

ROBERT BURNS, REV. FREDDIE LEE
PHILLIPS

NUMBER 10311669 DOCKET:
19TH JUDICIAL DISTRICT COURT

SEC. 24

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BAORD,
CHARLES "HAL" McMILLIN, JAMES M SIMS,
DARLENE JACOBS-LEVY, JEFFREY HENDERSON,
TESSA STEINKAMP, CHARLES "CLAYTON" BRISTER

STATE OF LOUISIANA

**PETITION FOR DAMAGES, DECLARATORY JUDGMENT, AND
WRIT OF MANDAMUS**

NOW UNTO COURT come Plaintiffs, Robert Edwin Burns and Rev. Freddie Lee
Phillips, in proper person, who assert the following:

1.

That Petitioners are both of the full age of majority and both reside in the Parish
of East Baton Rouge, State of Louisiana.

2.

Made Defendants in this Petition for Damages, Declaratory Judgment, and Writ
of Mandamus are:

FILED
EAST BATON ROUGE PARISH, LA
2014 JUN 30 AM 11:18
DEPUTY CLERK OF COURT

LOUISIANA AUCTIONEER'S LICENSING BOARD (LALB), an executive
agency of the State of Louisiana and a body corporate with the power to sue and
be sued whose office at all times pertinent herein is located in the Parish of East
Baton Rouge, State of Louisiana, and whose Chairman and representative for
Service of Process is Ms. Tessa Steinkamp, LALB Member and Chairman, 116
Rue Aries Road, Slidell, LA 70461-5226.

TESSA STEINKAMP, LALB Member and Chairman, a major resident and
domiciliary of the Parish of St. Tammany, State of Louisiana

JAMES M. SIMS, LALB Member and Vice Chairman, a major resident and
domiciliary of the Parish of Union, State of Louisiana.

DARLEEN JACOBS-LEVY, LALB Member and Treasurer, a major resident
and domiciliary of the Parish of Orleans, State of Louisiana.

JEFFREY HENDERSON, LALB Member, a major resident and domiciliary of
the Parish of East Baton Rouge, State of Louisiana.

CHARLES “CLAYTON” BRISTER, LALB Member, a major resident and domiciliary of the Parish of Rapides, State of Louisiana.

CHARLES “HAL” McMILLIN, LALB Member, a major resident and domiciliary of the Parish of Calcasieu, State of Louisiana.

3.

Defendant LALB is a public body which conducts six (6) meetings a year, all of which are subject to Louisiana’s Open Meetings Laws (LA R. S. 42).

4.

LA R. S. 42:23 provides for the audiotaping or videotaping of public bodies which are subject to LA R. S. 42. The Statute states, in pertinent part, “All of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.”

5.

Petitioners began their videotaping of LALB meetings on September 20, 2010.

6.

Defendant LALB’s membership has never been pleased with Petitioners exercising their rights under LA R. S. 42:23(A) and have engaged in a systematic pattern of obstructing, harassing, and intimidating Petitioners regarding their efforts at videotaping the proceedings. That systematic pattern of obstruction, harassing, and intimidating includes the following episodes, to wit:

7.

On September 20, 2010, audience member Marvin Henderson, father of Defendant Jeffrey Henderson, physically threatened Petitioner Burns in stating (verbatim): “The first day I find you've messed in my business, I'm going to take your head off and stuff you in a garbage can!" Despite the fact that Defendant LALB employs an EBRP Deputy, Ronald Landry, for security, who heard the threat (as did several people standing near Petitioner Burns), Deputy Landry did nothing other than inform Petitioner Burns and Mr. Henderson that, from that point forward, they would have to stand on opposite sides of the room. Though Mr. Henderson made a very definitive verbal physical threat against Petitioner Burns which was neither provoked nor responded to (aside from inquiring of Deputy Landry if he'd heard what had just been said), the LALB took no action to have

Mr. Henderson removed from the premises. On the advice of his attorney, Petitioner Burns gave a statement to EBRP Deputy J. Stevens on September 28, 2010. A copy of that statement is attached hereto and made a part hereof as Exhibit P-1. As is evidenced by the statement and corresponding business card of Deputy Stevens, the incident was assigned case #: 10-67776.

8.

At that same meeting, September 20, 2010, another audience member and retired Louisiana State Police Trooper, Mr. Terri Shirley, made the following verbatim quote to another audience member, Philip W. Mayeux, who is close friends with Petitioners: “Nah, partner, what I told you was that I’m going to tie a knot in your ass, and I’m not taking it back.” Mr. Shirley’s threat was made during an open meeting and was recorded on audiotape. Again, Defendant LALB, notwithstanding its readily-available security officer, EBRP Deputy Ronald Landry, did absolutely nothing remotely indicating to Mr. Shirley that he may be required to leave the premises. In fact, Mr. Shirley was not even admonished for his admission of a physical treat against Mr. Mayeux.

9.

