

ROBERT BURNS

NUMBER 605769 DOCKET: 25

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

ARTHRITIS ASSOCIATION OF LOUISIANA,  
KAREN KENNEDY, CAROLINE MESSENGER

STATE OF LOUISIANA

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**ACKNOWLEDGEMENT OF 30-DAY EXTENSION FOR DEFENDANTS TO ANSWER  
AND AMENDMENTS TO PLEADING**

NOW UNTO COURT comes Plaintiff, Robert Edwin Burns, in proper person, who asserts to this Honorable Court that he acknowledges the fact that on Friday, November 4, 2011, Mr. Joseph Brantley contacted Petitioner via telephone to inform him that Mr. Brantley would be serving as Defense Counsel for all three Defendants. Mr. Brantley also requested, and Petitioner voluntarily granted, a 30-day extension of time for Mr. Brantley to file responsive pleadings on behalf of Defendants.


Petitioner further asserts that he wishes to amend his pleadings to add the following paragraph immediately prior to his prayer for relief:

45.

This Petition referenced several instances of phone conversations between Ms. Sherrie Wilks, former long-time Executive Director of the LALB and Petitioner in the days immediately after the police episodes of April 11, 2011 and April 12, 2011. This Petition similarly references several instances of phone conversations between Ms. Sherrie Wilks and Defendant Karen Kennedy. The sworn affidavit of Ms. Sherrie Wilks, which is attached hereto and made a part hereof as Exhibit P-14, serves to corroborate those phone conversations.

Respectfully Submitted,

Robert Edwin Burns, in proper person  
President, Auction Sells Fast, LLC  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (office) (225) 235-4346  
E-mail: [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com)



Certificate of Service:

I certify that a copy of the foregoing has been served upon counsel for all parties to this proceeding by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 8<sup>th</sup> day of November 2011.

Robert Edwin Burns



thing over” and to “get past this” so they could continue to work together. Ms. Wilks further relayed that she contacted Ms. Anna Dow, LALB attorney, and informed Ms. Dow that Mr. Gay would not stop calling, would not leave her alone, and was creating a hostile work environment. Ms. Wilks further relayed to me that the phone calls from Mr. Gay stopped after Ms. Wilks contacted Ms. Dow about Mr. Gay’s harassment. Ms. Wilks indicated to me that, at some point during this ordeal, Ms. Dow had also indicated to her that she (Ms. Dow) had addressed the issue of the travel funds, and that the check would be returned to the office and that “this would be the end of the matter.”

During this same time frame, Ms. Wilks further relayed to me that she conducted further inquiries of then-Investigator Jim Steele as to how often Mr. Gay and Mr. Camp rode together, and that Mr. Steele’s response to her was something along the lines of... “pretty much all the time. Why?”

Ms. Wilks further indicated to me that one of the two travel checks was returned in the mail (both mileage and per diem), that Mr. Camp was absent at the next meeting, and subsequently resigned from the board without any further appearances.

Ms. Wilks indicated to me that, at some point, while filing papers in the auctioneer files, she became aware that both Mr. Gay and Mr. Camp had at different times had an address change and that both men were now listing physical addresses on the same street. Ms. Wilks then relayed to me that this prompted Ms. Wilks to piece together a time line of when the men became neighbors. Using this information, Ms. Wilks relayed that she then created a spreadsheet of all meeting dates and mileage paid to Mr. Gay and Mr. Camp (i.e. the potential theft amount from falsified mileage) from the time they became neighbors until she actually witnessed them getting into the same car. Ms. Wilks relayed to me that the total amount of that potentially falsified mileage totaled almost \$5,000.

Ms. Wilks also reported that during this time, after several conversations with the Governor’s office regarding the travel incident, Mr. Gay was removed as the Chairman but left on the board, and several new members were also appointed. Ms. Wilks further relayed that, when she expressed concern over Mr. Gay still being on the board, she was told by the Governor’s office that perhaps it wouldn’t be too bad since he was no longer Chairman. Ms. Wilks relayed to me that the situation proved to be quite the opposite, and Mr. Gay then began a crusade to make her life “a living hell” for the next 18 months that she remained at the LALB.

Ms. Wilks stated that after Mr. Gay’s removal as Chairman, he resorted to tactics that she believes were designed to discredit her to the board, the licensees and get her fired or, if he could not get her fired, to make her so miserable that she would resign.

Specifically, Ms. Wilks relayed that Mr. Gay did things such as objecting vehemently and creating controversy when, months later, Ms. Wilks requested a routine annual merit increase despite the fact that all of her previous evaluations (all done by Mr. Gay) were in the Superior rating. Ms. Wilks further relayed that Mr. Gay also used his position as the President of the Louisiana Auctioneers Association to print his slanted version of the



LALB Office in the Louisiana Auctioneer Association's newsletter as part of his "President's Report".

