

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: ROBERT BURNS v. LOUISIANA AUCTIONEERS
 LICENSING BOARD, ET AL
 Case Number:
 Dep. Date: February 6, 2014
 Deponent: ROBERT EDWIN BURNS
 Place: LOUISIANA

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefore
22	2	1999	1990	typo (I said 1990).
57	15	Edward	Edwin	letter says Edwin.
57	16	wrong	right, but in the wrong order.	what letter reflects
58	22	ma:n	Mgt	Cold affected voice.
64	20	records	request s	missprike
65	13	resigned	was terminated	Missprike
66	23	{addition - see separate sheets}		
94	6	Yes	to against	Cold affected voice (said against)
100	14	{addition - see separate sheets}		
102	20	{addition - see separate sheets}		
103	8	{addition - see separate sheets}		
103	14	{addition - see separate sheets}		
109	13	{addition - see attached sheets}		
109	23	<u>do</u>	<u>did</u>	missprike
112	3	{addition - see attached}		
113	12	<u>executive session</u>	<u>an open session</u>	missprike
139	25	{addition - see attached sheets}		
150	1	{addition - see attached sheets}		
93	16	{addition - see attached sheets}		

Robert Edwin Burns
 Signature of Deponent

March 7, 2014
 Date

1 I have read the above and foregoing
 2 testimony given by me and the same is true and
 3 correct subject to attached changes, if any.

4

5 Changes attached: Yes
 6 No

7

8 *Robert Edwin Burns*
 ROBERT EDWIN BURNS

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3/7/14

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SUPPLEMENT TO ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: ROBERT BURNS V. LOUISIANA AUCTIONEER LICENSING BOARD, ET. AL.
Case Number: 616916
Dep. Date: February 6, 2014
Deponent: ROBERT EDWIN BURNS
Place: LOUISIANA

Pg.	Ln.	Now Reads	Should Read	Reasons Therefore
66	23			

Add:

Also, Rev. Phillips stated in a videotaped statement to the Glen Oaks High School graduating class of 1981 on August 6, 2011 at the 30-year reunion of that class that he had told Gov. Jindal’s staff that he would not serve a second term and relayed, “there are some things you just don’t subject yourself to.”

Should have so stated.

93	16			
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Add:

Ms. Jacobs also stated that, in her interpretation, the auctioneer statutes dealt with obtaining an auctioneer license and not with rendering an opinion. Nevertheless, she went on to relay that “at some point you need to come to a point in your life where you worry about the things that matter such as people stealing from the public and not pettiness.” She therefore painted me as some loose cannon not investigating legitimate theft from the public notwithstanding the fact that the Inspector General’s Office would later validate my claim of payroll fraud as reinforced by Mr. Patrick Lowery. Furthermore, how Ms. Jacobs cannot classify Massoud Pouratin and Danny Pun losing over \$100,000 each on fake items auctioned by New Orleans Auction Galleries, especially when, in the case of Pouratin, New Orleans Auction Galleries officials knew, or certainly should have known, those items were fake is beyond me. I mean the paintings Pouratin purchased had

Christie's rejection stickers on the backs of them when they departed New Orleans Auction Galleries' facilities. For Ms. Jacobs to then say I was making "false and scurrilous accusations" and that, had I made such allegations against her if she had been in the position of Ms. Edmonds or Ms. Steinkamp, she would have sued me, is clearly defamatory. She is an attorney who charged that I was making allegations with no foundation whatsoever when, in reality, I had very strong foundations for all of the allegations and issues of concern which I was bringing to the Board's attention. She emphasized several times that my assertions were "scurrilous" and even said they were "uncalled for." In fact, Administrative Law Judge Vallan interrupted her and instructed Ms. Jacobs to keep her verbiage to questions and to refrain from expressing her personal views on the matters in question. Immediately after Ms. Jacobs' commentary, Mr. Bordelon said that it seemed to him that I was "vindictive against the Board" and that I "harassed our office on a weekly or daily basis with our ex-secretary." He also expressed frustration that I had teamed up with that ex-secretary and Rev. Phillips to gather the information we did entailing Ms. Edmonds payroll records. He then said I was making "false statements" and that I "went after Ms. Edmonds." Mr. Bordelon made these statements despite the fact that I made it clear to him and all other Board Members that I didn't want my license fees being utilized for someone to lay on the beach while claiming to be on the clock and that I had every right to expect them to adhere to their fiduciary duty as Board Members and take action to eliminate that practice.

Added defamation statements that the cold medication likely hindered my ability to have recollection of.

100 14

Add (after "no"):

Mr. Lowery's disclaimer was clearly disclosed on page seven of a memorandum I filed in 19th JDC on November 2, 2011. That memorandum was provided to Mr. Rodney Ramsey of the Louisiana Attorney General's Office and was, or should have been, delivered to

his defendant client, Ms. Edmonds, and to the LALB. I therefore fully divulged Mr. Lowery's stated limitation on his ability to prosecute Ms. Edmonds on November 2, 2011, and it was readily available for any Board Member to observe from that day forward.

Bankston interrupted me (as stated page 100 lines 20 & 21).

102 20

Add:

Beyond providing the Attorney General letter, which was an attachment to an email dated May 23, 2012, the email itself, on the fifth paragraph from the bottom, states, "although the practice using the same attorney as general counsel and prosecuting attorney is permissible; however, as you can also tell, that setup has resulted in extensive litigation expenses for other Boards (Board of Dentistry, Chiropractic Board, Board of Ethics) after licensees appealed decisions made under the setup."

Question had a fundamentally-flawed premise (that I had not divulged what the AG said). It's a function of Bankston's sloppy preparedness (or lack of any preparedness at all) which he exhibited throughout the deposition.

103 8

Add:

Furthermore, as I just relayed in your previous question, I relayed exactly what the Attorney General's Office's position was.

See previous Explanation for

“reason.”

103 14

Add:

Any conflict I referenced with Ms. Dow entailed the fact that I have sued her. That is an obvious conflict which necessitated your hiring in the first place.

So Bankston is clear on what I referenced as a conflict in that email.

109 13

Add:

And beyond common sense, as I relayed previously, I am an inactive CPA and served as an FDIC examiner for six years and a bank loan review analyst during the late 1980s where troubled debt restructurings and bankruptcies were commonplace.

Addressing another fundamentally-flawed question from Mr. Bankston.

112 3

Add (after “yes”):

, but I didn’t actually place that in the pleadings. I indicated that in a formal written demand letter dated August 23, 2013.

139 25

Add:

Upon reflection, we can’t get the audio because she made her statements in what was yet another illegal executive session of January 26, 2009. In fact, the Inspector General’s Office 10 months later via letter to the

Board indicated that the executive session may have violated Louisiana's Open Meetings Laws.

150 1

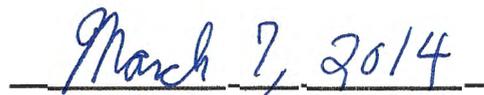
**Add (after "payroll"):
fraud.**

**Inadvertently omitted
word.**

The preceding five (5) pages, inclusive, supplement corrections made entailing the ERRATA sheet for the transcript of Robert Burns v. Louisiana Auctioneer Licensing Board et. al., Case # 616916 for which the deposition date was February 6, 2014 and for whom the deponent was Robert Edwin Burns and for which the deposition was taken in Louisiana.

I have read the above foregoing corrections to my deposition and, combined with the hand-written corrections dated this same date, result in a true and correct testimony on my behalf.


Robert Edwin Burns


March 7, 2014

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

* * * * *

ROBERT BURNS

NO. 616,916

VS.

SECTION 25

LOUISIANA AUCTIONEER'S LICENSING
BOARD, CHARLES "HAL" MCMILLIN,
JAMES M. SIMS, GREGORY L. "GREG"
BORDELON, CHARLES "CLAYTON" BRISTER

* * * * *

VIDEO DEPOSITION OF ROBERT EDWIN BURNS

Taken on Thursday, February 6, 2014

At the Law Offices of Bankston and Associates

8708 Jefferson Highway, Suite A

Baton Rouge, Louisiana

REPORTED BY: SUZANNE EDMONSON, C.C.R.

* * * * *

Court Reporters of Louisiana, LLC
9614 Brookline Avenue, Suite A
Baton Rouge, Louisiana 70835
(225)201-9650 Office * (225)201-9651 Fax

**READ & SIGN
COPY**

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1	I N D E X	1	Robert Burns)
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3	Caption 1	3	(December 26, 2012 letter to Robert Burns from
4	Appearances 5	4	Larry Bankston)
5	Agreement of Counsel 6	5	
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13	Exhibits:	13	
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24	(July 12, 2012 letter to Robert Burns from Larry	24	
25	Bankston)	25	
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1	Defendants 6 76	1	APPEARANCES:
2	(July 20, 2012 letter to Robert Burns from Larry	2	Representing the Plaintiff, Robert Burns:
3	Bankston)	3	MR. ROBERT BURNS
4	Defendants 7 80	4	Pro Se Plaintiff
5	(August 14, 2012 letter to Robert Burns from Larry	5	4155 Essen Lane, Apartment 228
6	Bankston with Notice of Hearing)	6	Baton Rouge, Louisiana 70809
7	Defendants 8 81	7	
8	(August 27, 2012 letter to Robert Burns from Larry	8	Representing the Defendants, Louisiana Auctioneers
9	Bankston with Amended Notice of Hearing)	9	Licensing Board, Charles "Hal" McMillin, James M.
10	Defendants 9 104	10	Sims, Gregory L. "Greg" Bordelon, Charles "Clayton"
11	(Louisiana Auctioneer Legal Forum of Issues Facing	11	Brister:
12	the Profession)	12	BANKSTON AND ASSOCIATES
13	Defendants 10 109	13	Attorneys at Law
14	(Face Book Friend Request - screen shot)	14	8708 Jefferson Highway, Suite A
15	Defendants 11 112	15	Baton Rouge, Louisiana 70809
16	(Citation with attachments)	16	
17	Defendants 12 116	17	BY: MR. LARRY S. BANKSTON
18	(February 4, 2013 letter to Sandy Edmonds from	18	
19	James "Buddy" Caldwell with Findings of Fact and	19	
20	Conclusions of Law)	20	
21	Defendants 13 119	21	
22	(August 23, 2013 letter to Larry Bankston from	22	Also present:
23	Robert Burns)	23	MR. JEFFREY HORNER, VIDEOGRAPHER
24	Defendants 14 121	24	
25	(December 26, 2012 e-mail to Larry Bankston from	25	Reported by: Suzanne Edmonson,
			Certified Court Reporter
			in and for the State of
			Louisiana

Page 6

1 S T I P U L A T I O N

2

3 It is stipulated and agreed by Counsel that

4 the testimony of the witness, ROBERT EDWIN BURNS,

5 is hereby being taken pursuant to Notice under the

6 Louisiana Code of Civil Procedure for all purposes

7 permitted under law.