Frustrated with Petitioners’ efforts at videotaping meetings, Defendants, at Defendant LALB’s January 23, 2012 meeting, proposed and approved a set of “board meeting management and open meetings rules” ostensibly under the authority of LA R. S. 42:23(B), which provides for maintenance of proper decorum in a meeting. Those proposed and approved rules are attached hereto and made a part hereof as Exhibit P-2.

10.

Petitioners contend that certain of these rules, namely rules two (2), five (5), seven (7), and nine (9) have absolutely nothing to do with “maintaining decorum” and instead were proposed and approved for the sole purpose of inhibiting Petitioners’ ability to obtain and distribute video coverage of meetings to Louisiana licensees and other interested parties.

11.

Despite Defendant McMillin’s plea for the Board not to “sweat the small stuff” (his exact words) such as the use of a tripod or an electrical outlet, the Board ignored his pleas for common sense and passed the rules anyway, including number five (5) prohibiting the use of a tripod.

12.

When Petitioner Phillips relayed at the meeting that he would be happy to use a “one legged tripod” (i.e. a unipod), Defendant Sims angrily shot back, “a tripod is a tripod. It don’t matter whether it’s got one leg or three.”

13.

When Petitioner Burns complained about rule number seven (7) relating that no power would be supplied for use with a camcorder and inquired as to the rationale, the only response he received was the utterance of the word “wires” by then-Board Member Lamar Little. Chairman Steinkamp then relayed that, if a number of folk wanted to use power supplies to videotape (notwithstanding that Petitioners have been the only ones in the LALB’s history to videotape meetings), the Board would be unable to state who got to use the power supplies and who didn’t. Board Member McMillin then made it clear that he had “no problem” with anyone needing a power supply and that the default parameter would be that power supplies **could** be used, and only if a situation such as Ms. Steinkamp described arose could the Board vote to deny power to **all** attendees wishing to videotape the meetings.

14.

Mr. McMillin’s parameters of the power supply specified in paragraph 13 notwithstanding, at the very next meeting, March 19, 2012, Petitioner Burns was informed that he would be denied access to an electrical outlet to videotape that day’s meeting. When he referenced Mr. McMillin’s stipulation from the prior meeting, Mr. McMillin went so far as to say, on tape, “I sure hope we’re not going to choke on a gnat here.” Mr. McMillin then made a motion to permit Petitioner Burns the use of an electrical outlet; however, his motion failed to garner a second.

15.

At that March 19, 2012 meeting, a discussion transpired regarding illegal activities by New Orleans Auction Galleries (NOAG), a firm for which LALB Chairman Tessa Steinkamp served as Vice President, Secretary, and Treasurer during some of the period of the illegal activity. Those illegalities included 40+ consignors totaling nearly \$600,000 having not been paid within the statutory period and the fact that NOAG had paid company operating expenses using consignor escrowed funds. Additionally,

numerous bidders bid on fake paintings and suffered six-figure losses as a result. Upon information and belief, Ms. Steinkamp insisted upon the unplugging of the camcorder not due to any concerns of “decorum,” but to shield a videotaping (and subsequent dissemination to licensees and other members of the public) of the discussions of the transgressions of her employer and her potential complicity in those transgressions together with her failure to alert the LALB to the problems prior to the firm alerting the world of them via a highly-public bankruptcy filing on April 1, 2011.

16.

Defendants’ approval of rules five (5) and seven (7) of Exhibit P-2 notwithstanding, on September 17, 2012, Defendants hired a videographer (first and only time in its history to do so) to videotape a so-called “hearing” entailing Petitioner Burns for his involvement in reporting potential payroll fraud as well as his public exposing of the problems at NOAG, Chairman Steinkamp’s employer. For that so called “hearing,” Defendants had no qualms whatsoever with providing a videographer with an electrical outlet, a huge cable running from his large video camera to ancillary devices, an electrical plug for operation of the camera, and a very large tripod stand. Thus, Defendants conveniently impose their “rules to maintain decorum” on a very selective basis to inhibit coverage of material (most notably illegal activities by Chairman Steinkamp’s employer in which she may have been complicit) that they do **not** want made public, yet simultaneously bend over backwards to provide accommodations for something they have no qualms with making available to the public entailing their own prosecution of Petitioner Burns.

17.

The proposed rules, Exhibit P-2, were first presented at the September 19, 2011 meeting; however, Mr. McMillin motioned that the rules be deferred until the January 23, 2012 meeting because he relayed they gave him “too much heartburn.” Prior to his motion, however, Petitioner Phillips, a then-sitting Member of the LALB, complained bitterly about rule number nine (9), which relays all persons attending the meeting are “subject to search.” When he made an inquiry as to what criterion would be used to assess if someone was searched, he was told by Board Attorney Anna Dow, “If you’re in here.” He then stressed the need for “probable cause;” however, Ms. Dow proceeded to

single Petitioner Phillips out and ask **him and him alone** four times within a two-minute timeframe if he was “carrying a weapon?” When Petitioner Phillips stated that Ms. Dow needed to pose that question to every other person in the room, she said nothing.

