

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: ROBERT BURNS, ET AL v. LOUISIANA AUCTIONEER'S LICENSING BOARD, ET AL
Case Number:
Dep. Date: July 18, 2014
Deponent: FREDDIE PHILLIPS
Place: LOUISIANA

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefore
16	21	relevant	irrelevant	hearing problem

Freddie Phillips
Signature of Deponent

8/28/2014
Date

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WITNESS' CERTIFICATE

I, REVEREND FREDDIE PHILLIPS, the undersigned, do hereby certify that I have read the foregoing deposition taken on July 18, 2014, and it contains a true and accurate transcript of the testimony given by me:

() Without corrections.

(✓) With corrections as reflected on the Errata Sheet(s) prepared by me and attached hereto consisting of 16 pages.

Rev. Freddie Phillips

REVEREND FREDDIE PHILLIPS

8/28/2014

DATE

REPORTED BY: KELLY S. PERRIN, CCR

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

ROBERT BURNS AND REV. FREDDIE
LEE PHILLIPS

NO. 619707

VERSUS

DIVISION "27"

LOUISIANA AUCTIONEER'S
LICENSING BOARD, JAMES M.
SIMS, TESSA STEINKAMP, GREGORY
L. "GREG" BORDELON

Testimony of

REVEREND FREDDIE PHILLIPS

taken on Friday, July 18, 2014, before Kelly S.
Perrin, Certified Court Reporter in and for the
State of Louisiana, at the offices of Bankston &
Associates, 8708 Jefferson Highway, Suite A, Baton
Rouge, Louisiana.

COURT REPORTERS OF LOUISIANA, L.L.C.
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**READ & SIGN
COPY**

	Page 2		Page 4
1	I N D E X	1	S T I P U L A T I O N
2		2	
3	Page	3	IT IS STIPULATED AND AGREED by and
4	Caption 1	4	between counsel that the deposition of FREDDIE
5	Appearances 3	5	PHILLIPS, on July 18, 2014 is hereby taken under
6	Agreement of Counsel 4	6	the Louisiana Code of Civil Procedure for all
7	Examination	7	purposes as permitted under law.
8	BY MR. BANKSTON 5	8	The witness reserves the right to read
9	Reporter's Certificate 43	9	and sign the deposition. The original is to be
10	*****	10	delivered to and retained by LARRY S. BANKSTON for
11		11	proper filing with the Clerk of Court.
12		12	All objections, except those as to the
13		13	form of the question and/or responsiveness of the
14		14	answers, are reserved until the time of the trial
15		15	of this cause.
16		16	
17		17	* * *
18		18	
19		19	KELLY S. PERRIN, Certified Court Reporter
20		20	in and for the State of Louisiana, officiated in
21		21	administering the oath to the witness.
22		22	
23		23	
24		24	
25		25	
	Page 3		Page 5
1	APPEARANCES:	1	REVEREND FREDDIE PHILLIPS,
2		2	8055 Hanks Drive, Baton Rouge, Louisiana 70812,
3	Representing the Defendants, LOUISIANA AUCTIONEER'S	3	after having been first duly sworn by the
4	LICENSING BOARD, JAMES M. SIMS, TESSA STEINKAMP,	4	above-mentioned Certified Court Reporter, did
5	GREGORY L. "GREG" BORDELON	5	testify as follows:
6		6	EXAMINATION
7	BANKSTON & ASSOCIATES, LLC	7	(BEGINNING AT 2:00 P.M.)
8	8708 JEFFERSON HIGHWAY, SUITE A	8	BY MR. BANKSTON:
9	BATON ROUGE, LOUISIANA 70809	9	Q Okay. Could you give us your name and
10	BY: LARRY S. BANKSTON	10	address?
11		11	A Freddie Phillips, 8055 Hanks Drive, Baton
12		12	Rouge, Louisiana 70812.
13		13	Q And, Mr. Phillips, where are you
14		14	employed?
15		15	A With EBR School.
16		16	Q And what is your position with East Baton
17		17	Rouge Parish Schools?
18		18	A Transportation.
19	Reported by:	19	Q School bus driver or --
20	Kelly S. Perrin, Certified	20	A Well, it's more than just school bus
21	Court Reporter No. 23035 in and	21	driver, but it's the Transportation Department.
22	for the State of Louisiana	22	Q Transportation. Okay. And how long have
23		23	you had that position?
24		24	A I think I been with them a little bit
25		25	over 12, 13 years, somewhere in there.

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1 **Q And you also -- are you the owner of**
 2 **Auction Sells Fast, LLC?**
 3 A That's correct.
 4 **Q And how long have you been the owner of**
 5 **Auction Sells Fast?**
 6 A A little bit over a year, close to two
 7 years.
 8 **Q And could you tell us, that is an active**
 9 **auction company?**
 10 A Yes, it is. Real estate auctions
 11 primarily.
 12 **Q Primarily real estate?**
 13 A Yes.
 14 **Q And could you tell us when was the last**
 15 **auction that you conducted?**
 16 A Probably a month, month and a half ago.
 17 **Q A month and a half ago.**
 18 A Yes.
 19 **Q And who was that for?**
 20 A Benefit auction for a Corvette Club.
 21 **Q Corvette.**
 22 A I do several benefit auctions regularly
 23 for nonprofit and charitable organizations.
 24 **Q And when was the last occasion in which**
 25 **you conducted an auction in which you received some**