Ms. Wilks further relayed that Mr. Gay created controversy when Ms. Wilks sent a routine advertising violation letter to an auctioneer (something that had been done routinely, and with Mr. Gay's full knowledge and approval for the previous eight and a half years). Ms. Wilks stated that it is her belief that Mr. Gay encouraged the licensee to fight the violation, and gave untruthful and slanted information about how this had been handled in the past to the current board, in order to paint Ms. Wilks in an unfavorable way.

Ms. Wilks further stated to me that at some point she contacted the Ethics Commission for Whistle Blower protection from what was happening to her but was told that the Board would have to actually fire her or take some definitive punitive action against her before they could assist her.

Ms. Wilks stated that she learned from another auctioneer that Mr. Gay was distributing a petition among auctioneers throughout North Louisiana in late 2008 and early 2009 seeking to have Ms. Wilks terminated from her position. Ms. Wilks also stated that then-Board Member Robert Burns was told about the Petition at an auction in early November of 2008 by auctioneer Barbara Bonnette. Ms. Wilks further relayed that Board Member Burns shared that information with Ms. Wilks upon having heard it from Ms. Bonnette. Ms. Wilks stated that after Mr. Burns' attendance at the June, 2009 Louisiana Auctioneer's Convention, he relayed to Ms. Wilks that Mr. Gay openly appealed to all auctioneers present to stop by the table at the rear of the room on their way out and sign a petition regarding Ms. Wilks that Larry Nobles had at the table. Ms. Wilks further stated that Mr. Burns indicated to her that Mr. Gay had spent upwards of 15-20 minutes during the "business" segment of the Louisiana Auctioneer's Association meeting bashing Ms. Wilks, that one auctioneer was even given a microphone to make her own derogatory statements, and that many in the audience, after hearing what was said jumped on the bandwagon in agreement that Ms. Wilks had to go.

Ms. Wilks then relayed that she called another auctioneer she knew and trusted who had attended this convention and relayed the gist of what she had been told about the convention, asking this licensee if this was an accurate account of what had happened. Ms. Wilks further relayed that, with reluctance, and only after Ms. Wilks promised he would not be named, he relayed that it was fairly accurate and that it was very shocking to him to witness such behavior. Ms. Wilks further relayed that she also had occasion to speak with yet another auctioneer who also verified that this had taken place and that it was appalling to witness.

Ms. Wilks further relayed that the new board seemed to buy into whatever Mr. Gay was selling with respect to her, and that she began to be fearful for her job. She relayed that a previously good relationship with the then-current Chairman began to deteriorate, and the Chairman turned a blind eye to what Mr. Gay was saying about Ms. Wilks to the licensee base. Ms. Wilks stated to me her belief that this was partly due to Mr. Gay's vilification

of her, and partly due to her attempts to document issues taking place that she was fearful she might later be wrongly blamed for or that she believed to be either violations of policy and procedure or violations of law. Ms. Wilks relayed that the situation got so bad that she was no longer able to do her job without fear that she would be accused of doing something she shouldn't have done and it would be only her word against the entire board. She further relayed to me that she was no longer sleeping well at night, her health was suffering badly from all of the stress, and there came a time when she simply could no longer endure the agony of being unjustly vilified to the board and among the Louisiana auctioneer community. She further relayed that she made a decision that "no job is worth this" and resigned her position effective August 7, 2009.

Ms. Wilks relayed that during her employment with the LALB, she had worked closely with Ms. Sandy Edmonds, the Executive Director of the Interior Design Board. Ms. Wilks further relayed that she trained Ms. Edmonds on many functions of working for a state agency. Ms. Wilks relayed that she taught Ms. Edmonds how to use Access for the database, and Publisher software to produce the licensee I.D. cards as well as giving Ms. Edmonds a list of what job functions needed to be done at what times of the month or year, as well as giving her a copy of her own job description. Ms. Wilks further relayed that she considered Ms. Edmonds a friend, and that she confided in Ms. Edmonds totally regarding all of the ordeals she was enduring at the LALB. Ms. Wilks further indicated that Ms. Edmonds repeatedly made statements to Ms. Wilks indicating that she would not want her job and Ms. Edmonds' board (the IDB) was so easy to work for and that the LALB "sounded like a bunch of crazy people." Despite Ms. Edmonds' statements regarding the LALB, Ms. Wilks relayed that a day or so before her resignation was to take effect, (August 8, 2009), Ms. Wilks learned that Ms. Edmonds was to be her replacement. When Ms. Wilks confronted Ms. Edmonds, Ms. Edmonds informed her that the LALB made the offer so good there was no way she could turn it down.