Furthermore, when Petitioner Phillips refused to answer the question, both Ms. Dow and Ms. Steinkamp, as captured on videotape, looked over at EBRP Deputy Ronald Landry with an implicit request to have him escorted out of the facility, notwithstanding his then-sitting-member status with the LALB.

18.

Defendants, as part of their efforts to “maintain decorum,” have situated the public seating a considerable distance from the LALB meeting table. While this effort to thwart video coverage of the meeting is easy to overcome with a zoom lens, what is difficult to overcome is members’ (particularly Defendants James Sims and Jeffrey Henderson) tendency to mumble and speak in barely audible voices so as to avoid public members hearing what they’re saying (or being captured on the audiotape). At the January 15, 2014 meeting, these two Board Members engaged in the practice repeatedly. On no less than five (5) occasions, Petitioner Phillips requested that the members speak up as it was impossible to hear, and Chairman Steinkamp pleaded with both men to “please speak up.” Nevertheless, once Petitioner Phillips made the fifth (5th) request, Defendant Sims turned around with an angry look directed toward Petitioner Phillips and, upon Mr. Sims doing so, EBRP Deputy Ronald Landry came over to Petitioner Phillips, and he (Landry) told him (Phillips) that he would have to leave if he continued “disrupting” the meeting. As captured on videotape, EBRP Deputy Landry then escorted Petitioner Phillips out into the hallway and lectured him, presumably about having the audacity to expect to be able to hear Board Member deliberations! This episode is just another example in a long-line of attempted intimidations by Defendant Board Members upset with Petitioners exercising their rights pursuant to LA R. S. 42:23(A).

19.

As a result of the blatant attempts by Defendants to obstruct and inhibit public dissemination of their meetings through the arbitrary and capricious implementation of their “rules,” which Petitioners contend are nothing more than efforts to suppress, not encourage, dissemination of public body discussions, Plaintiffs seek a Declaratory

Judgment of this Honorable Court rendering rules two (2), five (5), and seven (7) void and/or unenforceable on the grounds that their clear intent is not to “maintain public decorum” and never have been, but instead are intended to inhibit public dissemination of discussions of public matters, which is completely counter to both the letter and spirit of LA R. S. 42:23 (A). Further, Petitioners seek a Declaratory Judgment that rule number nine (9) be amended to add the words “upon sufficient grounds as deemed by a law enforcement official that probable cause exists for such a search.”

20.

Defendants’ repeated actions to intimidate Petitioners while permitting other audience members to engage in outrageous and egregious conduct reached a crescendo at the LALB meeting of May 6, 2014. On that date, while one member of the audience, Barbara Bonnette, was addressing the Board, her associate, Chris Lemoine, extended his arm and placed a letter-sized sheet of paper directly in front of the camera Petitioners were using to videotape the proceeding.

21.

Upon Mr. Lemoine’s arm being gently touched in a polite effort to move the paper out of the camera’s way, Mr. Lemoine shouted angrily and in a very elevated voice, “You touch me again!,” to which Petitioner Phillips stood and responded, “What you going to do?”

22.

After audience member Lemoine’s action, which would be more appropriate for the Jerry Springer show than a professional meeting, followed by Petitioner Phillips’ inquiry in paragraph 21, EBRP Deputy Ronald Landry informed Petitioner Phillips, “You’re going to have to leave,” to which Petitioner Phillips responded, “If I have to leave, then all of them have to leave.”

23.

Chairman Steinkamp arose out of her seat and walked the 20 feet or so to the audience rows of chairs. She then demanded that the camera be taken off of her, which was a request for which Petitioner Burns did not comply.

24.

Audience member and Louisiana Auctioneer's Association (LAA) President Wiley Collins then shouted in an angry voice, "We're tired of all these fucking disruptions. It's every meeting." Mr. Collins also lambasted Petitioners on July 9, 2013 in an approximate 3-minute diatribe regarding the Louisiana Association of Professional Auctioneers (LAPA), for which Petitioner Phillips is President and Founder and Petitioner Burns is Vice President. No such discussion of LAPA was on the agenda for July 9, 2013, yet not one Defendant made any effort whatsoever to indicate to Mr. Collins that his discussions were off-topic, out-of-order, and inappropriate given that no such item was on the agenda.

25.