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1 **compensation?**
 2 A Let's see, probably a year or so.
 3 **Q A year or so?**
 4 A Yeah.
 5 **Q And do you recall who that was for?**
 6 A I think I did some contract bid calling
 7 for someone at a field auction. It's just an area
 8 that asked for some help.
 9 **Q When you say bid calling for someone, how**
 10 **does that work?**
 11 A Well, I mean even though I'm an
 12 auctioneer, that's the professional side of the
 13 business. The bid calling is the service side
 14 where I just exclusively call the numbers and not
 15 do anything else. Typically, what we do is go to
 16 auto auctions and other places like that, you know,
 17 take the responsibility out to have to manage the
 18 books or anything else. We're just there to give
 19 our gifts and talents.
 20 **Q So you would be the person doing the**
 21 **actual calls?**
 22 A Yes.
 23 **Q But you weren't involved with collecting**
 24 **the money or doing any of that?**
 25 A No, none of that. Just calling the

Page 8

1 auction.
 2 **Q And are you involved with the Louisiana**
 3 **Association of Professional Auctioneers?**
 4 A Am I involved in it?
 5 **Q Yes.**
 6 A I'm the one that actually started that
 7 organization.
 8 **Q Okay. And when was that organization**
 9 **started?**
 10 A In my mind, probably right before I left
 11 the Board, but I think close to about two years
 12 that it's been formed, right at close to two years.
 13 **Q Okay. And is that a nonprofit**
 14 **corporation or LLC or ...**
 15 A It's actually -- at this juncture, it's a
 16 trade association, a trade name for professional
 17 auctioneers.
 18 **Q Is there a set of corporate documents for**
 19 **the trade association?**
 20 A Well, the corporate documents would be
 21 the registered trade name, and then we have our
 22 intern for membership and things like that that we
 23 believe the tenants and the oath, which is
 24 primarily what we stand for and what we stand
 25 behind.

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1 **Q I got you. And so as far as you know, is**
 2 **there any formalized documents other than the**
 3 **documents that you can see on the website?**
 4 A In the trade name, the trade name that
 5 was registered. I think that's probably good for
 6 eight or ten years.
 7 **Q Okay. And can you tell me how many**
 8 **members you have?**
 9 A Well, as of now, myself, Vice President
 10 Burns and Jon Erik Kramer. And, you know, we -- I
 11 don't call them members. They're just people who
 12 take interest, which aren't associates, but they
 13 are supporters of our principals and our tenants.
 14 **Q I presume you don't get a membership card**
 15 **or get anything acknowledging that you are a**
 16 **member. It's just if you signed up on the website;**
 17 **is that correct?**
 18 A That's correct.
 19 **Q And who manages that particular website?**
 20 A Well, I asked Mr. Burns to handle most of
 21 the -- and most of the time, he does. We discuss
 22 whatever I need, changes, and whatever needs to be
 23 changed. And he does that aspect of it.
 24 **Q Okay. And have there ever been more than**
 25 **the three members that you just referred to?**

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<p>1 A Well, I mean you have Mr. Mayeaux, former 2 officer of the LL -- of the organization.</p> <p>3 Q Okay.</p> <p>4 A But he, for whatever reasons, felt 5 that -- he moved to Texas probably due to not being 6 local.</p> <p>7 Q Do you have to be an auctioneer or a 8 former auctioneer to be a member?</p> <p>9 A Well --</p> <p>10 Q Or bid caller?</p> <p>11 A Well, in one aspect, that's the 12 auctioneer's side and there's the consumer side. 13 You know, I handle the issues that concern 14 auctioneers. And Vice President Mr. Burns deals 15 with the public and consumer side of, it. But, you 16 know --</p> <p>17 Q Well, the name appears Louisiana 18 Association of Professional Auctioneers. So, 19 again, my question is, do you have to be an 20 auctioneer to be a member of or a former member 21 auctioneer to be a member of this Association?</p> <p>22 A Well, and it does say that because the 23 founder is a professional auctioneer. And when I 24 decided to do so, I decided to do so for that 25 reason, you know, because of lack of</p>	<p>1 Q Now you have -- are a plaintiff, along 2 with Robert Burns, in a suit that we're here today 3 on 619707; is that correct?</p> <p>4 A Is that the one referencing Phillips, 5 Burns versus LALB constituting our suit is what 6 you're referring to?</p> <p>7 Q Well, the -- let me show it to you and 8 ask you whether you recognize this petition.</p> <p>9 A Okay. Yes.</p> <p>10 Q Okay. Now it's my understanding that 11 Mr. Burns had certain issues and you had certain 12 issues. But, collectively, y'all weren't 13 complaining about each others' issues. Is that a 14 fair way to say it?</p> <p>15 A Well, I had my issues and Mr. Burns has 16 his.</p> <p>17 Q Okay. And what was your issue in this 18 particular lawsuit?</p> <p>19 A What are my issues?</p> <p>20 Q Yeah. This involves around the issue of 21 the public comment period; correct?</p> <p>22 A Yes, that's the roll call would be the 23 majority of my issues with response to not being 24 permitted to speak at that particular meeting.</p> <p>25 Q Okay. And that was -- you wanted to</p>
Page 11	Page 13
<p>1 professionalism in the other trade associations 2 that were out there, one that I was a part of for a 3 couple of years.</p> <p>4 Q And what association was that?</p> <p>5 A I was a part of the Louisiana 6 Association, Auctioneers Association or LAA 7 acronym.</p> <p>8 Q And you're not a member any more?</p> <p>9 A No, they still send me information, but I 10 mean, just certain things that carried on that I 11 felt was unprofessional and untenable.</p> <p>12 Q And it has a number of tenants that are 13 referred to as an oath; is that correct?</p> <p>14 A Yes, those tenants are what we believe 15 constitute the principal standards of LAPA, and 16 those are the things that are obviously the 17 concerns that we have for professionalism.</p> <p>18 Q Seems to be, individual tenants of the 19 oath appear to be related to issues involving 20 auctioneers themselves and not consumers; would you 21 agree with that or ...</p> <p>22 A Well, I think what applies to humanity is 23 both. Even though you may look at it in one 24 aspect, the same tenants are integral to the public 25 as well as it is to the profession.</p>	<p>1 comment on being able to speak on the minutes of 2 the meeting from the previous meeting of November; 3 correct?</p> <p>4 A Well, I mean that was one address, but 5 the agenda had other items on there that I could 6 have or could not have commented on. But that was 7 one of the primary reasons why I wanted to address 8 the Board. But as always, I address the Board 9 concerning issues on the agenda as well.</p> <p>10 Q Would you agree that during the public 11 comment period at the subject January meeting that 12 you sought to question the Board concerning your 13 request to have a link to your association website 14 be placed on the Louisiana Association -- Louisiana 15 Auctioneer's Licensing Board website; was that one 16 of the issues?</p> <p>17 A Well, that was one of the issues that I 18 had addressed the Board on, but I had not gotten a 19 response as to that.</p> <p>20 Q And let me ask you, you -- during the 21 public comment, you got up and started to talk 22 about that issue; correct?</p> <p>23 A About the --</p> <p>24 Q You wanting your association, we just 25 went over the website, to be placed on the LALB</p>

