



LOUISIANA ASSOCIATION OF
PROFESSIONAL AUCTIONEERS

March 31, 2014

Honorable Judge Wilson Fields
300 North Blvd, Suite 7101
Baton Rouge, LA 70801-1513

RE: *Robert Burns v. Louisiana Auctioneer's Licensing Board, et.al.*
Docket # 616916, 19th Judicial District Court

Dear Judge Fields:

Enclosed is Plaintiff's Trial Brief entailing the above-captioned case, which is scheduled for trial on Wednesday, April 9, 2014 at 10:00 a.m.

Also enclosed is a "character letter" which Defendant LALB issued to Rev. Freddie Phillips dated May 15, 2012. I wish to have that one letter added to the collection of similar letters presently filed into the suit record as Exhibit P-8. I would have included the letter with the pre-trial order; however, my initial efforts to obtain all similar letters from Rev. Phillips' file were obstructed, resulting in Rev. Phillips having to supply the letters I did have to insert in my pre-trial order on March 20, 2014. As a result of the absence of letters in Rev. Phillips' requested file, Rev. Phillips and I scheduled a visit to Defense Counsel Larry Bankston's office to again review his file on Thursday, March 27, 2014. Mysteriously, all previously-excluded "character letters" drafted by Defendant LALB to Rev. Phillips magically surfaced in his file. Accordingly, I made the enclosed copy of the May 15, 2012 letter and ask that it be included among the other similar letters to Rev. Phillips presently filed in evidence as Exhibit P-8.

Finally, I ask that my list of potential witnesses include any witness listed by Defendants. I meant to include that line item with my list of witnesses, but I inadvertently failed to do so. Accordingly, I ask that I be permitted to call any witness listed by Defendants.

Thank you, and should you have any need to contact me, please don't hesitate to do so via any means provided at the bottom of this page.

Cc: Larry S. Bankston, Counsel for Defendants

Enclosures: Trial Brief, Rev. Phillips "character letter" dated 5/15/12.

Sincerely,


Robert Edwin Burns

ROBERT BURNS

NUMBER 616916 DOCKET: 25

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BAORD,
CHARLES "HAL" McMILLIN, JAMES M SIMS,
DARLENE JACOBS-LEVY, GREGORY L. "GREG"
BORDELON, CHARLES "CLAYTON" BRISTER

STATE OF LOUISIANA

TRIAL BRIEF OF PLAINTIFF ROBERT BURNS

I. INTRODUCTION

Plaintiff has brought suit against Defendants alleging violation of LA R. S. 42:17(A)(1) in asserting that Defendants knowingly and willingly convened an Executive Session to discuss his character over his explicitly-expressed desire, as clearly articulated by his attorney, that such discussion transpire in an open meeting.

II. ARGUMENT

Plaintiff asserts that Defendants will be unable to demonstrate that, as required by LA R. S. 42:17(A)(1), they honored his right to have their discussions of his character transpire in an open session. Plaintiff also asserts that Defendants' failure represented a sharp departure from prior similar instances as demonstrated by the "character letters" Plaintiff has introduced as evidence as Exhibits P-1 and P-7.

Defendants will be unable to demonstrate that they honored his right on September 17, 2012; furthermore, Defendants' feeble attempts to remedy the self-admitted "defects" and "injury" from their neglect in no way negate their failure to adhere to the Statute. Specifically, Defendants' blaming Administrative Law Judge Michael Vallen is not only an attempt to use him as a scapegoat but also irrelevant in that Plaintiff had no role in Mr.

Vallen's hiring. Plaintiff was not his client, and it was the Defendants' (and their attorney, Lany S. Bankston's) responsibility to know and adhere to Louisiana's Open Meetings Law. Nevertheless, despite knowing these laws as evidenced by past instances Plaintiff being afforded his right to have his character discussed in an open meeting, Defendants made a conscious decision to defy LA R. S. 42:17(A)(1) and conduct an Executive Session over Plaintiff's explicitly-expressed objection.

Defendants also assert that their so-called "reset deliberations" of January 8, 2013 remedy their self-admitted "defects" and "injury" resulting from their violation. Plaintiff

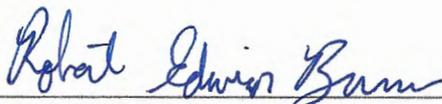
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asserts that these so-called “reset deliberations” were nothing more than a **ratification of an illegal act!** That’s all it was, pure and simple! As Plaintiff has argued repeatedly, if it were that simple, no State Agency would make any effort whatsoever to adhere to LA R. S. 42:17(A)(1) and would instead convene Executive Sessions to discuss a person’s character whenever they so desired. Then when they were sued as Plaintiff has sued, and **only** if they were sued, would they convene such so-called “reset deliberations” and merely “ratify” their illegal act. In short, this is a woefully inadequate defense to Defendants’ defiance of LA R. S. 42:17(A)(1).

Plaintiff expects that the evidence will show that his **right** to have discussions of his character take place in an open session were clearly violated by Defendants’ defiance of LA R. S. 42:17(A)(1). Therefore, pursuant to LA R. S. 42:28, Plaintiff seeks that this Honorable Court assess \$100 in Civil Penalties from each Defendant (except the LALB itself as the civil penalty is a personal liability) along with each Board Member being assessed a 20% (one-fifth) share of Defendant’s court costs in initiating this Petition as provided for under LA R. S. 42:26(C). Petitioner additionally seeks for this Honorable Court to render a Judgment against Defendant LALB rendering its members’ action of “reprimanding” Petitioner void pursuant to LA R. S. 42:26(A)(4) as a result of Defendant LALB having rendered its ruling based upon an illegal Executive Session and with such requested Judgment from this Honorable Court available to Petitioner as a remedy in accordance with the voidability provisions of LA R. S. 42:24

Respectfully Submitted,

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



Robert Edwin Burns, in Proper Person

Certificate of Service:

I hereby certify, on this 31st day of March, 2014, that a copy of the foregoing has been served upon counsel for all parties to this proceeding by submitting a copy of same via electronic mail, facsimile, or First Class United States Mail, properly addressed and postage prepaid.



Must be provided
in mail
Certified mail



Louisiana
Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

May 15, 2012

Freddie Phillips
8055 Hanks Drive
Baton Rouge, LA 70812

New Contact Information:
11736 Newcastle Avenue
Bldg. 2, Suite C
Baton Rouge, LA 70816

Telephone: 225.295.8420
Fax: 225.372.8584

Email: admin@LALB.org
Web Address: www.LALB.org

Re: LSA-R.S. 42:17

Dear Mr. Phillips, in your capacity as President of the LAPA:

This letter is to notify you that agenda items have been added for the May 21, 2012, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:17, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, March 19, via email or mail, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

Tessa Steinkamp
Chair

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