Again regarding the May 6, 2014 meeting, Chairman Steinkamp stormed back to her seat after Mr. Collins' "fucking disruptions" utterance and informed LALB Attorney Larry S. Bankston that "you handle this." Mr. Bankston then, in coordination with LALB Investigator Jim Steele, who was next to Mr. Collins attempting to defuse the situation, politely requested that Petitioner Phillips return to his seat, a request which Petitioner Phillips adhered to. Next, Mr. Collins and his friend, who accompanied him for the meeting, Mr. Joe Massey, likewise returned to their seats. Nevertheless, immediately upon returning to her seat, while even still standing and only seconds after Mr. Collins made reference to "fucking disruptions," Chairman Steinkamp angrily relayed that Petitioners were filming people when they "do not want to be videotaped." In making such a statement, Defendant Chairman Steinkamp is not only failing to recognize that, as part of the right to speak at a public meeting, there comes an obligation to submit to videotaping if anyone so desires. Furthermore, Ms. Steinkamp and her fellow Defendants in this Petition said **nothing** to Mr. Lemoine, who was the source of the "disruption," **nor** did they admonish LAA President Wiley Collins for his inappropriate apparent assessment of the source of the "fucking disruptions" being Petitioners! In so doing, Defendants continued their repeated pattern of sympathizing with those audience members who, like them, view videotaping of meetings with disdain. Petitioners assert that audience members holding such views should refrain from attending the meetings

and further assert that Defendant Board Members holding such viewpoints should resign from the LALB. Irrespective of their own viewpoints regarding videotaping, Defendant LALB Members have no right whatsoever to subject Petitioners to the repeated harassment to which they have subjected Petitioners, most especially on May 6, 2014 and, in so doing, they have violated LA R. S. 42:23(A) in inhibiting Petitioners' ability to videotape the meeting in a non-threatening, conducive environment.

26.

As a result of Defendants' dismal failure to even so much as admonish Mr. Lemoine for his action of blatantly trying to block video coverage of the meeting, Mr. Collins for his inexcusable outburst (particularly when it was Mr. Lemoine who had initiated the "disruption"), and especially given Chairman Steinkamp's remark regarding Petitioner's videotaping, Petitioners allege that the actions of May 6, 2014 reached completely unacceptable levels of harassment and intimidation regarding fostering an environment of extreme hostility entailing Petitioner's statutory right to videotape meetings. Accordingly, through this petition, Petitioners seek damages against each member of Defendant LALB, for their fostering of that environment in violation of Louisiana's open meeting laws regarding LA R. S. 42:23(A).

27.

By their knowing and willful acts of creating repeated instances of permitting audience members to threaten petitioners with such actions yielding not even an admonishment by Defendants, combined with their instructions to EBRP Deputy Landry to repeatedly indicate that Petitioners may be required to leave the premises but never audience members who sympathize with Board Members regarding videotaping, Defendants have violated LA R. S. 42:23(A) in that they have not in the least fostered an environment in which petitioners are free to exercise their right under LA R. S. 42:23(A) but instead have strategically utilized LA R. S. 42:23(B) in a manner in which it was never intended in an effort to thwart those efforts (particularly with the absurd action of requiring the removal of an electrical cord for power on March 23, 2012).

28.

Petitioners contend that Defendants blatantly violated LA R. S. 42:23(A) in making no effort whatsoever to admonish Mr. Lemoine's act of blocking videotaping of

Ms. Bonnette's comments nor Mr. Collins' subsequent utterance of "we're tired of all these fucking disruptions." Essentially, Petitioners contend that LA R. S. 42:23(A), which states, "**all** of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live," does not contain further wording which states, "However, the public body may feel free to aid and abet audience members in intentionally utilizing objects to block video coverage along with condoning another audience member cursing those videotaping the meeting by uttering words like 'fucking disruptions.'" By repeatedly ignoring these type actions of other public members (and, in fact, **sympathizing with them**), Petitioners are in fact complicit with the actions. Thus, Petitioners assert that Defendant LALB members effectively blocked video coverage themselves via the letter-sized sheet of paper placed in the camera's view as Mr. Lemoine did. Petitioners assert that, through their prior inactions regarding hostile acts by audience members toward Petitioners, Defendants, in effect, emboldened Mr. Lemoine to engage in his outrageous conduct. Further, and perhaps even more importantly, not one Defendant member (nor any representative legal counsel) admonished Mr. Lemoine for his conduct nor that of LAA President Wiley Collins in referencing the "fucking disruptions" regarding Petitioners.

29.

Accordingly, Petitioners contend Defendants' actions are counter to the letter and spirit of LA R. S. 42:23(A). Further, Petitioners contend that their ability to videotape **all** of the meeting would have been easily facilitated had they been permitted to continue their prior practice of merely setting up an unimposing unipod near the meeting table. Not only would such a unipod have permitted better coverage of the meeting by providing a better angle and closer proximity for audio coverage, but it also would have enabled steady and consistent video footage, all while permitting the camcorder to operate unmanned. Such a setup, as well, would have forced Mr. Lemoine to have walked up to the table and place his sheet in front of the camera, an action which Defendant Members (hopefully) would most certainly not have tolerated. Instead, through Defendants' steadfast implementation of "board rule number five (5)," Petitioners were forced to sit beside hostile and rude audience members, namely Chris Lemoine, Wiley Collins, and Joe Massey. Defendants forcing such a hostile environment

upon Petitioners resulted in significant interference with their ability to film the meeting in accordance with LA R. S. 42:23(A) when audience member Chris Lemoine intentionally held his arm out and placed a letter-sized sheet of paper blocking Petitioner's camera from videotaping the meeting.