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<p>1 website; correct?</p> <p>2 A I made attempt to address that issue.</p> <p>3 Q And --</p> <p>4 A But as again, I was not -- that was</p> <p>5 not -- the roll call and several other issues</p> <p>6 were --</p> <p>7 Q Let's talk one at a time, okay.</p> <p>8 A That's what I'm saying. I mean,</p> <p>9 primarily, you're bringing up several different</p> <p>10 aspects of it. But I mean in conjunction, I didn't</p> <p>11 get a chance to address the Board on any of the</p> <p>12 issues.</p> <p>13 Q Okay. So let's concentrate on one at a</p> <p>14 time so we can deal with them. You did attempt to</p> <p>15 speak on the issue of your association's website</p> <p>16 being placed on the LALB website; correct?</p> <p>17 A I don't recall.</p> <p>18 Q Okay. If I told you one of the</p> <p>19 allegations in the petition talk about that --</p> <p>20 A It may -- if you say that's what you see</p> <p>21 in the allegations, then I'll have to take your</p> <p>22 word for it. I'm not looking at it. I can't see</p> <p>23 it. If you have it, I'll look at it.</p> <p>24 Q And at that time, is it correct that you</p> <p>25 were advised that the issue of the LAPA link was</p>	<p>1 opportunity to speak.</p> <p>2 Q And was the website item on the agenda</p> <p>3 for the January 8th meeting of 2013?</p> <p>4 A I don't recall, Mr. Bankston.</p> <p>5 Q Here is P1, which is attached to your</p> <p>6 petition, and I ask if you could examine and tell</p> <p>7 me whether or not the LAPA website request was on</p> <p>8 the agenda?</p> <p>9 A I don't see anything on there.</p> <p>10 Q Okay. Now the issue of per diem was not</p> <p>11 an issue in the petition that was raised by you.</p> <p>12 It was raised by Mr. Burns. As far as I</p> <p>13 understand, that was not an issue in which you</p> <p>14 attempted to speak on; is that correct?</p> <p>15 A Well, I be honest with you, if he had an</p> <p>16 issue with the per diem, if it's something that I</p> <p>17 saw or, you know, because I look at the same</p> <p>18 financials he does, then that was his issue. I</p> <p>19 would have spoken whatever issue I felt pertinent.</p> <p>20 But the thing was, I didn't have a chance to speak</p> <p>21 on any of it. So it was relevant to what I could</p> <p>22 have attempted to do and what I was not given an</p> <p>23 opportunity to.</p> <p>24 Q Okay. Again, let me go back to the</p> <p>25 question. During the public comment period,</p>
Page 15	Page 17
<p>1 not on the agenda for that particular day?</p> <p>2 A Well, I -- that's what I'm saying. I</p> <p>3 don't recall that aspect of it because I wasn't</p> <p>4 permitted to speak. I know what I wanted to</p> <p>5 address initially, because one of my concerns was</p> <p>6 the roll call. So if you're alluding to anything</p> <p>7 other than that, Mr. Bankston, I can't say because</p> <p>8 I was not permitted to speak at all.</p> <p>9 Q And during the public comment period,</p> <p>10 were you advised that no one had requested that the</p> <p>11 issue of the website be placed on the agenda for</p> <p>12 that meeting?</p> <p>13 A I don't recall.</p> <p>14 Q And do you recall whether or not the</p> <p>15 Board advised you that they would place an item on</p> <p>16 the agenda at the subsequent meeting on that issue?</p> <p>17 A I don't recall that.</p> <p>18 Q Do you recall whether or not at a</p> <p>19 subsequent meeting you in fact did speak to the</p> <p>20 Board over the issue of placing the website on --</p> <p>21 A I -- I submitted the proper paperwork and</p> <p>22 documentation to address the Board concerning the</p> <p>23 link to the website. And at that point, I was</p> <p>24 placed on the agenda. Prior to that or</p> <p>25 subsequently, I did not speak, nor was I given the</p>	<p>1 Mr. Burns attempted to speak on the issue of per</p> <p>2 diem. You did not attempt to speak on the issue of</p> <p>3 per diem; is that correct?</p> <p>4 A I didn't get a chance to speak on</p> <p>5 anything. That's what I'm saying. So I can tell</p> <p>6 you what, you know, he wasn't given permission to</p> <p>7 speak. So how could I tell you what he's going to</p> <p>8 speak on?</p> <p>9 Q My question wasn't what Mr. Burns was</p> <p>10 going to speak on. My question is, did you attempt</p> <p>11 to speak on the issue of per diem on the</p> <p>12 financials?</p> <p>13 A Well, I --</p> <p>14 Q Answer yes or no, and then you can</p> <p>15 explain your answer.</p> <p>16 A Well, here's the thing. I can't answer</p> <p>17 yes or no because I wasn't given an attempt to</p> <p>18 speak at all. If you asking me what I would have</p> <p>19 --</p> <p>20 Q So it's your testimony that you did not</p> <p>21 stand before the Board and speak to the Board</p> <p>22 during the public comment period?</p> <p>23 A I was not given an opportunity to speak</p> <p>24 on the agenda items or the minutes from the passage</p> <p>25 in items. And that's what I'm saying.</p>

