Commission also answered the appeal, asking that the judgment be affirmed. The trial court thereafter affirmed the judgment.

Gulf Stream is appealing the trial court judgment. After a thorough review of the record, we find no manifest error or legal error and affirm the

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<sup>1</sup> The defendant was incorrectly named in the petition.

trial court judgment in accord with Uniform Rules-Courts of Appeal, Rule 2-16.2.A(6), (7), and (8). Costs are assessed against Gulf Stream.

**AFFIRMED.**