30.

As a result of Defendants' violation of LA R.S. 42:23(A) and pursuant to LA R. S. 42:28, each LALB Member named Defendant is **personally** liable unto Petitioners for the amount of \$100 each to each Plaintiff, or \$200 total from each named LALB Defendant. Further, Pursuant to LA R. S. 42:26(C), upon successful awarding of a Judgment of this Honorable Court in which such \$100 civil penalty is assessed against each Member and awarded to each Petitioner, Petitioners are also entitled to reasonable attorney fees and the costs of this Petition.

31.

Defendants also maintain a link on the agency's website for the Louisiana Auctioneer's Association (LAA), a trade association for which Mr. Wiley Collins serves as President. On January 8, 2013, Petitioner Phillips requested that a similar link be provided for the Louisiana Association of Professional Auctioneers (LAPA). Petitioner Phillips serves as President and Founder of LAPA, and Petitioner Burns serves as Vice President. Petitioner Phillips was told that the matter of adding a website link to the LALB's website would be addressed at a subsequent meeting.

32.

On March 5, 2013, Defendants voted unanimously, after guidance on the vote was sought from Board Attorney Larry S. Bankston, to refuse to place a link for LAPA on Defendant's LALB website. Mr. Bankston provided as his rationale for recommending a denial of a LAPA link that, "LAPA is not a substantial organization from anything I can gather." He then went on to relay that LAPA has few members.

33.

On July 9, 2013, Defendants permitted Mr. Wiley Collins, newly elected President of the LAA, to take the floor and spend several minutes lambasting LAPA. Defendants permitted Mr. Collins to make the disparaging statements notwithstanding

that there was no such item slated for discussion on Defendant LALB's agenda for July 9, 2013.

34.

On September 10, 2013, during "public comment" of Defendant LALB's meeting, Petitioner Phillips stated emphatically that he had "no intention of backing down" on insisting that a LAPA link be added to Defendant LALB's website, and that he would pursue legal action if it was not added.

35.

At the November 5, 2013 meeting of Defendant LALB, Petitioner Phillips again pursued his initiative to have a LAPA link added to the Defendant LALB's website. His discussion of the matter was shut down, and he was told the matter was "closed."

36.

On November 8, 2013, Petitioner Phillips submitted a complaint to Louisiana Attorney General's Office alleging that both discrimination and a violation of his First Amendment right to free speech had transpired through Defendant LALB's action of permitting the LAA's website link (as well as that of the National Auctioneer's Association – NAA) to be present on Defendant LALB's website, yet denying that same privilege for LAPA. That complaint is attached hereto and made a part hereof as Exhibit P-3.

37.

On February 18, 2014, Attorney General James D. "Buddy" Caldwell's Office, via a letter drafted by Ms. Trinicia Bryant of the Consumer Protection Division, relayed to Defendant LALB that, "please find an inquiry recently received by the Office of the Attorney General. Because it appears to fall within the purview of your agency, it is forwarded for disposition as you deem appropriate."

38.

Through the date of the filing of this Petition, Petitioners have received no indication of a change in the position of Defendant LALB's membership regarding placing LAPA's website link on Defendant LALB's website.

Upon information and belief and **despite** the fact that LAPA's website has a full-blown index of LALB discussions of items like Mississippi reciprocity, the apprenticeship program, the inter-agency agreement with the Louisiana Used Motor Vehicle Commission, and many other topics of benefit to Louisiana auctioneers, Defendants' steadfast refusal to place LAPA's website link on its website results from the fact that LAPA's website contains actual video (or audio) coverage of LALB meetings which frequently depict embarrassing episodes of individual Board Members, to wit:

A. Board Members James Sims and Greg Bordelon responding with "I's here," and "I's here too," to the roll call of November 5, 2012.

B. Board Attorney Anna Dow inquiring of Petitioner Phillips (a **then-sitting** Board Member) on September 19, 2011 four (4) times during a two-minute span if he was "carrying a weapon?" During that two-minute video clip, upon Petitioner Phillips refusing to answer the question (after first insisting it be directed at all attending the meeting), Board Chairman Tessa Steinkamp looked directly at EBRP Deputy Ronald Landry with an implicit request that he be searched and/or escorted from the meeting.

C. At the January 10, 2011 meeting of Defendant LALB, Board Attorney Anna Dow and then-Chairman James Kenneth Comer repeatedly threatening to sue Petitioner Phillips over his questioning of an expenditure of the LALB to pay for Ms. Dow's time attending a national auctioneer's conference.

D. At the August 2, 2012 meeting of Defendant LALB, former long-time Chairman Delmar "Buster" Gay relaying that Petitioner Phillips "may well be an embarrassment at the convention" regarding his attempted (but denied) attendance at the same convention for which Petitioner Phillips questioned Ms. Dow's paid attendance without Board approval.