8

9 The witness reserves the right to read and

10 sign the deposition. The original is to be

11 delivered to and retained by Mr. Larry Bankston for

12 proper filing with the Clerk of Court.

13

14 All objections, except those as to the form

15 of the questions and/or responsiveness of the

16 answers, are reserved until the time of the trial

17 of this cause.

18

19 * * * * *

20

21 Suzanne Edmonson, Certified Court Reporter

22 in and for the State of Louisiana, officiated in

23 administering the oath to the witness.

24

25

Page 7

1 ROBERT EDWIN BURNS, 4155 Essen Lane,

2 Apartment 228, Baton Rouge, Louisiana 70809, having

3 been first duly sworn, was examined and testified

4 as follows:

5 P-R-O-C-E-E-D-I-N-G-S

6 **THE VIDEOGRAPHER:**

7 This is the deposition of

8 Robert Burns on behalf of the plaintiffs in the

9 matter of Robert Burns versus Louisiana Auctioneers

10 Licensing Board, et al. This case is pending in

11 the 19th Judicial District Court, Parish of East

12 Baton Rouge, Case Number 616,916, Section 25. This

13 deposition is being located at 8708 Jefferson

14 Highway, Baton Rouge Louisiana 70809.

15 Today is February 6, 2014. We are

16 commencing at the time of 9:36. My name is Jeffrey

17 Horner, certified video specialist with Video

18 Reflections Studio. Suzanne Edmonson is the court

19 reporter.

20 Will all attorneys present identify

21 themselves and their affiliations, please?

22 **MR. BANKSTON:**

23 Larry Bankston on behalf of

24 the Louisiana Auctioneers Licensing Board, Charles

25 "Hal" McMillin, James Sims, Greg Bordelon and

Page 8

1 Charles "Clayton" Brister.

2 **THE WITNESS:**

3 Robert Burns, Pro Se

4 Plaintiff.

5 **THE VIDEOGRAPHER:**

6 Thank you. Ms. Court

7 Reporter, would you swear in the witness, please?

8 (Whereupon, the witness was sworn in.)

9 **THE VIDEOGRAPHER:**

10 You may proceed.

11 EXAMINATION

12 **BY MR. BANKSTON:**

13 **Q. Mr. Burns, we're here for your**

14 **deposition, which was noticed. And I would like to**

15 **mark as Defendant Number 1 the notice of deposition**

16 **in this case, which is set for February 6, 2014, at**

17 **9:30 at our office, and ask the court reporter to**

18 **attach that to the deposition.**

19 **(Whereupon, the document was marked for**

20 **identification as Defendant Exhibit #1 and attached**

21 **hereto.)**

22 **BY MR. BANKSTON:**

23 **Q. Also, it is my understanding that you**

24 **have requested that the -- this particular**

25 **deposition be videotaped and the videotaping of**

Page 9

1 **this is at your request, correct?**

2 A. That is correct.

3 **Q. And you are responsible for that**

4 **particular invoice related to this matter?**

5 A. That is correct.

6 **Q. Would you please give us your full name**

7 **and your present address?**

8 A. Robert Edwin Burns, 4155 Essen Lane,

9 excuse me, Apartment 228, Baton Rouge, Louisiana

10 70809-2152.

11 **Q. Is that at your residence?**

12 A. Yes, sir.

13 **Q. And have you ever given a deposition**

14 **before?**

15 A. I've given a deposition actually twice

16 that -- well, I don't know if you want to include

17 ancient history, but within the last few years

18 twice.

19 **Q. Let me go over some ground rules, and**

20 **it's generally for the benefit of this young lady**

21 **here. It's important -- two things: First, make**

22 **sure that I have finished my question. You know,**

23 **when people are talking in general conversational**

24 **tones, you know what I'm getting ready to say and**

25 **I've almost finished my question and you jump in**

Page 10

1 the middle of it. So it just makes it difficult
 2 for this young lady to do that.
 3 The other thing, all of us do it all
 4 the time and I'm sure you'll do it some here, is we
 5 say uh-huh and huh-uh and those things are the
 6 opposite of each other. So it's important that you
 7 answer out loud, even though it's being videotaped.
 8 She can't necessarily see nodding and whatever.
 9 But the court record is -- this deposition is the
 10 court record here. So it's important that you
 11 answer out loud, answer yes or no. You'll always
 12 have the opportunity to further answer a question
 13 or provide additional information that you would
 14 like but it's important, if you would, to kind of
 15 follow these game rules.
 16 Also, I would presume that anything
 17 that I ask you, that you understand, if you answer
 18 it. If, for some reason, you don't understand my
 19 question, I don't want you to speculate. I would
 20 like for you to tell us. And a perfectly good
 21 question (sic) is, I don't recall or I don't know.
 22 So that you are clear, if you do, in fact, answer
 23 it, I will presume that you have correctly answered
 24 that question. So do you understand those?
 25 A. I do, and I'll add one other. It's

Page 11

1 been my experience, in the depositions I've done
 2 before, that before anything starts the request is
 3 made as to whether or not you want to -- and you
 4 have the right to waive that, in terms of reviewing
 5 it. I don't recall having gotten that question,
 6 so.
 7 Q. Well, Mr. Burns, generally that's the
 8 last question. Your lawyer would decide that. If
 9 you'd like to, we can discuss that right now. You
 10 have a right --
 11 A. It's --
 12 Q. You have a right to read and sign your
 13 deposition. Would you like to have your deposition
 14 forwarded to you?
 15 A. Yes. And in the past ones, they have
 16 been at the beginning for me.
 17 Q. And that address is -- the home address
 18 is where you would like your deposition sent to?
 19 A. That's correct.
 20 Q. What is your age?
 21 A. I just turned 50.
 22 Q. And what is your date of birth?
 23 A. You'll have to forgive me. I'm
 24 suffering from a cold, so I'll take a few sips of
 25 water from time to time.

Page 12

1 My date of birth is September 10, 1963.
 2 Q. And are you married?
 3 A. I am not.
 4 Q. Have you ever been married?
 5 A. I have not.
 6 Q. Do you have any children?
 7 A. I do not.
 8 Q. Do you have any siblings?
 9 A. I do not.
 10 Q. You presently live with your mother?
 11 A. That's been the case all 50 years of my
 12 life.
 13 Q. And what is your mother's name?
 14 A. Helen Yvonne, Y-v-o-n-n-e, Burns.
 15 Q. What is her maiden name?
 16 A. Lee.
 17 Q. And what is your Social Security
 18 number? We will delete everything but the last
 19 four digits in the deposition, but what is your
 20 Social Security number?
 21 A. -4829.
 22 Q. And if you could -- were you born in
 23 Baton Rouge?
 24 A. I was.
 25 Q. Where did you attend school?

Page 13

1 A. Which?
 2 Q. High school?
 3 A. Glen Oaks.
 4 Q. And did you graduate from Glen Oaks?
 5 A. I did.
 6 Q. Did you attend any secondary training
 7 or college after Glen Oaks?
 8 A. I attended Louisiana State University.
 9 Q. And did you obtain a degree at LSU?
 10 A. Yes, sir.
 11 Q. In what?
 12 A. My degree was in finance, which is a
 13 program administered by the College of Business
 14 Administration.
 15 Q. And when did you graduate from LSU?
 16 A. I graduated from LSU December 1985,
 17 with a 4.0 GPA.
 18 Q. And did you seek any additional
 19 training after graduating in 1985 from LSU?
 20 A. Meaning going back to LSU?
 21 Q. LSU, anyplace else?
 22 A. Yes. The first job that I had right
 23 after college was with Capital Bank. It was a
 24 local bank here in town. You may recall the
 25 banking industry in the mid-'80s was, shall we say,

Page 14

1 less than stable. Eight months into the job, the
 2 bank announced that there were approximately 35 to
 3 40 employees being laid off; I was among them. And
 4 so I opted to go back to LSU in the spring semester
 5 of 1987. I worked at Capital from January of '86
 6 through August of '86, and in the spring of 1987 I
 7 completed what few classes I needed, namely the
 8 second business law, to qualify me to sit for the
 9 CPA exam.

10 **Q. So it wasn't a master's program. It**
 11 **was just additional classes?**
 12 A. That is correct.

13 **Q. And when did you sit for the CPA exam?**
 14 A. Oh, boy. I know it was in 1989 and I'm
 15 pretty sure -- I'm not speculating because I don't
 16 know the exact month. I don't know what months
 17 they administer it, but it was the latter part of
 18 '89.

19 **Q. And did you pass the CPA exam?**
 20 A. I passed the CPA exam on my first
 21 sitting.

22 **Q. And you became a CPA in 1990?**
 23 A. Well, the results, back then, took
 24 about two months to come in and I would imagine
 25 that did put us into 1990.

Page 16

1 or August of 1987. I opted to accept that
 2 position, and thereafter I didn't really actively
 3 pursue becoming a licensed CPA.

4 **Q. So did you meet the qualifications from**
 5 **the CPA of the equivalent number of, I guess, work**
 6 **experience by the CPAs?**
 7 A. I feel quite certain that -- and I
 8 can't speak for the CPA board because they make
 9 those decisions on an individual basis, but it
 10 would be my anticipation that my FDIC experience
 11 certainly would have qualified me for it, if I had
 12 opted to pursue that route, getting a CPA actual
 13 license. The FDIC really only cared that -- and it
 14 wasn't required for the job, but there would have
 15 been no distinguishment between a CPA certificate
 16 holder, which is what I am and continue to be to
 17 this day, versus a practicing CPA.

18 **Q. So let's make sure I'm understanding.**
 19 **The State Board of Certified Public Accountants,**
 20 **you fill out your educational background, your**
 21 **experience/work. They do an analysis of that.**
 22 **They make a determination as to whether or not you**
 23 **can hang your shingle out as a CPA, correct? Is**
 24 **that how --**
 25 A. That's right. It's cut-and-dry if

Page 15

1 **Q. And did you start actively practicing**
 2 **as a CPA or did you have to go under some tutelage,**
 3 **or how did that work?**
 4 A. In the CPA profession, as you correctly
 5 point out, you can't just throw up a shingle and
 6 say I'm a licensed practicing CPA. You have two
 7 choices for being able to get licensed -- excuse me
 8 -- the first of which is to work directly under an
 9 accounting firm that is in the business of
 10 providing traditional CPA services. The other
 11 alternative is to take what they call a four-year
 12 -- or provide, let me say that, provide what they
 13 call acceptable equivalent experience. If you go
 14 that route for getting the license, it requires
 15 four years.