1 Q That's not my question. Did you or did
2 you not stand before the Board and speak on issues
3 during the public comment period?

4 A I don't recall.

5 Q Okay. Now is it correct, Mr. Phillips,
6 that you were allowed to comment and, in fact, you
7 did request that the prior unapproved meeting
8 minutes be expanded to include the roll call
9 language?

10 A And in what meeting are you referring to?
11 Because you just said -- you didn't give me any
12 information as to ...

13 Q In the January 8th meeting, did you in
14 fact attend that meeting and speak during the
15 public comment period?

16 A The January 8th meeting?

17 Q Yes.

18 A Not to my knowledge. Not concerning what
19 you just referenced.

20 Q So you do not recall making comments and
21 requesting that the prior unapproved meeting
22 minutes be expanded to include what you refer to as
23 the roll call language; you don't recall saying
24 that?

25 A No.

1 public comment period?

2 A I don't recall. I know I didn't speak on
3 the minutes, approval of those November 5th meeting
4 minutes. I don't -- my primary initial was to --
5 the first item of the agenda was approval of the
6 minutes. I didn't get a chance to speak. So
7 whatever was subsequently behind that, before that,
8 I can't recall. But I know I was not permitted to
9 speak concerning those minutes.

10 Q So the question is, were you not told at
11 the meeting, when you attempted to discuss the
12 minutes that had not been approved of November 5,
13 2012, that you would be given an opportunity at a
14 subsequent meeting to discuss anything related to
15 prior minutes?

16 A I don't recall.

17 Q Is it correct that at the March 5th, 2013
18 meeting that you were allowed to make public
19 comments on the approved minutes of the
20 November 2012 meeting; if you recall?

21 A November? Why would those minutes be --
22 it should have been the January 8th. You're
23 talking two meetings, and so I'm trying to figure
24 out, if you're talking two meetings, why would they
25 have those minutes to be approved when they already

1 Q Okay. Were you informed during the
2 public comment period that once the meeting minutes
3 were adopted, that you would be able to speak
4 concerning those adopted minutes at the next
5 meeting?

6 A Are you referencing the minutes of the
7 meeting that I attempted or the meeting that I did
8 not get an opportunity to speak on?

9 Q You attended the meeting of January 8th,
10 2013; correct?

11 A Okay.

12 Q There were -- approval of the minutes was
13 listed on the agenda for the November 5th, 2012
14 minutes; correct?

15 A And that's, November 12th (sic) is the
16 meeting --

17 Q November 5th, 2012.

18 A That's the meeting that I did not attend.

19 Q I wasn't asking whether you attended it.
20 The approval of minutes was an item on the agenda
21 of November 5th, 2012; correct?

22 A For that particular meeting, correct?

23 Q Correct.

24 A Yes.

25 Q And you in fact did speak during the

1 been approved? It would be the January minutes
2 that they will be dealing with in March.

3 Q In answer to my question, do you recall
4 whether on March the 5th, 2013 you were allowed to
5 make public comment, and in fact, made public
6 comments on the approved minutes of the
7 November 2012 meeting?

8 A I don't recall.

9 Q Okay. Do you recall at the March 5th,
10 2013 meeting that you commented that the November
11 2012 meeting minutes should reflect, quote, actual
12 roll call language, closed quote? Do you recall
13 saying that during the public comment period?

14 A That's what you see right there, if
15 that's what you reading. As far as I know, the
16 November meeting, I wasn't given a chance to talk
17 on it. So it was irrelevant to the past minutes
18 that had been approved. So why would I want to
19 talk on something that has already been approved?