E. Chairman Steinkamp relaying at the August 2, 2010 meeting of Defendant LALB that, "I voted no not to send you [Petitioner Phillips, to the convention] because...I wouldn't want you to represent this Board."

F. Copies of a lawsuit filed against JAH Enterprises, an entity controlled by Board Member Defendant Jeffrey Henderson, by the Louisiana Department of Revenue alleging approximately \$200,000 in unpaid sales taxes due the State of Louisiana.

G. At the May 21, 2012 meeting of Defendant LALB, Board Member Defendant Darlene Jacobs-Levy, during the consideration of the hiring of attorney Larry S. Bankston, stating that Mr. Bankston “has never been censured by any court that I’m aware of and, as I said, I’ve been practicing (law) for 42 years, so if he had been, I think I would know about it.” Beneath video coverage of Ms. Jacobs-Levy’s wildly inaccurate statement is a caption to relay the reality that Mr. Bankston served 33 months of a Federal prison sentence for disguising a bribe from Fred Goodson entailing video poker legislation as well as the fact Mr. Bankston was fined \$20,000 and had his law license revoked by the Louisiana State Supreme Court.

H. Defendant Board Member Charles “Hal” McMillin, at the November 5, 2012 meeting of Defendant LALB, stating that he had no intention of reporting someone he knows who is conducting auctions with no license because “it could all come back to me, and he’s a writer for the local paper and he may chastise me in his column. This could all come back to me.”

I. At the November 5, 2012 meeting of Defendant LALB, Defendant James Sims lambasting Louisiana Gov. Bobby Jindal for stripping Defendant’s per diem payments.

40.

Despite the obvious unease of Defendants regarding the videotaped and audiotaped incidents relayed in paragraph 39 (and the likely embarrassment they entail to those Defendants), it does not provide Defendants with the right to, in the words of their legal counsel, Larry S. Bankston (who may also likely be embarrassed by the material associated with him on LAPA’s website), “exercise your full discretion regarding whether you want to add such a link or not.”

41.

Petitioners contend that Defendants’ act of denying the placement of a LAPA link on Defendant LALB’s website, when combined with Defendants having no qualms regarding providing such a link for the LAA, is a **blatant** violation of their First Amendment rights afforded to them under the United States Constitution.

42.

Since Petitioners have availed themselves of all remedies at their disposal (including filing a complaint with Louisiana Attorney General James D. “Buddy” Caldwell’s Office), and realizing that Courts are reluctant to issue a Writ of Mandamus unless all other avenues have failed, Petitioners are compelled to seek a Writ of Mandamus from this Honorable Court directing Defendant LALB to place a website link for LAPA’s website on Defendant LALB’s website to remedy the blatant violation of Petitioners’ rights under the First Amendment of the United States Constitution which has arisen through their steadfast and repeated past actions of not doing so voluntarily.

43.

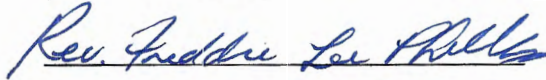
Pursuant to Case # 2008-CA-0952, Philip Courvelle and LA Recreational Vehicle Dealers Association, Inc. v. LA Recreational and Used Motor Vehicle Commission et. al., for which the First Circuit Court of Appeals overturned the civil penalties awarded by the 19th Judicial District Court imposed by Judge Morvant against that Commission’s Members as a result of the Plaintiff’s failure to name the Members of the Board individually as Defendants, Petitioners have named each of the six (6) Members of the LALB who knowingly and willfully violated LA R. S. 42:23(A) in fostering an environment of extreme hostility which has been directed toward Petitioners by both Defendants and members of the public (with no action or warning whatsoever being taken against them nor any admonishment issued to them for those actions of public members) culminating in the concerted efforts to block Petitioner’s efforts to videotape the meetings via permitting audience member Chris Lemoine to place an 8 ½” x 11” piece of paper directly in front of Petitioner’s camera and then physically threaten Petitioners thereafter. Petitioners further assert that the entire episode could have been avoided were it not for Defendants’ steadfast insistent on implementing “board rule number five (5),” prohibiting tripods (or in, Petitioners’ case, a mere unimposing unipod) at meetings. Further, this Petition has been filed within the 60-day timeframe permitted by LA R. S. 42:28 for the imposition of Civil Penalties against the six (6) named Defendant Members of the LALB.