16 **Q. And what did you choose to do?**
 17 A. Well, I only -- I only had an interest
 18 in perhaps practicing at the point that I had no
 19 job and I did join Coopers and Lybrand, which, at
 20 that time, was a Big Eight CPA firm. I think it's
 21 down to five now; I've lost count. But I quickly
 22 did realize I was better suited for banking. And
 23 so when an opportunity came along for a loan review
 24 analyst position -- excuse me, I'm sorry -- at
 25 AmBank in -- give me just a second -- it was July

Page 17

1 you're working for a recognized accounting firm.
 2 In other words, if I had stayed with Coopers and
 3 Lybrand for two years, then I would have been
 4 granted the CPA license and that would have been
 5 that. If you go -- and you can mix the two. If
 6 you, say, spent one year with an accounting firm,
 7 then, I would assume, I don't know this, but I
 8 would assume they would want two years of
 9 equivalent experience to add on to that one year.

10 **Q. How long were you with Coopers and**
 11 **Lybrand?**
 12 A. Only three months.

13 **Q. And so even though you may have passed**
 14 **a CPA exam, as far as holding yourself out to the**
 15 **public as a CPA, you're not allowed to do that**
 16 **until either you have the two years' experience**
 17 **under a recognized accounting firm or the**
 18 **educational equivalence; is that correct?**
 19 A. Yes and no. Yes, I can hold myself out
 20 as a CPA. There's nothing to restrict me from
 21 doing so. However, I am required to either, by way
 22 of a comma or parenthetical disclosure, relay that
 23 I am an inactive CPA. A similar type -- I don't
 24 know if y'all may have anything similar to that in
 25 the legal profession, but a very similar situation

Page 18

1 arises with real estate. Although there I don't
 2 think they may have such a thing as initial
 3 inactive license, but if you decide to -- for
 4 instance, right now I am an inactive CPA -- I'm
 5 sorry -- real estate broker, and I've chosen to
 6 place my license into inactive status. The CPA --
 7 and I guess that was a little more than you wanted
 8 but, yes, I can put CPA on a business card, I can
 9 put it on letterhead but I am required to divulge
 10 the fact that I am inactive.

11 **Q. If you wanted to change from inactive**
 12 **to active, are you able to start holding yourself**
 13 **out as a CPA today?**

14 A. My -- I'm answering for what I believe
 15 the board would say and the answer would be, you
 16 would have to take a certain amount of continuing
 17 professional education, which is pretty substantial
 18 in the accounting industry. I don't know what the
 19 current -- I'm pretty sure they haven't changed
 20 much, but it's 120 hours over a three-year period
 21 with a certain, I think, minimum number on a given
 22 year but to answer your question, no.

23 **Q. Okay. And so you would still have to**
 24 **meet all of the qualifications of either working**
 25 **for two years with a traditional CPA firm or your**

Page 19

1 **educational background would have to be evaluated**
 2 **and determined that you meet the qualifications,**
 3 **based upon their review of that information?**

4 A. That's correct.

5 **Q. So at this particular time, in order**
 6 **for you to remove the language of just being simply**
 7 **inactive, you would have to start by showing that**
 8 **you have worked two years, which you have not done,**
 9 **correct?**

10 A. I have not worked for an accounting
 11 firm for two years, that's correct.

12 **Q. Or that your educational background was**
 13 **sufficient and your work experience was sufficient**
 14 **to meet the four-year requirement?**

15 A. That's correct. And I don't know if
 16 there would be -- I don't know if they're willing
 17 to go back ad infinitum on that, you know. So it's
 18 a little difficult for me to answer your question
 19 authoritatively because I have not actively pursued
 20 holding a CPA license.

21 **Q. Is there a reason why you, after you**
 22 **passed the exam, that you did not seek to have the**
 23 **active status?**

24 A. Well, I think I mentioned that I did
 25 make a token effort. And we're talking about an

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1 awful long time ago. So let me -- when I was in
 2 banking, we covered the AmBank period. Thereafter,
 3 I went to Baton Rouge Bank and I'm fairly certain
 4 that I did inquire as to whether the position that
 5 I had at Baton Rouge Bank would qualify. They told
 6 me that it would. So I did make some token effort
 7 but -- and you'll have to forgive me. Can you
 8 repeat what that question was?

9 **Q. I guess my question is, why did you not**
 10 **pursue -- you went and sat for the CPA, you passed**
 11 **the CPA board. You -- I presume you submitted**
 12 **information concerning your educational and work**
 13 **experience to determine whether it met the**
 14 **four-year private-industry accounting situation, I**
 15 **guess. Did they make a determination that you**
 16 **qualified or not?**

17 A. They told me that the Baton Rouge Bank
 18 position would qualify and told me, like I
 19 mentioned earlier, when you have a hybrid deal,
 20 they told me -- and this is 24 years ago, so I
 21 don't remember how much they told me I would need.
 22 But I did not ultimately pursue it because I saw no
 23 benefit. By the time I would have qualified, I was
 24 with the FDIC and with them, it makes no difference
 25 as to whether you actually hold a license or just

Page 21

1 certificated CPA.

2 **Q. Okay. So you don't recall whether or**
 3 **not you asked them to review your past work**
 4 **experience and determine whether you met the**
 5 **four-year qualification? You just don't recall one**
 6 **way or the other?**

7 A. Well, no. I do recall there was the
 8 request about the Baton Rouge Bank position. I can
 9 tell you I did not -- I'm sorry -- I did not
 10 subsequent to that, which, I don't know, would have
 11 been, oh, boy, August or October 1990, sometime in
 12 that time frame.

13 **Q. Now, you worked for Baton Rouge Bank**
 14 **for a period of time. When you say you left Baton**
 15 **Rouge Bank, was that -- did you voluntarily leave**
 16 **Baton Rouge Bank?**

17 A. No, Mr. Bankston. As I said, banking
 18 was a turbulent environment back then. And so once
 19 again -- well, actually, our entire department was
 20 shut down. Allen Lewis was the new owner of Baton
 21 Rouge Bank, excuse me, and he formed what he -- or
 22 what was referred to as a corporate finance
 23 division. It was comprised of myself, as the
 24 analyst, Greg Naquin, as the head, and Debra
 25 Bonfannie (phonetic) was the secretary. All three

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1 of us were told, on a Friday -- it was right around
 2 August the 2nd of 1999, or shortly thereafter. I
 3 can remember that date only because it's the day
 4 AmBank collapsed, that the department was being
 5 shut down. And subsequent to that, I got an
 6 opportunity to join the RTC and subsequently
 7 transferred to the FDIC. So it's --
 8 **Q. So when you left Baton Rouge Bank, you**
 9 **went to work for RTC?**
 10 A. Actually there was one more in between
 11 there, and that was Sunburst. And that one I did
 12 voluntarily leave for because the RTC doubled my
 13 salary.
 14 **Q. How long were you with the RTC?**
 15 A. Well, RTC slash FDIC. It was all the
 16 same entity. RTC was a, for lack of a better word,
 17 subsidiary almost of FDIC. Bill Seedman (phonetic)
 18 was in charge of everything. But if you're asking
 19 collectively RTC/FDIC, I was there five-and-a-half
 20 years.
 21 **Q. So that would bring us to approximately**
 22 **1996?**
 23 A. You got it. March 5, 1996 was my last
 24 day.
 25 **Q. And where did you work after**

Page 23

1 **March 1996?**
 2 A. Myself and a gentleman named Jerry
 3 Sumrall, S-u-m-r-a-l-l, who was a veteran FDIC
 4 examiner, for whom I have the utmost respect, I
 5 approached him about forming a loan-review
 6 consulting firm. About a year before -- there were
 7 rumored to be buyouts. I didn't qualify; he did.
 8 He took it and we formed a loan-review consulting
 9 firm, and we did loan-review consulting for several
 10 banks in southeast Louisiana.
 11 **Q. And what was the name of that company?**
 12 A. BSS Consulting. For a brief time,
 13 there was a third individual involved. His name
 14 was Robert Stevenson.
 15 **Q. So I presume it's Burns, Sumrall and**
 16 **Stevenson, correct?**
 17 A. Yes, it is Burns, Sumrall and
 18 Stevenson. And when Stevenson dropped out, Jerry
 19 said we were just going to have to leave the name
 20 the same because otherwise we would be a
 21 laughingstock joke if we were known as BS
 22 Consulting.
 23 **Q. And how long did this go on, that you**
 24 **were with BS Consulting -- BSS Consulting?**
 25 A. About three-and-a-half years.

Page 24

1 **Q. So that would bring us approximately up**
 2 **to the year 2000, would that be correct?**
 3 A. That's very close.
 4 **Q. And was the company -- did the company**
 5 **continue, did you withdraw, what happened with**
 6 **that?**
 7 A. Well, it's still -- he continued to do
 8 loan-review services up until about two years ago.
 9 Now, I mean, he jokes that he can't believe that
 10 his post retirement career lasted half as long as
 11 his actual career. But, yes, the entity continued
 12 with him as the sole practitioner.
 13 **Q. And how did you remove yourself from**
 14 **that?**
 15 A. I just told him that I wanted to
 16 basically retire and did so until -- well, I'll let
 17 you ask.
 18 **Q. So you left in 2000 voluntarily,**
 19 **correct?**
 20 A. Yes. Well, yeah, it was just the two
 21 of us.
 22 **Q. Okay. And you weren't terminated, is**
 23 **what I'm --**
 24 A. There was no such thing as anybody
 25 being over anybody in that -- in our little

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1 two-person firm.
 2 **Q. So when you left, what did you do next?**
 3 A. Meaning for the next year, or what was
 4 my next position?
 5 **Q. Yes. Did you retire? Did you --**
 6 A. I did retire for about a year. I did
 7 get a little bit bored. I did some volunteer work,
 8 I still do. I'll let you ask the next question.
 9 **Q. Then what did you do?**
 10 A. Then Mom and I put our house up for
 11 sale, and that changed my whole working career, my
 12 whole working focus, because I guess it must have
 13 been, I'm going to say, mid to late April of 2001,
 14 that I noticed an ad in the paper from Dave
 15 Gilmore, an auctioneer whom I have absolute -- I
 16 can't -- I don't have words to describe the level
 17 of respect and admiration I have for him. It was
 18 an advertisement for four real-estate auctions in
 19 the Baton Rouge area. And I wasn't happy with the
 20 way things were going with our home. I'm the type
 21 of person that wants something done right away and
 22 auction provided that ability. I'll let you ask
 23 the next question.
 24 **Q. And so did you get into the auction**
 25 **business after April 2001, after you met Mr.**