Ms. Wilks further stated that then-Board member Robert Burns told her several months later that Ms. Edmonds had confided in him that she had gone to Anna Dow (attorney for both boards) as soon as she learned Ms. Wilks had resigned with her list of conditions under which she would take the job Ms. Wilks was vacating.

Ms. Wilks further stated that the list of "conditions" appeared to include working from her home as well as the office, which the IDB allowed Ms. Edmonds to do and which Ms. Wilks would never have been allowed to do, as she was made to punch a time clock, rarely took time off, and on those occasions that she was out of the office, had to hire temps to sit in the office and answer the phone in her absence.

Ms. Wilks further relayed that, as time passed, she learned more and more about Ms. Edmonds' unique and tailor-made working arrangements, which included her seeming unwillingness to publish or adhere to any "office hours" or spend any time to speak of actually in the office. Ms. Wilks further relayed that she learned that Ms. Edmonds would not come into the office for routine public records requests or would arrive, leave the records for others to oversee, and then would leave. Ms. Wilks relayed that she wondered whether Ms. Ms. Edmonds was taking any annual leave for all her absences

from the office, and recalled an incident prior to her resignation when Ms. Edmonds entered the LALB office while Ms. Wilks was completing a leave slip for time off. Ms. Wilks relayed that Ms. Edmonds inquired about it and Ms. Wilks explained the process of applying for leave and filling out leave slips when taking leave and offered to give some leave slips to Ms. Edmonds for her future use. Ms. Wilks relayed that Ms. Edmonds replied by saying “no thanks” and said that, if she was ever asked, she would just say she didn’t know anything about them.

Ms. Wilks relayed that she suggested that former Board Member Robert Burns and current LALB member Rev. Freddie Phillips obtain payroll information on Ms. Edmonds to ascertain if the whole setup was acceptable or even legal. Ms. Wilks relayed that a review of the requested documents showed that Ms. Edmonds was not taking leave for either agency despite the fact that she routinely takes family vacations to Disneyworld, has gone out of town on board business for both boards and has had a death in her family since she started working for the LALB. Ms. Wilks relayed that it appeared to her that Ms. Edmonds was of the opinion that if she had her cell phone with her no matter where she was or what she was doing that she could be considered “on the clock” and therefore did not have to take any leave.

Ms. Wilks further stated that, after numerous calls to Louisiana State Civil Service personnel on her part and the part of Mr. Burns, she and Ms. Burns requested a meeting with Civil Service’s Chief of Accountability, Mr. Patrick Lowery, on or about November 20, 2010. Ms. Wilks further stated that Mr. Lowery was gracious in extending about 45 minutes to an hour of his time to review all of the payroll information and Ms. Wilks’ elaboration regarding Ms. Edmonds’ work arrangement. Ms. Wilks stated that Mr. Lowery told her and Mr. Burns that what Ms. Edmonds was doing constituted “blatant payroll fraud” but that his “hands were tied” to pursue the matter because Louisiana Civil Service has enforcement powers only over classified employees, and Ms. Edmonds is an unclassified employee. Ms. Wilks stated that Mr. Lowery advised that she and Mr. Burns visit the Louisiana Legislative Auditor’s Office and supply all of the information to them. Ms. Wilks stated that she and Mr. Burns went directly to the Legislative Auditor’s Office that very same day, and met with Mr. Calvin Moore, Senior Auditor of the Compliance Audit Division of the Louisiana Legislative Auditor’s Office.

Ms. Wilks relayed that Mr. Moore concurred that it was not appropriate to deem oneself to be “on the clock” merely by the fact that a person has a cell phone on his or her person. Ms. Wilks further stated that Mr. Moore indicated that the Louisiana Legislative Auditor’s Office was opening an investigation file; however, Mr. Moore indicated that the investigation may take as long as two years to be resolved due to manpower issues. In the meantime, Ms. Wilks relayed that Mr. Moore encouraged both she, Mr. Burns, and anyone else to assist in providing his office with more payroll information and corroboration that the LALB and Interior Design Board was fully aware of Ms. Edmonds’ work situation. To that end, Ms. Wilks relayed that Rev. Phillips and Mr. Burns periodically requested additional payroll information, and all three parties (Mr. Burns, Ms. Wilks, and Rev. Phillips) met with Mr. Moore, with the most recent meeting being on or around July 26, 2011.