WHEREFORE, petitioners, ROBERT EDWIN BURNS and REV. FREDDIE LEE PHILLIPS, pray that Defendants, LOUISIANA AUCTIONEER’S LICENSING

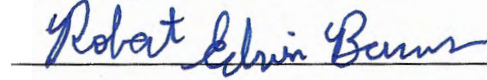
BOARD, JAMES M. SIMS, TESSA STEINKAMP, DARLENE JACOBS-LEVY, CHARLES "HAL" McMILLIN, CHARLES "CLAYTON" BRISTER, and JEFFREY HENDERSON be duly served with a copy of this petition, and cited to appear and answer same and, after all legal delays and due proceedings had, there be a judgment herein in favor of Petitioners, ROBERT EDWIN BURNS and REV. FREDDIE LEE PHILLIPS, and against Defendants, LOUISIANA AUCTIONEER'S LICENSING BOARD, JAMES M. SIMS, TESSA STEINKAMP, DARLENE JACOBS-LEVY, CHARLES "HAL" McMILLIN, CHARLES "CLAYTON" BRISTER, and JEFFREY HENDERSON awarding \$100 to each Petitioner (\$200 total from each individually-named Defendant) in Civil Penalties (except the LALB itself as the civil penalty is a personal liability) pursuant to LA R. S. 42:28 along with each named personal Defendant being assessed a 16.67% (one-sixth) share of Petitioners' court costs in initiating this Petition as provided for under LA R. S. 42:26(C). Petitioners further seek a Declaratory Judgment of this Honorable Court rendering "Board Rules Numbers 2, 5, and 7" of Exhibit P-2 unenforceable and thereby void given that they are clearly intended to impede and obstruct transparency of open meetings, which is both contrary to the letter and spirit of LA R. S. 42:23(A). Petitioners further seek that "Board Rule Number 9" be amended by this Honorable Court to specify that probable cause must exist before Defendant LALB can initiate a search of anyone attending Defendant LALB's meetings. Lastly, Petitioners seek a Writ of Mandamus to be issued by this Honorable Court directing Defendant LALB to add a link to its website which directs visitors to the website of the Louisiana Association of Professional Auctioneers (LAPA), for which Petitioner Phillips serves as President and Founder and for which Petitioner Burns serves as Vice President, just as Defendant LALB presently does for the Louisiana Auctioneer Association (LAA) and National Auctioneers Association (NAA). Such issuance of a Writ of Mandamus will cure the blatant violation of Petitioners' First Amendment Rights under the Constitution of the United States regarding Petitioners' right of free speech which has arisen through Defendants' steadfast resolve to refuse to provide that link voluntarily.

Respectfully Submitted,

Rev. Freddie Lee Phillips, in proper person
8055 Hanks Drive
Baton Rouge, LA 70812-4122
(225) 358-4463 (home)
(225) 229-3341 (cell)
E-mail: freddiephillips@bellsouth.net



Robert Edwin Burns, in proper person
4155 Essen Lane, Apt 228
Baton Rouge, LA 70809-2152
(225) 636-5506 (home)
(225) 235-4346 (cell)
E-mail: Robert@AuctionSellsFast.com



PLEASE SERVE:

All individual Defendants are scheduled to be in attendance at an LALB meeting transpiring at 11:00 a.m. on Tuesday, July 15, 2014 at the following address:

**LOUISIANA MUNICIPAL ASSOCIATION
700 North 10th St
Baton Rouge, LA 70802**

Accordingly, please serve the following individual's mere minutes before 11:00 a.m. at the above-listed address where they will all be located in one of the facility's conference rooms:

**TESSA STEINKAMP, Chairman and Member, LALB
JAMES M. SIMS, Member & Vice Chairman, LALB
DARLENE JACOBS-LEVY, Secretary-Treasurer and Member, LALB
CHARLES "CLAYTON" BRISTER, Member, LALB
JEFFREY HENDERSON, Member LALB
CHARLES "HAL" McMILLIN, Member, LALB**

Please withhold service for Defendant LOUISIANA AUCTIONEER LICENSING BOARD until after July 15, 2014, after which service may be facilitated as indicated below:

**LOUISIANA AUCTIONEER'S LICENSING BOARD
James D. "Buddy" Caldwell, Attorney General, State of Louisiana
1885 N Third St
Baton Rouge LA 70802**



September 28, 2010:

On Monday, September 20, 2010, at approximately 1:15 p.m. upon conclusion of a meeting of the Louisiana Auctioneer's Licensing Board and prior to a hearing to be heard by that same Board, Auctioneer Marvin Henderson approached me and stated: "I've never met anybody like you. I've met a bunch of people in my life but none like you who just like to snoop and snoop and snoop. Well, let me tell you one thing right now [with his right hand shaking in front of my face as he uttered these words]: The first DAY I find you've messed in MY business, I'm going to take your head off and stuff you in a garbage can!"

There was an EBRP Sheriff's Deputy present, and I assume he heard the threat because he approached me and stated, "If you two are going to remain for the hearing, you're going to have to stay on one side of the room, and he'll have to stay on the other. Anything else, I'm going to have to ask you to leave the premises and then it will become a criminal matter."

For the record, I did visit the Livingston Parish Clerk of Court three days prior to the meeting, on Friday, September 17, 2010 near the close of business. I requested the file of a lawsuit which the Louisiana Department of Revenue has filed against JAH Enterprises (an entity controlled by Marvin's daughter, Janet Cagley, and his son, Jeff Henderson) entailing approximately \$208,000 in unpaid sales taxes resulting from an audit by the Department covering the years 2002-2006. I cannot rule out the possibility that someone at the Livingston Parish Clerk of Court may have notified Mr. Henderson of my visit. The Clerk's Office issued a receipt to me for the copies I purchased, and I provide a copy of that receipt as part of this report.