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1 **Gilmore?**
 2 A. That's exactly what happened. What I
 3 did -- and Jerry will recall this period. I was
 4 afraid to call Dave, because I figured he was going
 5 to laugh at me. I didn't know anything and when I
 6 say nothing, I knew nothing about the real-estate
 7 auction business. And I thought, Well, this is
 8 foreclosures and things of that nature and I
 9 figured I have nothing to lose. So I called him
 10 and I asked him if the auction method could just --
 11 and my words were flat out, be used to sell a
 12 house. He told me that it certainly could. I went
 13 to about four of his auctions and including those
 14 that were in Baton Rouge, and I told him I wanted
 15 to sign up for auctioning my own home, which I did.
 16 And I was very pleased with the way he handled
 17 things. I've always been pleased with Dave
 18 Gilmore. And I saw, when he conducted these
 19 auctions, that he was having more fun in ten
 20 minutes than I had had in a career. So I casually
 21 asked him if he would mind if I joined his company.
 22 Just hit him cold. His response to me -- as we
 23 were over the phone, his response to me was, Well,
 24 sure, but you have to go get your real estate
 25 license. And he has subsequently told me he

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1 figured that was the last he would ever hear from
 2 me. And I called him about three weeks later and I
 3 said, Well, I've got the real estate license. What
 4 do I do now?
 5 **Q. So did you -- apparently you joined his**
 6 **firm?**
 7 A. I certainly did. They were and remain
 8 the most pleasurable years of my life.
 9 **Q. And Mr. Gilmore, what is the name of**
 10 **his company?**
 11 A. Well, then it was Gilmore Auction and
 12 Realty. He subsequently became a franchisee of a
 13 company called Sperry Van Ness, which is out of
 14 California, and they just use the short notation
 15 SVN. So now his company would be referred to as
 16 SVN Gilmore Auction.
 17 **Q. And how long were you with Mr. Gilmore?**
 18 A. About two-and-a-half years.
 19 **Q. And is that -- during this time you had**
 20 **gotten your real estate license, did you also get**
 21 **an auctioneer's license?**
 22 A. I did. I assume you want me to
 23 elaborate.
 24 **Q. No. I want you to answer my questions.**
 25 **Did you --**

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1 A. Well --
 2 **Q. At this time, during this time, this**
 3 **two-and-a-half years, did you get an auctioneer's**
 4 **license?**
 5 A. In the last month of that
 6 two-and-a-half years or two years, I guess, would
 7 have been the case.
 8 **Q. Mr. Burns, it's not necessary, unless**
 9 **you feel it's necessary, that you want to elaborate**
 10 **on something. If simply answering the question and**
 11 **you could have said yes, that's fine. If I fail to**
 12 **go into detail about it, that's kind of my**
 13 **decision. But don't feel that you have to**
 14 **elaborate on everything that we go over, but it's**
 15 **up to you. It's your ability to add on to anything**
 16 **that you say.**
 17 A. Now, just relax, Mr. Bankston. I'm
 18 relaxed.
 19 **Q. In reference to your auctioneer's**
 20 **license, did you train with someone or did you go**
 21 **to school?**
 22 A. For getting the license?
 23 **Q. Yes, sir.**
 24 A. I went to school.
 25 **Q. And where did you attend school?**

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1 A. Continental Auctioneers School. It's
 2 based in Mankato, Minnesota.
 3 **Q. Did you need your auctioneer's license**
 4 **to work for Mr. Gilmore?**
 5 A. No.
 6 **Q. In reference to -- you said you worked**
 7 **for about two-and-a-half years. That would put us**
 8 **somewhere like 2003 or '04, would that be correct?**
 9 A. That is correct. If I recall correctly
 10 -- and I don't know the exact date I started with
 11 Dave. I know it was immediately after we sold the
 12 house. So I guess it would be two years, because I
 13 do know that I was at auction school in July of
 14 2003.
 15 **Q. And why did you leave Mr. Gilmore?**
 16 A. I did want to call auctions, and I
 17 asked him if that would be possible under Gilmore
 18 Auction and Realty. And he told me, verbatim,
 19 "Robert, as long as it says Gilmore Auction and
 20 Realty on that sign, there's only going to be one
 21 person calling the auctions and that will be Dave
 22 Gilmore."
 23 **Q. So what did you do after that? Did you**
 24 **create Auction Sells Fast at that time, or did you**
 25 **do something else?**

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1 A. I don't -- I'm not sure --

2 **Q. After you left Gilmore, what did you**

3 **do?**

4 A. I did -- I did -- Auction Sells Fast as

5 an entity began at the -- as I left Dave Gilmore.

6 I had actually created the website, excuse me,

7 Auction Sells Fast, which was used as a, quote,

8 branch office, unquote, for Gilmore Auction and

9 basically what it did was -- because I wanted folk

10 that were just like me and knew nothing about how

11 auctions worked. I wanted to have a website where

12 they could go in, not even having to reveal their

13 identity, and learn anything they wanted to know.

14 **Q. So after leaving Gilmore, you struck**

15 **out on your own to do auctions?**

16 A. That's correct.

17 **Q. For real estate?**

18 A. Only real estate. That's all I've ever

19 done.

20 **Q. And when was Auction Sells Fast,**

21 **L.L.C., created?**

22 A. It was created in mid 2003. I don't

23 know the exact date. It's August, if I remember

24 right.

25 **Q. And who are the members of Auction**

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1 **Sells Fast, L.L.C.?**

2 A. Today or back then?

3 **Q. Back then?**

4 A. Back then it was only me.

5 **Q. So as a single member L.L.C.?**

6 A. Yes, sir.

7 **Q. And then that changed? Who are new**

8 **members, or are you still a member?**

9 A. I am no longer a member.

10 **Q. When did that happen?**

11 A. Approximately April 2013.

12 **Q. Why did you no longer hold a membership**

13 **in Auction Sells Fast?**

14 A. As you know, Mr. Bankston, I did not

15 renew my auction license and had made a decision,

16 in consultation with my close and longtime friend,

17 Freddie Phillips, to transfer ownership of Auction

18 Sells Fast. It took us some time to get all of the

19 web pages redesigned, to have him as the president.

20 And so that was the reason for the approximate

21 three months between the lapsing of my auction

22 license and him becoming the sole member.

23 **Q. The last date in which you were a**

24 **licensed auctioneer would be December 31, 2012?**

25 A. Yes, sir.

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1 **Q. Did you have any other business**

2 **activities, after you left Gilmore, other than**

3 **Auction Sells Fast, L.L.C.?**

4 A. What -- by business activities --

5 **Q. Did you have -- were you either**

6 **employed anywhere or did you conduct any type of**

7 **business after you left Gilmore, other than Auction**

8 **Sells Fast, L.L.C.?**

9 A. No.

10 **Q. So as of -- as of today, are you**

11 **involved in any business activities?**

12 A. Well, I have told Reverend Phillips

13 that I will be more than happy to provide

14 consulting services and to serve as his bid

15 assistant should he procure real-estate auctions

16 but aside from that -- and I'm assuming you mean

17 income producing.

18 **Q. In the past -- past year, have you been**

19 **involved as a bid assistant with Mr. Phillips on**

20 **any project?**

21 A. We have done one, two -- two charity

22 auctions.

23 **Q. I presume that was without pay?**

24 A. Yes.

25 **Q. Have you had any business activities in**

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1 **which you have acted as a bid assistant for**

2 **Mr. Phillips or for Auction Sells Fast, L.L.C., in**

3 **which you received any income?**

4 A. No. So far he hasn't succeeded in

5 procuring a real-estate auction, or any auction.

6 **Q. Since the time of the transfer of**

7 **April 2012, are you aware of any auction that**

8 **Auction Sells Fast, L.L.C., has conducted, other**

9 **than the two charity auctions that you referred to?**

10 A. Well, let me correct your date. You

11 said 2012. It was 2013.

12 **Q. 2013?**

13 A. But the answer is no.

14 **Q. Did you receive anything for the sale**

15 **of your interest in Auction Sells Fast from**

16 **Mr. Phillips?**

17 A. I made a simple transfer.

18 **Q. So the answer would be no?**

19 A. That's correct.

20 **Q. Can you tell me how you are making any**

21 **living at all? Are you simply just retired and**

22 **living off savings?**

23 A. Are you talking about going back to

24 1999?

25 **Q. I'm talking about since 2013, this past**

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1 year.

2 A. I don't have a lavish lifestyle,

3 Mr. Bankston, so you're probably pretty accurate.

4 **Q. Well, I want to be accurate. So my**

5 **question wasn't whether you had a lavish lifestyle.**

6 **The question is, have you received any income,**

7 **1099, W-2 wages?**

8 A. Oh, I can answer that. I'm sorry. I

9 didn't realize where you were going. No.

10 **Q. That would be 2013. Since leaving**

11 **Gilmore, which would be in what year? You left**

12 **Gilmore --**

13 A. Gilmore was 2003.

14 **Q. In 2003. Did you have -- and since**

15 **2003, did you have any W-2 or 1099 income other**

16 **than what you may have had for Auction Sells Fast,**

17 **L.L.C.?**

18 A. No.

19 **Q. From the time you set up Auction Sells**

20 **Fast --**

21 A. Let me correct that. In the year 2005,

22 the year 2005, Jerry called me and asked if I would

23 mind helping out with a loan -- it wasn't -- it

24 wasn't a loan-review engagement. Central

25 Progressive Bank -- they were having some problems,

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1 serious problems and the FDIC -- the FDIC had

2 mandated that Dickie Blossman, who was then the

3 president, was not going to be permitted to incur

4 any expense-related business development without

5 the entire board approving them. And Jerry asked

6 if I would mind coming in and assisting with

7 auditing all of expenses related to that and I told

8 him that I would. I don't know whether we spent a

9 week or four days. I know -- I know, to me, it was

10 a fairly simple procedure. I mean, either they did

11 or they didn't. So in 2005, yes, I did -- I don't

12 know if they sent me a W-2 -- I mean, a 1099. They

13 should have, if they didn't, and I think they did.

14 But in 2005, yes, I did have that 1099 income.

15 **Q. But as far as you recall, since leaving**

16 **Gilmore, the only 1099 eligible or W-2, whether**

17 **they actually sent you the W-2 or not or the 1099,**

18 **that's the only work that you have done other than**

19 **the work that you have done for Auction Sells Fast,**

20 **L.L.C.?**

21 A. That's right.

22 **Q. And let me ask you, between the time it**

23 **was created in August 2003, can you tell me the**

24 **number of auctions that -- real-estate auctions**

25 **that Auction Sells Fast conducted for that ten-year**

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1 period?