20 Q Well, you were asking, were you not, that
21 the minutes of the November 12th, 2012 meeting be
22 expanded to reflect as to what you referred to as
23 actual roll call, closed quote, language; is that
24 correct?

25 A Well, if that was the case, it still

Page 22	Page 24
<p>1 would have to be undone and redone again, 2 Mr. Bankston. And, typically, they don't do that. 3 So I don't recall that aspect. 4 If it did, you know, then that's one 5 thing. But, you know, we way behind November with 6 two meetings. So I know whatever issues that were 7 going to come up reflecting November was 8 irrelevant. 9 Q Now you didn't actually have copies of 10 the minutes of the November 2012 meeting, did you, 11 when you were attending the January 3rd, 2013 12 meeting? 13 A Did I have copies? 14 Q Correct. 15 A Of those minutes? 16 Q Right. 17 A No, I wasn't even at the meeting. It was 18 a meeting that -- the November 5th meeting -- 19 Q No. The question -- I'm sorry if you 20 misunderstood my question. 21 At the January 8th, 2013 meeting, at that 22 meeting, did you have copy of the minutes of the 23 meeting of November 2012? 24 A I didn't have -- that's what I'm saying. 25 I didn't have anything. I wasn't at the meeting.</p>	<p>1 Q That wasn't my question. Did you in fact 2 ask for that change? 3 A Well, you're saying in fact. I asked 4 that the Board accommodate the public in some way, 5 because we were not given the opportunity to speak. 6 What they decided to do -- 7 Q Is that a yes or a no? 8 A I'm going to say I don't recall. 9 Q Okay. Were there any other items on the 10 agenda other than the roll call issue that you 11 wanted to speak in reference to that you did not 12 have an opportunity to speak in reference to? 13 A I didn't speak at all to roll call or any 14 other issues. 15 Q So it's your testimony you do not recall 16 telling the Board at that particular meeting of 17 January 8th that you wanted the issue of the roll 18 call to be -- the minutes to be expanded to include 19 the actual roll call? You don't recall telling the 20 Board that? 21 A I was not permitted at the January 22 meeting to speak at all. 23 Q That wasn't my question. Do you recall 24 saying that or not? 25 A Mr. Bankston, you asking me did I recall</p>
Page 23	Page 25
<p>1 So how would I get copies? We don't get copies of 2 the minutes on any meeting. 3 Q Were you at the January 8th -- 4 A I was there. 5 Q -- meeting? 6 A I had the agenda, but not the minutes. 7 Q That's my question. There were no 8 minutes at that particular moment; were there? 9 A No. 10 Q Okay. And, in fact, at that meeting, you 11 asked the Board to change the procedure and allow 12 public comment to take place after the approval of 13 the minutes; do you recall that? 14 A I know some changes were made. I don't 15 know at what juncture. I can tell you this, with 16 the rigmarole that was being thrown across the 17 table at me, I had to come up with something 18 because the Board did not allow me to speak. 19 Q Again, let me ask you the question. Did 20 you in fact ask that the approval of minutes of the 21 meetings in later board meetings be changed so that 22 the public comment came after the approval of the 23 minutes? 24 A I know the Board made the change. At 25 what juncture --</p>	<p>1 saying anything when I was not given permission. 2 That's a self-explanatory answer. 3 Q So the answer is you don't recall doing 4 that? 5 A I wasn't given permission to speak. So 6 how would I recall saying something? 7 Q Is it your testimony that you did not say 8 anything during the public comment period? 9 A No, that's what you saying. I'm saying I 10 was not given permission to talk. I made an 11 attempt but was not given permission. And I've 12 stated that several times. 13 Q Now you have also filed an additional 14 suit recently, is that correct, against the Board? 15 A You're referring to the -- you're saying 16 in addition. There's several suits out there that 17 I filed. Are you talking about a new suit prior to 18 -- 19 Q That was just served this past week? 20 A Yes, sir. 21 Q And what is that suit in reference to? 22 A Well, some things that I felt are 23 unconstitutional and things that refer to the 24 Board's bias approach to certain procedures of 25 professionalism.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q What are you asking the Court to do in 2 reference to that? 3 A Well, it's spelled out in the suit. I 4 mean, that information is before you and before the 5 Court as to what we're asking in particular about 6 things that I felt unconstitutional, the LAPA link, 7 First Amendment Rights, tripod, inability to do 8 what we are entitled to do in public meetings. 9 Q Do you recall at the meeting in which you 10 were in fact given an opportunity to speak about 11 LAPA, L-A-P-A, that you were asked for a copy of a 12 list of the members of the association; do you 13 recall that? 14 A Was I asked for a list? I recall vaguely 15 someone asking me about how many members it may 16 have in particular, you or some other board 17 members, not about a list. 18 Q And did you -- were you able to respond 19 to that question concerning how many members that 20 you had? 21 A I said, we had members. 22 Q Do you recall telling the Board that you 23 didn't have that information with you, and you 24 could not respond to that particular question? 25 A They didn't -- I recall the Board asking</p>	<p style="text-align: right;">Page 28</p> <p>1 They didn't ask me for a list. 2 So you're asking me for -- did I -- I 3 didn't have the information from a list. I said we 4 had members. So the Board never recalled asking me 5 for a list. 6 Q So you don't recall the Board asking you 7 how many members you had? 8 A And I stated that, we had members. 9 That's what I told the Board. 10 Q So the answer to the question is, yes, I 11 do recall that the Board asked me how many members; 12 is that correct or not? Yes or no? 13 A Mr. Bankston, they asked me did we 14 have -- how many members we had. I stated that. 15 And I said we had members. 16 Q And do you recall responding to the 17 question of the board members that you did not have 18 that information with you at that time, and 19 therefore you were unable to give a definite number 20 of members; do you recall that? 21 A I stated that we had members. 22 Q Do you recall that? 23 A I don't recall the Board even asking 24 that. I mean I'm stating what I recall. 25 Q Do you recall whether that was your</p>
<p style="text-align: right;">Page 27</p> <p>1 me how many members, not asking for a list of 2 members. 3 Q Do you recall telling them how many 4 members you had? 5 A I recall the Board asking me for how many 6 members that we have, not for a list of members. 7 Q And did you tell the Board at that 8 particular time how many members you had? 9 A I stated we had members, and they asked 10 me how many. I stated we had members. One, two 11 members mean more than one, and that is what I 12 said. 13 Q You don't recall telling the Board that 14 you didn't want have that information with you? 15 A I stated that we had members. They asked 16 me how many. I told them members, which is more 17 than one. 18 Q That wasn't my question. Again, I'll ask 19 the question. Do you recall stating to the Board 20 that you did not have that information with you at 21 that time? You can answer yes or no, and explain 22 it. But do you recall -- 23 A But what you're asking me, Mr. Bankston, 24 is did the Board ask me for a list. The Board did 25 not ask me. They asked me how many members I had.</p>	<p style="text-align: right;">Page 29</p> <p>1 response to the Board on that issue? 2 A I told them we had members. I remember 3 somewhat saying that. 4 Q So you do not recall telling the board 5 members that, I do not have that information with 6 me at this time? 7 A I don't recall. 8 Q Okay. It's my understanding that you 9 have some issues with the procedure concerning the 10 recording of the meetings by video that is being 11 done by Mr. Burns; is that correct? 12 A What do you mean issues? 13 Q That you believe that the process -- that 14 the procedures being imposed upon Mr. Burns -- you 15 don't do the video recording; correct? 16 A You've seen me hold the camera. You've 17 seen me bring in my camera as well. 18 Q Okay. So you're involved with the actual 19 recording; correct? 20 A I've done some recording, so has Mr. 21 Burns. 22 Q So you are aware that the Board has 23 adopted certain procedures concerning the 24 videotaping or recording of the meetings; correct? 25 A I knew the Board proposed certain</p>