As a result of the above incident, I wish to file formal assault charges against Auctioneer Marvin Henderson.



Sid J. Gautreaux, III
Sheriff

EAST BATON ROUGE SHERIFF'S OFFICE
P.O. BOX 3277 - BATON ROUGE, LOUISIANA 70821

BURBANK SUBSTATION
(225) 389-5511

D. Stevens
Deputy Sheriff
10-67776
File No.

Robert Edwin Burns
Robert Edwin Burns

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THOMAS L. SULLIVAN, JR.

Livingston Parish Clerk Of Court
P.O. Box 1150
LIVINGSTON, LA 70754
(225) 686-2216

**CIVIL FILE ROOM
RECEIPT**

Date 9-17 2010

Received From Robert Swins

Amount: Three Dollars Dollars \$3.00

Certified Xeroxed

For Entry # (s) _____

HOW PAID

CASH		<input checked="" type="checkbox"/>
CHECK	#	
MONEY ORDER		

By Margaret

**PROPOSED RULES
BOARD MEETING MANAGEMENT AND OPEN MEETINGS RULES**

1. All parties attending the meeting should remain seated while in the meeting room. If chairs are not available, then those without chairs may remain standing until a chair becomes available.
2. Those videotaping the meeting may do so while seated.
3. Meeting attendees may not approach the board members or the conference table unless permission is requested and then granted by the Board chairman.
4. Those who wish to speak must raise your hand and be recognized by the Chairman. You may stand while you have the floor.
5. The use of tripods for cameras is prohibited.
6. Artificial lighting for filming or taking pictures is not allowed without approval of the board. Any request to use artificial lighting must be made to the Board prior to the beginning of any meeting when such lighting is to be used.
7. Those taping and otherwise needing power for equipment must provide their own source of electricity. No electrical cords are allowed.
8. Credentialed members of the media may ask for the above rules to be waived. Those requests should be made prior to the beginning of the meeting. Once the meeting has started, the rules cannot be waived.
9. All attending the meeting are subject to search.

Authority:

LSA-R.S. 42:23(B)

LSA-R.S. 37:3112

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LOUISIANA ASSOCIATION OF
PROFESSIONAL AUCTIONEERS

November 8, 2013

MR JAMES D "BUDDY" CALDWELL
ATTORNEY GENERAL, STATE OF LOUISIANA
P O BOX 94005
BATON ROUGE LA 70804-9005

Dear Attorney General Caldwell:

I wish to file a formal complaint against the Louisiana Auctioneer Licensing Board (LALB) for the Board's steadfast refusal to place a link on the Board's website, www.lalb.org, for the trade association I founded and for which I serve as President, the Louisiana Association of Professional Auctioneers (LAPA). That link is www.auctioneer-la.org.

The Board presently has links for the Louisiana Auctioneer Association and the National Auctioneer Association. LAPA's website provides invaluable guidance for consumers for avoiding problematic auction experiences. Through its repeated and adamant stands refusing to place the link on its website (for which I can provide your office with links for videos of same), I assert the LALB has: #1) blatantly discriminated against me based on my race as I am the only African American auctioneer in Louisiana's history, and #2) blatantly violated my rights under the First Amendment of the Constitution of the United States. The LALB is not some private club but instead is a public agency funded with public funds and therefore does not have the prerogative to discriminate or violate my First Amendment rights. Accordingly, I ask that your office either issue a directive for the LALB to add LAPA's link to the other trade association links on its website or else issue a directive for the LALB to remove the other links presently on its website.

I appreciate your time in considering my complaint, and I look forward to the Attorney General's Office initiating one of the two actions I've outlined in the preceding paragraph.

Sincerely,

Cc: Marjorie Esman, Executive Director – Louisiana ACLU (via email)
Stephen Street, Louisiana State Inspector General (via email)

Rev. Freddie Lee Phillips
Rev. Freddie Lee Phillips
LAPA President and Founder

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JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

RECEIVED

2 1 2014

February 18, 2014

Louisiana Auctioneer Licensing Board
11736 Newcastle Ave.,
Bldg. 2, Suite C,
Baton Rouge, LA 70816

Re: Consumer Complaint filed by Rev. Freddie Lee Phillips, Jr.

Dear Sir/Madam:

Attached, please find an inquiry recently received by the Office of the Attorney General. Because it appears to fall within the purview of your agency, it is forwarded for disposition as you deem appropriate. The consumer has been notified of this referral.

Thank you for your cooperation in this matter.

Very truly yours,

JAMES D. "BUDDY" CALDWELL
Attorney General

By: Trinicia Bryant
Trinicia Bryant
Public Protection
Consumer Protection Division

Enclosure
CC: FREDDIE LEE PHILLIPS
8055 HANKS DRIVE
BATON ROUGE, LA 70812

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