2 A. Well --

3 **Q. Approximately?**

4 A. Well, and by "auctions," I'm going to

5 say auctioning of properties, because you can have

6 an auction wherein you auction three, four

7 properties at one time. That being the case, the

8 answer would be approximately 50. Several of those

9 were clusters, where they were multiple properties.

10 **Q. And how would you get paid for these**

11 **auctions, how would that work?**

12 A. The almost universally, in the auction

13 -- real-estate-auction industry, the industry uses

14 what's called a buyer's premium and that was always

15 the case with me. It is an amount that you add to

16 the final bid and include in the total contract

17 price. For example, the last auction that I did in

18 -- I think it was February 9th of 2012, oh, Lord,

19 let me make -- 240 -- I've got the video. What was

20 the number, Robert? Two -- just give me -- just

21 give me a second, Larry.

22 **Q. Take your time.**

23 A. 245, 245,000 was the final bid. You

24 add 24,500 to that amount. So the contract was

25 written up at 269,500. The \$24,500 was my

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1 compensation for that auction.

2 **Q. And you said you conducted**

3 **approximately 50 during that ten-year period from**

4 **-- well, it wouldn't be exactly ten, a little less**

5 **than ten. Nine years, from August 2003 until you**

6 **sold or you transferred your interest to Mr.**

7 **Phillips in April of 2013.**

8 **Can you tell me approximately what**

9 **would be the yearly income that you would have**

10 **received from Auction Sells Fast during that period**

11 **of time?**

12 A. Well, I'm assuming you would want an

13 average. It peaked -- the best year was 2006 -- of

14 approximately \$110,000. There were years I didn't

15 have any.

16 **Q. And collectively over that ten-year**

17 **period, can you tell me approximately how much you**

18 **think that company received in buyer premium for**

19 **those 50 auctions, approximately?**

20 A. Collectively -- let me just do some

21 quick math. Collectively, I would say in a range

22 of 240- to 300,000.

23 **Q. Why did you decide to no longer keep**

24 **your license?**

25 A. You're referencing the auction

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1 licenses, obviously, as opposed to the real estate?
 2 **Q. Yes, sir.**
 3 A. I became quite disenfranchised at some
 4 of the trends that I saw, not just in the
 5 real-estate-auction profession but in the auction
 6 profession in totality.
 7 **Q. You used the word "disenfranchised".**
 8 **Do you mean disenfranchised or disillusioned? I'm**
 9 **not sure what "disenfranchised" means.**
 10 A. Disenfranchised means the practice of
 11 illegal acts, the paramount of which is shill
 12 bidding.
 13 **THE COURT REPORTER:**
 14 Shill bidding?
 15 **THE WITNESS:**
 16 S-h-i-l-l bidding,
 17 b-i-d-d-i-n-g.
 18 **THE COURT REPORTER:**
 19 Thank you.
 20 **BY MR. BANKSTON:**
 21 **Q. You're referring to the practice of**
 22 **shill bidding you thought was being conducted by**
 23 **other people, correct?**
 24 A. I don't think. I know it.
 25 **Q. Now, if we can, let's turn to the**

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1 **Louisiana Association of Professional Auctioneers.**
 2 **What is that?**
 3 A. That is a trade association that
 4 Reverend Phillips sought to -- to establish. I
 5 don't remember the exact date. I know we were on
 6 his school bus when he threw this out. But it is a
 7 trade association designed to -- it has a dual
 8 purpose, promote the auction industry and educate
 9 consumers.
 10 **Q. And you said it was a trade association**
 11 **created by Reverend Phillips; is that correct?**
 12 A. Well, it's his idea.
 13 **Q. His idea?**
 14 A. Yes. And he wanted to serve as
 15 president.
 16 **Q. And when was it created?**
 17 A. It was created in early 2011, but at
 18 that point we largely just had the foundational
 19 legwork -- the framework, in terms of drafting the
 20 tenets, things of that nature.
 21 **Q. When you say "drafting the tenets," I**
 22 **presume there's some formal documents that have**
 23 **been put together in reference to this?**
 24 A. There is an application and
 25 oath-of-membership form. It's available on line.

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1 **Q. How can you become a member?**
 2 A. You could go to the web page that says
 3 join LAPA, excuse me, and the form is fillable
 4 (sic) PDF, downloadable.
 5 **Q. And in reference to LAPA, is there**
 6 **articles of -- is it a corporation, is it an**
 7 **L.L.C.? What is it?**
 8 A. It's a trade name.
 9 **Q. A trade name?**
 10 A. Yes.
 11 **Q. What do you understand a trade name to**
 12 **be?**
 13 A. Well, it's similar to when I left Dave.
 14 I was still a real estate agent, not a broker,
 15 under a gentleman named Nat Santangelo, whose
 16 company was Santangelo Enterprises. It was not an
 17 L.L.C. It was not a corporation. It was a trade
 18 name.
 19 **Q. What was the trade name?**
 20 A. His? Santangelo Enterprises.
 21 **Q. Okay. And that was -- who is the trade**
 22 **name for? I guess, did you file something or --**
 23 A. Yes, we filed and I believe I am the
 24 one who actually filed it.
 25 **Q. So you filed for a trade name for**

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1 **Louisiana Association of Professional Auctioneers,**
 2 **correct?**
 3 A. Yes.
 4 **Q. And do you still operate -- does it**
 5 **still operate as a trade name, I presume, for you,**
 6 **correct?**
 7 A. What do you mean for me?
 8 **Q. Well, a trade name -- what do you**
 9 **understand a trade name to be?**
 10 A. A trade name is a tag that you can use
 11 for an entity -- for an organization without the
 12 formality of forming an L.L.C., corporation, thing
 13 of that nature.
 14 **Q. And so when you filed for this trade**
 15 **name, and you filed it, you filed it in the name of**
 16 **an organization or did you do that personally?**
 17 A. Well, yeah, me personally filed.
 18 Louisiana Association of Professional Auctioneers
 19 is the -- is the trade name.
 20 **Q. For you individually or for another**
 21 **organization?**
 22 A. Well, it's for -- I am the one that
 23 actually filed the paper work. It wasn't but about
 24 \$30, I think, but Reverend Phillips serves as
 25 president.

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1 **Q. Is there articles, or is there -- is it**
2 **a nonprofit? Are you registered with the Secretary**
3 **of State? Are you registered with the Internal**
4 **Revenue Service?**
5 **Let's go through those. Do you know if**
6 **it's a nonprofit?**
7 A. It has no -- it's not a nonprofit
8 because there is no -- there are no membership
9 fees.
10 **Q. No membership fees. Is anything filed**
11 **as far as articles or organizational papers that**
12 **you could look at with the Secretary of State?**
13 A. The -- whatever we filed or I --
14 whatever I had to turn in to the Secretary of State
15 for getting the trade name.
16 **Q. But you understand the trade name is**
17 **for you individually, to be able to hold out, I'm**
18 **going to use this trade name, that Robert Burns --**
19 **if you filed it, Robert Burns is the holder of the**
20 **trade name, not Reverend Phillips, not some**
21 **association but you individually? You understand**
22 **that, huh?**
23 A. (Indicating.)
24 **Q. You don't understand that?**
25 A. Well, if it is, it is.

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1 **Q. What is your understanding of what you**
2 **did?**
3 A. My understanding is, out of convenience
4 I filed it but, you know, all of the -- the
5 entirety of all of this, from the structure of how
6 it was to be set up and everything was Freddie --
7 or Reverend Phillips.
8 **Q. And how many members do you have? How**
9 **many people have PDF-downloaded the membership of**
10 **LAPA?**
11 A. Jon Erik Kramer. They're all on the
12 web page. Jon Erik Kramer, Martha Rock, myself and
13 Freddie. I think that's it.
14 **Q. Martha Rock? Maybe it would be helpful**
15 **to the court reporter --**
16 A. R-o-c-k.
17 **Q. Martha Rock. Jon Erik Kromer (sic).**
18 A. Kramer.
19 **Q. Kramer?**
20 A. Uh-huh.
21 **Q. Who is Jon Erik Kramer?**
22 A. He was a Louisiana licensed -- and
23 Martha Rock also was a Louisiana-licensed
24 auctioneer. Martha has since moved to Florida.
25 Jon Erik Kramer is in Pennsylvania.

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1 **Q. Okay. And Reverend Phillips, correct?**
2 A. Yes.
3 **Q. And the fourth member would be you?**
4 A. Yes.
5 **Q. Has anyone else, that you're aware of,**
6 **signed up to be members?**
7 A. Yes. Phillip Mayeaux was.
8 **Q. Is he still a member?**
9 A. No, he's not.
10 **Q. Why did Mr. Mayeaux remove his**
11 **membership?**
12 A. He just said -- at one time Phillip was
13 actually -- we voted to have him
14 secretary/treasurer and he told -- he said that he
15 didn't -- when he -- he moved to Texas, and he felt
16 like that even though it's not a very demanding
17 deal, he felt like that it would be better if he
18 wasn't.
19 **Q. Do y'all have formal meetings?**
20 A. We have done by way of telephone. In
21 fact, there's a -- I'll have to get the number,
22 866, that we can call in and have up to 96.
23 Obviously, we nowhere needed that capacity.
24 **Q. My question was, have you had any**
25 **meetings?**

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1 A. If you're talking about physical
2 meetings such as we are in this room, no, sir.
3 **Q. Have you had any telephonic meetings?**
4 A. Not with the entirety of all of us, but
5 yes.
6 **Q. And when you say not the entirety, it**
7 **would only be you and Reverend Phillips discussing**
8 **things?**
9 A. Jon Erik Kramer, I think, was included.
10 I don't know if simultaneously or if he was on, you
11 know, during a period that -- for the most part,
12 yes, it's me and Freddie.
13 **Q. And the officers, Freddie Phillips is**
14 **the president, as I understand it?**
15 A. That's right.
16 **Q. And you are the vice-president?**
17 A. Right.
18 **Q. And Mr. Mayeaux at one time was offered**
19 **to be the secretary/treasurer but declined?**
20 A. No. He took it. In fact, we had
21 business cards printed.
22 **Q. And he has since resigned?**
23 A. Yes.
24 **Q. There wouldn't be much work as**
25 **treasurer since there's no -- there's no**