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<p>1 procedures concerning more than just taping of the</p> <p>2 meeting. They put several things out there</p> <p>3 concerning public -- the public in the meetings.</p> <p>4 Q Do you recall what those were?</p> <p>5 A I didn't -- initially, I was on the Board</p> <p>6 when it was actually introduced. At the time they</p> <p>7 were adopted, I was not on the Board. So I don't</p> <p>8 recall all of them.</p> <p>9 All I can tell you is there was some that</p> <p>10 concerning video, like using the power and where we</p> <p>11 can position and use a tripod, things like that.</p> <p>12 That kind of obstructed our positioning for doing</p> <p>13 what we have a right to do. I recall that because</p> <p>14 I remember that we were told we couldn't use the</p> <p>15 power.</p> <p>16 Q Were you on the Board when these</p> <p>17 procedures were adopted?</p> <p>18 A I don't recall. I -- no, I more surely</p> <p>19 think I was not because I was on the initial Board</p> <p>20 when they first introduced them. I was on the</p> <p>21 Board when they first introduced them, but I was</p> <p>22 not there when they adopted them. I was not a</p> <p>23 board member.</p> <p>24 Q Okay. So when it was being discussed</p> <p>25 about what the rules were, you were on the Board;</p>	<p>1 Q But the full board member meetings are</p> <p>2 not generally posted un-redacted or unedited;</p> <p>3 correct?</p> <p>4 A Typically, they're not.</p> <p>5 Q Okay. Now has there been an occasion in</p> <p>6 which any board meeting that has been attended by</p> <p>7 you or Mr. Burns that you have been unable to</p> <p>8 record?</p> <p>9 A I recall we lost power one of the</p> <p>10 meetings because we could not use the socket. The</p> <p>11 battery just went dead.</p> <p>12 Q So the battery on the recorder that you</p> <p>13 had was --</p> <p>14 A It was not --</p> <p>15 Q -- not fully charged?</p> <p>16 A Well, not so much as that. You know how</p> <p>17 long these meetings can last. You know how long</p> <p>18 they go through discussion of items. So not</p> <p>19 whether the battery was fully charged, it was just</p> <p>20 the fact that we were not able to use the outlet to</p> <p>21 keep our power current going.</p> <p>22 Q Have you attended any recent board</p> <p>23 meetings that have lasted over an hour and a half?</p> <p>24 I'm not talking about hearings. I'm talking about</p> <p>25 board meetings.</p>
Page 31	Page 33
<p>1 but when the actual adoption took place, you were</p> <p>2 not on the Board?</p> <p>3 A Correct. We all started bringing</p> <p>4 information in concerning procedures for public,</p> <p>5 but I was not there when this set of rules were</p> <p>6 adopted and implemented.</p> <p>7 Q And in reference to the videotaping,</p> <p>8 has -- and those video tapings are posted on the</p> <p>9 LAPA site; correct?</p> <p>10 A They are posted on the site or some are</p> <p>11 and some are not. Just depends on how fast we can</p> <p>12 get them up or whether or not we run into technical</p> <p>13 difficulties with the tape.</p> <p>14 Q Well, these are not the full board</p> <p>15 meetings. Generally, it is a redacted --</p> <p>16 A I can say the gist of agenda items that</p> <p>17 are addressed is what we -- there are some times</p> <p>18 where it's a long period of what I call a</p> <p>19 filibuster, just talking about nonsense or issues</p> <p>20 that are not pertinent to our public concerns.</p> <p>21 Q So the answer to that is, yes, these</p> <p>22 tapes are redacted; yes or no?</p> <p>23 A Well, edited or cut.</p> <p>24 Q Yeah.</p> <p>25 A You know as far as --</p>	<p>1 A I don't recall the length of time a</p> <p>2 meeting lasts. I know that they can be</p> <p>3 substantially long.</p> <p>4 Q And have the rules that have been imposed</p> <p>5 or the procedures, has that inhibited your ability</p> <p>6 to record the meetings?</p> <p>7 A Yes, it has in several ways.</p> <p>8 Q Okay. And in what ways is that?</p> <p>9 A Well, one, it is obscured, one, our</p> <p>10 viewpoint or our view of the actual board.</p> <p>11 Typically, we looking at the back of people. We</p> <p>12 can't see everybody based on the positioning of the</p> <p>13 room and everything else. It's hard for us to</p> <p>14 hear. I'm constantly telling the chairperson that</p> <p>15 we can't hear.</p> <p>16 They're not making any kind of public</p> <p>17 accommodations for that, you know. And then, just</p> <p>18 the public itself interfering and doing things that</p> <p>19 are unethical and unprofessional and not being</p> <p>20 addressed by the Board.</p> <p>21 Q Do you believe that in your recording and</p> <p>22 Mr. Burns's recording that you have a right to</p> <p>23 record the images of other public members that are</p> <p>24 there?</p> <p>25 A I do have the right. It's a public</p>

