



September 30, 2010

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 regarding the Louisiana Auctioneer's Licensing Board (LALB) having violated Title 42 of Louisiana's Open Meetings Laws, as well as Louisiana's Constitution, Article 12, Section 3 at its Board Meeting of September 20, 2010.

The LALB held a regular meeting on Monday, September 20, 2010 at noon. At that meeting, which was monitored by a deputy of the East Baton Rouge Parish Sheriff's Office (Officer Landry, first name possibly Ronald), all members of the public, including Advocate reporter Ted Griggs, were informed that they would not be permitted access to the meeting room and would instead be required to stand in the hallway.

Reporter Griggs stated it would be impossible for him to make note of who was saying what if he were required to stand out in the hallway. He further inquired of LALB Legal Counsel Anna Dow as to what Louisiana Statute she could cite giving her the authority to mandate that he could not be in the meeting room. Ms. Dow acquiesced to Mr. Griggs remaining in the room; however, he was the only public member permitted to do so.

I twice sought to be recognized to speak at the meeting by quietly holding my arm and hand up in direct sight of LALB Chairman Comer as I stood out in the hallway and jockeyed for position to be seen by the Chairman. On both occasions, separate agenda items were under consideration. Regarding the first occasion, transpiring at the approximate **9:30** mark when I inquired of Chairman Comer regarding whether I would be permitted to speak, Chairman Comer stated, "Mr. Burns, you have not been recognized."

Regarding the second occasion, occurring at the approximate **1:00:30** mark, I stated verbally into the record, which is reflected on tape, that I had been denied the opportunity to speak by way of Chairman Comer blatantly ignoring my raised hand. Chairman Comer stated, on tape, that Petitioner, along with any other public members, would be permitted to speak **ONLY** at the conclusion of the meeting.

I will be happy to provide via email a direct link to an audio file of this meeting to substantiate the two instances referenced above. Alternatively, you may go directly to www.bwwrealty.com/LALB092010mon.mp3, and you can merely advance the audio file to the marks indicated above and hear the incidents very easily.

In both instances, and for the entirety of the meeting, the LALB blatantly violated RS 42:14(D), which states: Except school boards, which shall be subject to R.S. 42:5.1, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:7(A) **shall allow a public comment period at any point**

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in the meeting prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding such comment period.

Further, the Constitution of Louisiana was blatantly violated regarding Article 12, Section 3, which states: No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

By imposing the restriction that audience members had to stand in the hallway, virtually all audience members (approximating 12-15 people) were effectively denied the opportunity to observe the deliberations. Further, the LALB has knowledge that attendance at LALB meetings has been on the increase during the last several meetings and therefore the LALB either knew or should have known that it bears the responsibility for providing accommodations to afford all public members the opportunity to observe the Board's deliberations.

If fulfilling this obligation means the Board must procure a new meeting venue, such as a small hotel conference room (the cost of which is a mere \$200 or so) which will accommodate the increased attendance, it is the responsibility of the LALB to procure such facilities.

For the date of September 20, 2010, audience members were told that the expected crowd was too large to be accommodated by the in-house conference room, so the LALB's solution was to force all public members out of the conference room and into the hallway and, in so doing, the LALB blatantly violated Louisiana's Constitution, Article 12, Section 3.

As a result of the two blatant violations outlined above, I wish to file a formal complaint against the Louisiana Auctioneers Licensing Board regarding the foregoing.

Sincerely,

A handwritten signature in blue ink that reads "Robert Edwin Burns". The signature is written in a cursive style with a large initial "R".

Robert Edwin Burns