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1 **application fee, correct?**
 2 A. That's right.
 3 **Q. And once you're a member, you're a**
 4 **member. Is there some set of rules or information**
 5 **that you can see how you can become a member?**
 6 A. Yes. Yes. That's on the membership
 7 application, that you either have to -- at the
 8 point you're applying, you either have to have been
 9 -- obviously, if you presently hold an auction
 10 license, you would qualify. Otherwise, you have to
 11 have either been a licensed auctioneer or served
 12 actively as a bid assistant within the last ten
 13 years.
 14 **Q. Was Mr. Mayeaux a bid assistant**
 15 **previously?**
 16 A. Yes, he was.
 17 **Q. And --**
 18 A. In fact, he's done -- he has served as
 19 bid assistant in Gilmore Auction in 2006 as well as
 20 my own company.
 21 **Q. When you become -- when you fill out**
 22 **this application, do you get voted on by the four**
 23 **people that presently are members?**
 24 A. Informally, yes, but what we're really
 25 looking for is an adherence to the six tenets. By

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1 signing it, you are -- you are stating basically an
 2 oath of allegiance to those six tenets.
 3 **Q. And what are those six tenets you're**
 4 **referring to?**
 5 A. All right. Number 1, and it's at the
 6 top for a reason, states that shill bidding is
 7 abhorrent to the auction industry and will be
 8 vigorously opposed by any member of LAPA.
 9 And you have to give me a second, I'm
 10 going to try to get them in the right order.
 11 Number 2 says the integrity of LAPA
 12 members is of utmost importance. And in that
 13 regard, if an applicant has a prior felony
 14 conviction, they have agreed to voluntarily
 15 disclose that and place on the -- their website
 16 page and each member gets a page, disclosing the
 17 date of the felony conviction, the nature of it and
 18 any penalty imposed.
 19 Similarly, Number 3 states that if you
 20 have ever had an adverse finding by the Louisiana
 21 Auctioneers Licensing Board, that that too will be
 22 disclosed.
 23 Number 4 is the actively supporting the
 24 return of continuing education to the auction
 25 profession.

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1 Number 5 is an active promotion of
 2 expanding diversity within the auction industry to
 3 include more minority participation as well as
 4 encouraging younger adults to enter the profession.
 5 And Number 6 is an agreement to
 6 diligently monitor and stay abreast of auction
 7 issues that are discussed by the Louisiana
 8 Auctioneers Licensing Board as made available by
 9 videos of those board meetings.
 10 **Q. Now, you said something and I want to**
 11 **make sure I understand. You said each person has a**
 12 **web page?**
 13 A. Each -- each active member has a web
 14 page, that we will take the information they supply
 15 to explain who they are and what not.
 16 **Q. So I presume at this time there are**
 17 **four web pages, one for each of the four members**
 18 **that we're talking about?**
 19 A. That is correct.
 20 **Q. And one for you?**
 21 A. There is one for me. There's one for
 22 Freddie. There's -- I'm going to say Freddie, to
 23 be relaxed a little more. There's one for Freddie,
 24 there's one for Martha and there's one for Jon
 25 Erik.

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1 **Q. And what do you mean by adverse**
 2 **findings disclosed, what does that mean?**
 3 A. If the Louisiana Auctioneers Licensing
 4 Board made either an adversarial ruling that you
 5 were guilty of violating some auction statute or
 6 otherwise, that you would voluntarily disclose it.
 7 **Q. Does your web page show any adverse**
 8 **findings?**
 9 A. For the membership?
 10 **Q. For you?**
 11 A. Yes.
 12 **Q. Okay. And that would be the actions**
 13 **taken by the board in reference to the public**
 14 **reprimand that was issued against you?**
 15 A. That is correct.
 16 **Q. Let's talk a moment about the Louisiana**
 17 **Auctioneer Licensing Board and your participation**
 18 **in that. How did you come to be appointed to the**
 19 **board?**
 20 A. I made an application, after I was told
 21 there was some vacancies. I was informed that
 22 there were some vacancies.
 23 **Q. And when would that have been? Do you**
 24 **recall approximately when that was?**
 25 A. Yeah. It was approximately May of

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1 2008.

2 **Q. And were you -- when you said you made**

3 **an application, who did you make that application**

4 **to?**

5 A. Well, you have to fill out an

6 application and submit it to the State -- State --

7 well, it's boards and commissions. I don't know

8 what division it's under, but it's boards and

9 commissions of the State of Louisiana.

10 **Q. And in that application, did you have**

11 **to submit through a member of the legislature or**

12 **just did you do it directly?**

13 A. There's no involvement, that I'm aware

14 of at all -- all that's on the application is --

15 they ask some questions, name and all of that

16 stuff. They ask for party affiliation. I did put

17 Republican at the time. They don't ask about a

18 legislator or anything like that. Quite frankly, I

19 thought I had no chance whatsoever of getting the

20 position. I didn't know anybody.

21 **Q. And were you, in fact, appointed?**

22 A. Much to my shock, yes.

23 **Q. And when was that?**

24 A. July of 2008.

25 **Q. And was -- that would be Governor**

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1 **Jindal at the time?**

2 A. That's correct.

3 **Q. Had you had any involvement in**

4 **supporting Governor Jindal before this appointment?**

5 A. By "support," do you mean financially,

6 voting for him or --

7 **Q. In any way?**

8 A. I didn't actively support Governor

9 Jindal. I did vote for him in 2003. Most

10 candidates that I vote for lose, Mr. Bankston, and

11 that was no exception.

12 **Q. Did you vote for him in the subsequent**

13 **election in which he won?**

14 A. No.

15 **Q. Now, you served as a board member from**

16 **July 2008 until when?**

17 A. September 10, 2010.

18 **Q. And how did that appointment come to a**

19 **conclusion?**

20 A. I received a phone call approximately

21 on September 8th, 7th, give or take, from a

22 gentleman named Jonathan Ringo. He told me that --

23 well, actually the extent of his conversation was

24 that we've got a number of problems on the

25 auctioneer licensing board. I'm sure you're well

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1 aware of them, and it would be appropriate for you

2 to submit your resignation at this time.

3 **Q. Did he tell you what those problems**

4 **were?**

5 A. He did not.

6 **Q. And did you ask him why you were being**

7 **requested to resign?**

8 A. I sure did.

9 **Q. And what did he tell you?**

10 A. Quote, Things just aren't working out,

11 unquote.

12 **Q. Did you, in fact, resign?**

13 A. No.

14 **Q. What happened after that?**

15 A. I sent -- well, he, I think, had a

16 follow-up phone call, at which I wasn't there. I

17 sent an e-mail saying I think all of this would

18 work much better if we corresponded by e-mail. I

19 told him I had no intention of resigning. That the

20 Governor had the -- he most certainly had the

21 power, as I phrased it, to rifle, to cease my

22 membership and I would have him exercise it. I was

23 not going to resign.

24 **Q. What was your understanding or belief**

25 **why you were being asked to resign from the board?**

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1 **You had only been on it less than -- or a little**

2 **over two years?**

3 A. My own thoughts, because there was

4 enormous opposition within the auction industry to

5 my testimony on a bill to strengthen shill bidding,

6 House Bill HB 1439 by Representative Damon Baldone

7 in the 2010 legislature. I figured that played a

8 role in it, but all he told me is things aren't

9 working out.

10 **Q. This was a house bill that**

11 **Representative Baldone presented. Is this a bill**

12 **that you asked him to present?**

13 A. I most certainly did not.

14 **Q. Do you know how that bill came about?**

15 A. I sure do.

16 **Q. How?**

17 A. Mr. Baldone attended a real-estate

18 auction in Thibodaux, Louisiana. He is convinced

19 that a shill bid was utilized. He made no bones

20 about it. He even said so in his testimony to

21 introduce the bill. At the point he was bidding,

22 he was at 575. There was a purported bid that came

23 in at 600,000. The bid assistant comes to him,

24 looking for him to go to 625. He adamantly

25 refuses, that I'm done. Only to be told that, Sir,

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1 it turns out the 600,000-dollar bid was not from a
 2 qualified bidder. You're back in.
 3 **Q. And in this particular matter, you**
 4 **testified at the hearing?**
 5 A. I did.
 6 **Q. Before a legislative committee?**
 7 A. I did, yes, sir.
 8 **Q. You turned in a card?**
 9 A. I did.
 10 **Q. Did you indicate on the card who you**
 11 **were representing?**
 12 A. I represent -- I indicated that I was
 13 representing myself as well as Auction Sells Fast.
 14 **Q. Did you indicate that you were**
 15 **representing the Louisiana Auctioneers Licensing**
 16 **Board?**
 17 A. I most certainly did not. I did
 18 divulge that I am a member, which is a statement of
 19 fact.
 20 **Q. Did you indicate to the members of the**
 21 **legislative committee that the bill was not being**
 22 **supported by other members of the board?**
 23 A. I did not.
 24 **Q. Did the board members -- I presume this**
 25 **was all prior to your termination?**

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1 A. Yes. This -- the date of that
 2 testimony was either May 17th or May 18th, I can't
 3 remember which date because the board meeting --
 4 the LALB had a meeting the day before.
 5 **Q. Was there a discussion at the board**
 6 **meeting about taking a position on that bill?**
 7 A. There certainly was.
 8 **Q. And what was the board's opinion about**
 9 **that?**
 10 A. The board adopted a resolution to
 11 oppose the bill.
 12 **Q. And was there a vote taken?**
 13 A. Yes, there was.
 14 **Q. What was the vote?**
 15 A. It was either 6 to 1 or 5 to 2, and I
 16 think it was 6 to 1.
 17 **Q. And you were being the one --**
 18 A. That's correct.
 19 **Q. -- to vote against it?**
 20 A. That's correct.
 21 **Q. And was somebody else at the hearing**
 22 **from the board to testify that particular day?**
 23 A. Meaning a board member or --
 24 **Q. Yes, or staff.**
 25 A. Well, Ms. Dow was there, yes. Well,

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1 she -- she got there. I don't know that she was
 2 there at the point they first -- before the
 3 proceeding was up, she was there and she did
 4 testify.
 5 **Q. Is this the time in which you had some**
 6 **confrontation with Representative Guinn?**
 7 A. It sure is.
 8 **Q. What happened in that situation?**
 9 A. Prior to the testimony, I assume
 10 Mr. Guinn assumed that I would be in support of the
 11 bill. He had confided in me that we've got to get
 12 this thing killed in committee. I didn't volunteer
 13 to him that I was -- if I just said support --
 14 **Q. You did.**
 15 A. I did?
 16 **Q. I was going to correct you.**
 17 A. Thank you on that.
 18 He just assumed -- right, he just --
 19 no --
 20 **Q. He assumed you --**
 21 A. He was assuming -- help me. I'm on a
 22 little cold medication. He was assuming that I
 23 would be in opposition to the bill. Thank you for
 24 having corrected me on that. He assumed that I
 25 would be in opposition to the bill. He said, We've