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1 meeting.

2 **Q So you believe that a public person that**

3 **is there, you have the right to take and use his**

4 **image for your own purposes?**

5 A The public addressing the Board, the

6 public speaking to the Board is no different than

7 the Board speaking to the public. It's a public

8 meeting. So we have the right to address and

9 record the public. It's a public meeting.

10 **Q And do you believe that that public**

11 **member has a right to shield himself from your**

12 **video?**

13 A I'm going to say this, what they do --

14 **Q That's a yes or a no, and you have a**

15 **right to explain it. You have to answer -- it's a**

16 **yes or a no and you have a right to explain it.**

17 A Well, I can't speak for the other person.

18 **Q I'm not asking -- I'm talking about what**

19 **you think.**

20 A Well, no. You're asking me my opinion

21 concerning someone else.

22 **Q Do you think a member of the public has a**

23 **right to shield his likeness from your camera or**

24 **not?**

25 A I -- that's that person's opinion.

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1 **and not been adopted?**

2 A Could I explain to you how I was going to

3 comment on minutes --

4 **Q That you had not seen, correct? You had**

5 **not seen them; correct?**

6 A No.

7 **Q And had not been adopted, correct, at**

8 **that moment when you were having public comment;**

9 **correct?**

10 A Okay. So what you're asking me is, how

11 was I going to comment on something that I did not

12 have physically in my presence? I had the audio.

13 The audio was what I heard, and I heard the audio

14 from beginning to end from the roll call to

15 everything else. So I can comment on the

16 documentation of what I heard that was going to be

17 recorded in those minutes. The audio is what I

18 had.

19 **Q Of the November 5th meeting?**

20 A That's correct.

21 **Q So you had the audio, but the audio was**

22 **not being adopted.**

23 A Well, the audio --

24 **Q The minutes were going to be adopted. So**

25 **how were you going to comment on something that you**

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1 **Q So you think they can if they wanted to?**

2 A Well, I'm not going to say that. I'm

3 going to say they cannot obstruct me from filming a

4 public meeting, and that's what has transpired.

5 Whether they show their face or not, but they

6 cannot obstruct me from filming the public meeting.

7 Whether they put their hands in their

8 face, whether they put it behind their back, it

9 doesn't make a difference to me. But when you

10 prevent me from doing what I have a right to do,

11 then I feel you don't have a right to do.

12 **Q Got you. Were you informed at that**

13 **January 8th meeting that the proposed meeting**

14 **minutes, after the minutes were made official, that**

15 **you could comment on those minutes after they had**

16 **in fact been made official and adopted?**

17 A At the January 8th meeting, I didn't get

18 a chance to speak. At that meeting --

19 **Q That was not the question. Were you**

20 **informed by the Board that you could comment on the**

21 **proposed minutes after the minutes were officially**

22 **adopted?**

23 A I don't recall.

24 **Q Okay. Could you tell me how you were**

25 **going to comment on minutes that you had not seen**

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1 **had never seen?**

2 A Sir, the minutes --

3 **Q The item on the agenda is the approval of**

4 **the minutes.**

5 A That's correct.

6 **Q And --**

7 A That entails from the start to the

8 finish.