Additionally, Ms. Wilks relayed that she attended the January 10, 2011 LALB meeting knowing that an "employment agreement" was being discussed regarding Ms. Edmonds. At that meeting, Ms. Wilks relayed that she contrasted her working conditions with that of Ms. Edmonds. Ms. Wilks further relayed that her contrasting included the fact that Ms. Wilks was required to punch a timecard to document the number of hours she worked and that the time clock was located in the LALB office, which is where Ms. Wilks was expected to perform her duties. Ms. Wilks also indicated that she relayed that, if she were ever not physically in the office, she was required to submit a leave card and take either annual or sick leave (whichever was applicable). Ms. Wilks also relayed that the LALB viewed having a live person in the office to be of such paramount importance under her tenure that she was informed that, if she did need to be out of the office for any length of time, she was frequently required to contract with the approved temp agency, Westaff, during the time she was off. Ms. Wilks further relayed that, as part of the fact gathering for Mr. Moore, Ms. Wilks also stated that at this meeting that Rev. Phillips asked the other board members a hypothetical scenario that, "If Ms. Edmonds is vacationing in Miami, Florida, and she has her cell phone, we consider her on the clock?" Ms. Wilks indicated that the entire LALB membership nodded and voiced their agreement with Mr. Phillips' question, and that they indeed did consider her to be "on the clock" in such situations..

During the latter part of Ms. Wilks' tenure at the LALB, she relayed that she frequently interacted with Arthritis Association of Louisiana employees Karen Kennedy and Caroline Messenger. She further stated that, on or about Monday, April 11, 2011, Mr. Robert Edwin Burns alerted her to the fact that the East Baton Rouge Parish Sheriff's Office had briefly visited his home regarding recent office visits to the conference room located at 5222 Summa Court, to which tenants of that building had access to and usage privileges. Ms. Wilks further stated that she was further informed by Mr. Burns that, on or about Tuesday, April 12, 2011, Louisiana State Police Investigative Support Services' Division also visited Mr. Burns' home to discuss the office visits. Ms. Wilks further stated that Mr. Burns relayed to her that Ms. Karen Kennedy, President and CEO of the Arthritis Association of Louisiana, had granted Mr. Burns permission to utilize the conference room and that Ms. Kennedy is the individual who unlocked the door to permit Mr. Burns to access the building and film short video clips in the Boardroom.

Ms. Wilks further relayed that after learning of the police visit to Mr. Burns that she had advised Mr. Burns that he may wish to call Ms. Kennedy and provide a "heads up" to the fact that Ms. Edmonds had called police. Ms. Wilks further indicated that Mr. Burns relayed to her that he had tried to comply with providing Ms. Kennedy with such a "heads up" phone call but that he indicated that Ms. Kennedy kept being unavailable. Ms. Wilks then relayed that Mr. Burns told her that he left her a message and invited Ms. Kennedy to call him, which Ms. Wilks relayed that Mr. Burns indicated Ms. Kennedy never returned his call.

Sometime in the next few days and weeks after the police incidents, Ms. Wilks stated that she spoke with Ms. Kennedy regarding the office visits and the ensuing police visits to



Mr. Burns' residence. Ms. Wilks' understanding of the situation was that Ms. Kennedy had been advised that Mr. Burns' presence in the building without direct supervision by an occupied tenant posed a potential security problem. Ms. Wilks further relayed that she ended the conversations under the impression that Ms. Kennedy had been reprimanded and/or chastised by individual(s), the identity or identities of whom were and are not known to Ms. Wilks.

Ms. Wilks further relayed that Mr. Burns called her on or about April 19, 2011 relaying that he'd obtained a copy of the EBRP Sheriff's Police report and was stunned to see Ms. Kennedy and Ms. Messenger listed as victims. Ms. Wilks indicated that she was dumbfounded to learn that fact but even more dumbfounded when Mr. Burns provided her with a direct link to Ms. Kennedy's affidavit. Ms. Wilks indicated that she could hardly believe what she was reading and that under no circumstances would she have believed the content of the affidavit except for the fact she read it and saw Ms. Kennedy's signature on it.

Ms. Wilks further stated that she has personally known Mr. Burns since the time of him receiving his auctioneer's license in September of 2003; furthermore, Ms. Wilks served as Executive Director of the LALB from the time period of September 2008 through August of 2009 during which Mr. Burns was a member of the LALB.

**THUS DONE AND SIGNED** by the parties on the date first written above, in the presence of me, Notary.

Witnesses:

Barbara G Gudán

Printed Name: BARBARA G GUDAN

Suzanne Duchamp

Printed Name: Suzanne Duchamp

Sherrie M. Wilks  
Sherrie M. Wilks 9818

Cleon Guillot  
NOTARY PUBLIC  
LA Bar Roll #: 010386  
My commissions expires AT DEATH