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1 got to get this thing killed in committee. I
 2 didn't volunteer to him that I was in support of
 3 the bill. I testified in favor of the bill, and he
 4 was livid.
 5 **Q. Okay. Do you know whether or not**
 6 **Representative Guinn was involved in any way on**
 7 **your termination?**
 8 A. I know for a fact he was involved in my
 9 termination.
 10 **Q. How do you know that?**
 11 A. Because I have a letter that he drafted
 12 on August 30, 2010, that said a number of
 13 auctioneers have contacted me -- he didn't get my
 14 name right or anything -- have contacted me about
 15 you terminating Edward Robert Burn, without the s.
 16 He got my first name wrong. Second name he got
 17 right but in the wrong order. And the last name
 18 didn't have the s on it. It was about a
 19 two-sentence letter. It said, This is to advise,
 20 and it was addressed to Mr. Ringo. It was
 21 addressed to Mr. Ringo, dated, I think,
 22 August 30th, give or take, and it said, This is to
 23 advise you that numerous auctioneers throughout
 24 this state have requested the removal of Edwin
 25 Robert Burn (sic) from the Louisiana Auctioneers

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1 License Board. Any assistance you can provide will
 2 be greatly appreciated.
 3 **Q. Now, in reference to your termination**
 4 **by the Governor, who took your place on the board,**
 5 **do you know?**
 6 A. Yes. Lamar Little.
 7 **Q. Now, after your termination, you**
 8 **continued to -- which would have been in 2010 --**
 9 **you continued to attend all of the board meetings?**
 10 A. I've only missed one.
 11 **Q. And during that period of time, was the**
 12 **board videotaping the board meetings prior to your**
 13 **termination?**
 14 A. Was the board videotaping? No.
 15 **Q. Were you videotaping the board while**
 16 **you were serving on the board?**
 17 A. No. I did audio-record the last
 18 meeting that I attended.
 19 **Q. And that would have been that meeting**
 20 **that we've talked -- talked -- what meeting would**
 21 **that be?**
 22 A. That was not the main meeting, no, sir.
 23 There was one more meeting August 2, 2010.
 24 **Q. So up until the time in which you got**
 25 **notice from the Governor's office that you were**

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1 **going to be terminated, the only time in which**
 2 **there was any video or recording of the meetings**
 3 **was that last meeting that you participated in?**
 4 A. Yes. Although I did -- you did use the
 5 word "video," right, because the board has always
 6 audiotaped, they've always, and I did request a
 7 number of audiotapes from the board. But videoing
 8 is something I had brought unique to the table.
 9 But if you're asking if the board videoed, no, they
 10 did not but they have always audio-recorded.
 11 **Q. Now, after your termination, that's**
 12 **when you started the videotaping?**
 13 A. That is correct. And --
 14 **Q. Go ahead.**
 15 A. That -- the first one was
 16 September 17th. I may be off a day or two,
 17 whatever the case. 17, 18, 19, sometime around
 18 then, of 2010, and I did not video-record the
 19 entirety of that meeting.
 20 **Q. What was the purpose of your videoing**
 21 **that meeting?**
 22 A. Ken Buhler's license was being
 23 reinstated.
 24 **Q. September of 2010?**
 25 A. Yes. Or let me rephrase that. It was

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1 up for consideration of being reinstated.
 2 **Q. Did you continue to videotape?**
 3 A. Yes, sir.
 4 **Q. And what was the purpose of that?**
 5 A. Because I wanted to have permanent
 6 records of things that transpire at board meetings.
 7 **Q. And what were you -- what was your need**
 8 **and desire to have permanent records?**
 9 A. Because I wanted to provide insight
 10 into what goes on at these meetings to anyone who
 11 may have interest in it.
 12 **Q. Were you posting those on a website at**
 13 **that particular time, or when did you start doing**
 14 **that?**
 15 A. We -- we collected the videos. They
 16 were -- and y'all have to help me -- I mean, not
 17 help me. You'll have to bear with me. I don't --
 18 I think we -- I used to have a different Internet
 19 service provider, which was Net Basics. I would
 20 have to get the record from them as to when we
 21 actually formed the website for LAPA. Larry, I'm
 22 sorry, I don't know if it was -- I don't know if it
 23 was early 2011. I think it was. And we still have
 24 a page where we do everything chronological. In
 25 other words, if you want to see what happened on

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1 this meeting date, you click on that date. It
 2 gives you a little synopsis. And then if you want
 3 the details of the video, excuse me, you can go in
 4 and watch them.
 5 We decided, I don't know, six or
 6 eight months ago -- actually I say we. There's
 7 quite a few auctioneers that give us feedback on
 8 these, and they felt it would be a whole lot more
 9 helpful if we could have it indexed by topic.
 10 Because we had accumulated, I don't know at that
 11 point, two-and-a-half, almost three years of
 12 videos. It was a lot of work, but we got it
 13 indexed.
 14 But to answer your question, I think
 15 you asked did we start indexing -- did we start --
 16 not indexing, but did we start providing the
 17 videos? The answer is yes, but they were
 18 chronological.
 19 **Q. You don't know approximately when you**
 20 **started that effort?**
 21 A. That's what I'm trying to -- that's
 22 what I'm trying to --
 23 **Q. Approximately, and if you don't recall.**
 24 **Was it after you created LAPA, which was early in**
 25 **2011, as I understand.**

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1 A. Yeah. And I -- we may have just
 2 provided the link to the YouTube itself without it
 3 being embedded in a web page. But as soon as we
 4 created the web page, we immediately put in -- and
 5 I'm going to have to think that it would have
 6 almost been simultaneous because everything flowed
 7 chronologically. It wasn't until the last six
 8 months or so that we got it indexed by topic.
 9 Which I will admit, I think that's much more
 10 useful.

11 **Q. Now, there is a commentary with the**
 12 **individual postings on this web site, correct?**

13 A. There frequently can be commentary.

14 **Q. And you've used the word "we" a number**
 15 **of times about -- would the "we" be you and Freddie**
 16 **Phillips or were you -- or who is "we" you're**
 17 **referring to about the posting and the other items**
 18 **that we're talking about?**

19 A. It's largely myself and Freddie. Now,
 20 Jon Erik has, you know, made some comments about --
 21 in fact, he was one of the ones that had, you know,
 22 suggested indexing but there were several others
 23 that agreed that that would have been a much better
 24 approach to use, but yes.

25 **Q. There was no other -- the commentary**

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1 **that we're reading on there has been prepared by**
 2 **either you or Freddie Phillips?**

3 A. That's right. That's right.

4 **Q. Are you involved in any other or serve**
 5 **on any other state agencies, boards, commissions?**

6 A. You mean, regulatory in nature? Well,
 7 I don't serve on any, even if it was a trade
 8 association-type thing. And, like I said, I did
 9 not think I had a snowball's chance of getting that
 10 LALB position because I didn't know any -- that was
 11 my first and only exposure to a governmental
 12 regulatory body.

13 **Q. Are you involved with this same LAPA**
 14 **issue as it relates to the Louisiana Interior**
 15 **Design Board?**

16 A. Well, I see where you're -- yeah, I
 17 didn't make application, obviously, to be on the
 18 Interior Design Board, but yes.

19 **Q. And how did you get involved with that?**

20 A. Reverend Phillips -- well, it's a
 21 twofold approach. Excuse me. Freddie's wife,
 22 Alissa, is a real estate broker and he has
 23 indicated to me that she would very much like to do
 24 interior design as an offshoot to her existing
 25 business. So he wanted to start following this

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1 because he had no idea that the procedure for
 2 getting an interior-design license was anywhere
 3 near as rigorous as it is.

4 **Q. So this was as a result of the desire**
 5 **of Reverend Phillips' wife to get involved with**
 6 **this industry?**

7 A. That's one aspect, yes.

8 **Q. What is any other aspect?**

9 A. The other aspects were Reverend
 10 Phillips made a public-records request for
 11 Ms. Edmonds' time sheets pertaining to that
 12 particular board.

13 **Q. What did that have to do with his wife**
 14 **getting involved with this industry?**

15 A. It didn't.

16 **Q. Did you make any public-records request**
 17 **as it relates to the Interior Design Board?**

18 A. I'm sure I have. I don't know that
 19 they were payroll -- I don't know that all -- I'm
 20 sure I did make some payroll-related records (sic)
 21 subsequent to his request, but we both jointly made
 22 letters seeking payments for sheriff invoice
 23 services, things of that nature.

24 **Q. When you left the auctioneers licensing**
 25 **board, describe to me your relationship with the**

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1 **board members at that particular time?**

2 A. I'm contemplating. I guess terse would
 3 probably be fair.

4 **Q. Who were the board members -- any of**
 5 **the board members today board members at that time?**

6 A. Yes. The members that are on the board
 7 today who were on the board at the time that I
 8 resigned -- I'm sorry. I'm sorry. Let me correct
 9 that.

10 At the time I was terminated, because I
 11 want to make it very clear that I did not resign,
 12 the board members that are on the board now who
 13 were on the board at the time that I resigned (sic)
 14 are going to be Tessa Steinkamp and Clayton
 15 Brister. Now, give me just a second. I want to
 16 make sure I didn't leave anybody out, but I think
 17 that's it.

18 Let me just name off the board members
 19 that we have now and then I'll say yes or no.
 20 Tessa Steinkamp, yes; Clayton Brister, yes; James
 21 Sims, no; Hal McMillin, no; Darlene Jacobs, no;
 22 Jeff Henderson, no. So the two are Tessa Steinkamp
 23 and Clayton Brister.