9 **Q It's not the audio.**

10 A But the minutes themselves from the roll

11 call to the adjournment is included and all

12 inclusive to those minutes. Whatever they were

13 would have been whatever they were.

14 **Q Well, that would have been if it was a**

15 **transcription of the entire --**

16 A Well, the transcription --

17 **Q Let me finish my question.**

18 A Okay.

19 **Q That would have been if there had been a**

20 **transcription of every word written -- taken down**

21 **on the November 5th meeting of 2012. The Board**

22 **doesn't do that; does it?**

23 A Well, I know they do this, they record --

24 **Q Answer the question yes or no.**

25 A I've seen where they have.

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1 **Q So you've seen instances where the Board**
 2 **has, in its minutes, had a complete transcription**
 3 **of the items before the Board?**
 4 A I said I've seen the Board expand the
 5 minutes to reflect --
 6 **Q Just answer yes or no.**
 7 A You said a complete transcription?
 8 **Q Of what took place.**
 9 A I just told you --
 10 **Q In any minutes you have ever seen of the**
 11 **Board in which there has been a complete**
 12 **transcription of what took place?**
 13 A I can say I've seen the Board expand
 14 their minutes.
 15 **Q So the answer is yes or no?**
 16 A I don't know how you want me to answer
 17 that one.
 18 **Q I want you to answer truthfully.**
 19 A Well, truthfully is I've seen --
 20 **Q You don't know or yes or no?**
 21 A Well, I don't know as to the details of
 22 it to the gist of the minutes, but I know the Board
 23 has documented expanded minutes. And that's all I
 24 can tell you.
 25 **Q That's not my question whether they've**

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1 **expanded minutes.**
 2 A I don't know whether they expanded them
 3 to the fullest or verbatim word for word or
 4 however.
 5 **Q The answer is no then?**
 6 A Well, I don't know that.
 7 **Q So, again, you did not have in your**
 8 **possession on the January 8th meeting of 2013 a**
 9 **copy of any minutes whatsoever?**
 10 A Did I have in my possession of the
 11 meeting that I was not permitted to speak on? I
 12 didn't have any information documented. The only
 13 thing I had was the audio.
 14 **Q Did you or did you not have a copy of any**
 15 **minutes of the November 5th meeting when you**
 16 **attended the January 8th, 2013 meeting?**
 17 A I didn't have any official board minutes
 18 if that's what you're asking.
 19 **Q Did you have any unofficial board**
 20 **minutes --**
 21 A I had my documentations.
 22 **Q You had an audio that you had heard.**
 23 A And the documentation verbatim to what
 24 was said.
 25 **Q What do you mean the documentation?**

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1 A Of what I redacted from the audio.
 2 **Q So you had the audio?**
 3 A And what I also documented from the
 4 audio.
 5 **Q What do you mean? How did you document**
 6 **it?**
 7 A I wrote it down.
 8 **Q Oh, okay. So your handwritten notes of**
 9 **it?**
 10 A Yes.
 11 **Q Okay. Now on that issue of the approval**
 12 **of the minutes, you were advised that at a**
 13 **subsequent meeting that you could in fact comment**
 14 **and ask for corrections of minutes if you felt that**
 15 **the minutes were incorrect?**
 16 A I don't recall that.
 17 **MR. BANKSTON:**
 18 Okay. That's all the questions I have.
 19 (ENDING AT 2:53 P.M.)
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1 * * *
 2 WITNESS' CERTIFICATE
 3
 4 I, REVEREND FREDDIE PHILLIPS, the
 5 undersigned, do hereby certify that I have read the
 6 foregoing deposition taken on July 18, 2014, and it
 7 contains a true and accurate transcript of the
 8 testimony given by me:
 9 () Without corrections.
 10
 11 () With corrections as reflected on
 12 the Errata Sheet(s) prepared by me
 13 and attached hereto consisting of
 14 _____ pages.
 15
 16 _____
 17 REVEREND FREDDIE PHILLIPS
 18
 19 _____
 20 DATE
 21
 22 REPORTED BY: KELLY S. PERRIN, CCR
 23
 24
 25

1 REPORTER'S CERTIFICATE
2 I, KELLY S. PERRIN, a Certified Court
3 Reporter, Certificate #23035, in good standing with
4 the State of Louisiana, as the officer before whom
5 this testimony was taken, do hereby certify that
6 REVEREND FREDDIE PHILLIPS, to whom oath was
7 administered, after having been duly sworn by me
8 upon authority of R.S. 37:2554, did testify as
9 hereinbefore set forth in the foregoing 41 pages;
10 That this testimony was reported by me in
11 stenographic machine shorthand by Computer-Aided
12 Transcription, transcribed by me or under my
13 personal direction and supervision, and is a true
14 and correct transcript to the best of my ability
15 and understanding;
16 That the transcript has been prepared in
17 compliance with transcript format guidelines
18 required by statute or by rules of the board, that
19 I have acted in compliance with the prohibition on
20 contractual relationships, as defined by Louisiana
21 Code of Civil Procedure Article 1434 and in rules
22 and advisory opinions of the board; that I am not
23 of counsel nor related to any person participating
24 in this cause and am in no way interested in the
25 outcome of this event.

1 This certification is valid only for a
2 transcript accompanied by my handwritten or digital
3 signature and the image of my State-authorized seal
4 on this page.
5 Signed:
6
7 KELLY S. PERRIN,CCR
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