24 **Q. Now, what about Mr. Bordelon?**

25 A. Mr. Bordelon is not presently a member

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1 of the board, but he was on the board at the time
 2 that I --
 3 **Q. That you served?**
 4 A. Yes.
 5 **Q. And you referred to -- what do you mean**
 6 **your relationship was terse?**
 7 A. They didn't like me. Okay?
 8 **Q. Did you like them?**
 9 A. I didn't have any feelings for them one
 10 way or the other. I was hoping that I would have
 11 more support -- well, let me qualify that.
 12 Obviously Freddie and I got along quite well, and
 13 he was on the board at the time that I was
 14 terminated.
 15 **Q. Was he eventually terminated?**
 16 A. That's not my understanding. As I
 17 understand it, these appointments last from --
 18 concurrent terms with the Governor, and my
 19 understanding was the Governor made a decision not
 20 to reappoint him. Now, I don't know if that fits
 21 the definition of terminated or not. I would
 22 assume not but if you fail to get reappointed, I
 23 don't know if -- whatever that fits.
 24 **Q. When did he go off the board, do you**
 25 **know?**

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1 A. His last board meeting was
 2 November 2011 and, you know, the Governor's
 3 election -- wait a minute. Is that right? Yeah.
 4 Yeah, 2011 is the year we had the Governor's
 5 election. And then he was informed, for the
 6 January meeting 2012, that he was not being
 7 reappointed for the Governor's next four-year term.
 8 **Q. Do you know who took his place?**
 9 A. Yes, Darlene Jacobs-Levy.
 10 **THE VIDEOGRAPHER:**
 11 Excuse me. Mr. Bankston,
 12 can we go off the record?
 13 **MR. BANKSTON:**
 14 Sure.
 15 **THE VIDEOGRAPHER:**
 16 Going off the record at
 17 10:59.
 18 (Whereupon, a short recess was taken.)
 19 **THE VIDEOGRAPHER:**
 20 We are back on the record
 21 to continue the deposition of Robert Burns. The
 22 time is 11:05.
 23 **BY MR. BANKSTON:**
 24 **Q. Mr. Burns, let me go over a few items**
 25 **in reference to responses that you made in your**

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1 **supplemental responses to defendant's first request**
 2 **for admissions of fact, interrogatories and request**
 3 **for production of documents. You are familiar with**
 4 **the obligation to answer admissions of fact? You**
 5 **understand --**
 6 A. Yes.
 7 **Q. Yes. Okay. Request for admission of**
 8 **fact Number 1, Admit or deny that on September 17,**
 9 **2012, LALB administrative hearing, upon the**
 10 **conclusion of evidence and testimony, the**
 11 **administrative law judge expressed that the LALB**
 12 **had a right to enter into executive session. Can**
 13 **you admit or deny that particular fact?**
 14 A. I believe my response said "admit" and
 15 then I added some commentary.
 16 **Q. Yes, and I need to understand. You**
 17 **were present at the entire hearing, correct?**
 18 A. That is correct.
 19 **Q. And Mr. Vallan, V-a-l-a-n (sic) --**
 20 A. I think there's two L's.
 21 **Q. -- V-a-l-l-a-n, is an attorney for the**
 22 **Louisiana Department of Justice; is that correct?**
 23 A. I believe that is correct.
 24 **Q. And he was sitting as the advisor and**
 25 **hearing officer for this administrative hearing**

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1 **which was involving a complaint that had been filed**
 2 **against you; is that correct?**
 3 A. I would assume that's his role. You
 4 guys hired him.
 5 **Q. And as far as you know, he was advising**
 6 **legally the board as to the process in the hearing**
 7 **and ruling on various motions and requirements of**
 8 **the board?**
 9 A. That would be my -- I don't know that
 10 it was his place to advise in that regard. In my
 11 opinion, that's more the board's attorney's
 12 responsibility, but if that's what you want to deem
 13 him to have been doing.
 14 **Q. Well, I'm not trying to deem him to do**
 15 **anything. I'm just asking you the question. Did**
 16 **you understand that's what he was doing?**
 17 A. No. I understood him to make a
 18 statement that the board had a right to go into
 19 executive session.
 20 **Q. And he was, in fact, the legal adviser,**
 21 **appointed by the Attorney General's office, to**
 22 **provide an administrative law judge in effect for**
 23 **this particular hearing, correct?**
 24 A. He was -- he was the representative
 25 from the Attorney General's office who was sent to

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1 oversee the hearing as administrative law judge,
 2 yes.
 3 **Q. And at that hearing and also in our**
 4 **request for admissions, Number 3, Admit or deny**
 5 **that on September 17th, administrative law judge**
 6 **was -- strike that.**
 7 **Admit or deny that the September 17,**
 8 **2012 Louisiana Association -- Louisiana Auctioneers**
 9 **Licensing Board administrative hearing was reset**
 10 **for deliberation on January 8, 2013?**
 11 A. Yes.
 12 And elaborating on the previous one, as
 13 I said, you know, I didn't hire Mr. Vallan. My
 14 attorney and I both emphatically stated we did not
 15 want the board going into executive session. He
 16 did say that they had the right to do so also.
 17 That's not on me. My rights can't be violated
 18 irrespective of what he said. And on numerous
 19 occasions in the past, I had let it be known my
 20 character was not to be discussed in an executive
 21 session. If you're going to discuss me, discuss it
 22 out in the open.
 23 Now, with regard to the second part
 24 that you just said, you sent me a notice saying
 25 we're going to have -- reset deliberations on

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1 January the 8th.
 2 (Whereupon, the document was marked for
 3 identification as Defendant Exhibit #2 and attached
 4 hereto.)
 5 **BY MR. BANKSTON:**
 6 **Q. Let me show you some documents and ask**
 7 **you if you can identify these. This is marked as**
 8 **Exhibit #2, or I'll put Defendant #2, and ask**
 9 **whether or not you recognize that document?**
 10 A. (Witness reviews document.) Yes.
 11 **Q. And what is that document, Mr. Burns?**
 12 A. This is a copy of a complaint filed by
 13 Stewart Peck.
 14 **Q. And that was a complaint against you;**
 15 **is that correct?**
 16 A. That is correct.
 17 (Whereupon, the document was marked for
 18 identification as Defendant Exhibit #3 and attached
 19 hereto.)
 20 **BY MR. BANKSTON:**
 21 **Q. And let me show you what I'll mark as**
 22 **Defendant #3 and ask whether or not you recognize**
 23 **that document?**
 24 A. (Witness reviews document.) Yes.
 25 **Q. Now, the document we looked at as**

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1 **Exhibit #2 is dated -- or signed by Mr. Peck as May**
 2 **the 7th -- is that correct -- 2000 --**
 3 A. '12.
 4 **Q. -- 2012.**
 5 **And then the other exhibit that we're**
 6 **looking at is an exhibit from your attorney,**
 7 **Mr. Loren Kleinpeter, which is dated --**
 8 A. May 16th.
 9 **Q. You had retained the services of**
 10 **Mr. Kleinpeter in reference to this particular**
 11 **matter?**
 12 A. Yes.
 13 **Q. So apparently you received a copy of**
 14 **the complaint and that resulted in the letter back**
 15 **from Mr. Kleinpeter?**
 16 A. Yes. But I didn't receive it from the
 17 board. Mr. -- Mr. Peck chose to -- and I think --
 18 can I see that again?
 19 **Q. Certainly.**
 20 A. "I have been provided with a copy of
 21 what purports to be an Auctioneer Consumer
 22 Complaint Form filed with your office by Stewart
 23 Peck. While I have no way of knowing for certain
 24 that it was, in fact, filed with the LALB, I will
 25 assume that it has been."

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1 That is the result of Mr. Peck having
 2 mailed me a copy.
 3 (Whereupon, the document was marked for
 4 identification as Defendant Exhibit #4 and attached
 5 hereto.)
 6 **BY MR. BANKSTON:**
 7 **Q. And then on -- I'll show you a document**
 8 **dated May 23, 2012, Notice of Failure to Comply and**
 9 **I've marked this as Defendant #4 and ask whether or**
 10 **not you recognize that document?**
 11 A. (Witness reviews document.) Yes.
 12 **Q. And did you, in fact, receive that**
 13 **document some time after May 23, 2012?**
 14 A. Yes.
 15 **Q. The complaint in this particular matter**
 16 **alleges that you had provided false and defamatory**
 17 **testimony before the auctioneers licensing board**
 18 **regarding the New Orleans Auction Gallery, in which**
 19 **he alleged that you were in violation of a**
 20 **particular statute, 37:21 -- 3121A(3) and the -- in**
 21 **accordance with the Administrative Procedure Act,**
 22 **you were given 15 days, basically, to show cause,**
 23 **that your complaint -- that you complied with the**
 24 **statute and provide a response in reference to this**
 25 **complaint.**

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1 **Do you see that at the bottom there?**
 2 A. You said that he alleged, is that the
 3 word you used?
 4 **Q. That was as a result of the**
 5 **representations from Mr. Peck's original complaint.**
 6 A. I don't know that Mr. Peck alleged that
 7 I violated any auction statutes. In fact, I think
 8 he goes out of his way in here to avoid that, at
 9 the top of his second page. I'm sorry, that may
 10 have been in the letter to -- yeah, does not take a
 11 position, is the wording he used at the top of the
 12 second page.
 13 **Q. The document that we looked at as #D4**
 14 **provided for 15 days for you to respond in**
 15 **reference to that complaint. Did you ever provide**
 16 **any response to that complaint to the board?**
 17 A. As I told you in our hearing, the
 18 letter makes no request for a response.
 19 **Q. The attached document, #D4, at the**
 20 **bottom, do you see where it says, Please respond**
 21 **within 15 days?**
 22 A. I see where y'all are asking for a
 23 response, on a letter that is unsigned.
 24 **Q. Did you respond back to the board?**
 25 A. I did not. Mr. Kleinpeter advised me

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1 not to.
 2 **Q. Are you waiving your attorney/client**
 3 **privilege with Mr. Kleinpeter concerning directions**
 4 **that he gave you? Because when you start raising**
 5 **comments by what Mr. Kleinpeter has told us, then**
 6 **you may be -- I'm just advising you -- you may be**
 7 **waiving your attorney/client privilege. So I don't**
 8 **want -- since you're here pro se, I want to make**
 9 **sure we understand, if you continue down this path,**
 10 **you may, in fact, waive that.**
 11 A. I said at the hearing I follow what he
 12 told me to do. He -- he told me -- Mr. Kleinpeter
 13 handled everything from the date that I walked in
 14 there, which is whatever date that was, the 16th, I
 15 think it was.
 16 **Q. Let me show you and I'll mark for**
 17 **identification as --**
 18 A. But I do appreciate your admonition
 19 and, yes, that --
 20 **Q. I just want to make sure. Because**
 21 **there is a potential for waiver of attorney/client**
 22 **privilege and I don't know that you potentially**
 23 **realize that, but I wanted to make sure we were on**
 24 **the same page.**
 25 (Whereupon, the document was marked for

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1 **identification as Defendant Exhibit #5 and attached**
 2 **hereto.)**
 3 **BY MR. BANKSTON:**
 4 **Q. Let me show you a document dated**
 5 **July 12th from this office, July 12, 2012. Do you**
 6 **recall receiving that particular document?**
 7 A. Yes.
 8 **Q. And in that particular document, it**
 9 **indicates that neither you, nor your attorney, have**
 10 **responded to the request for response as a result**
 11 **of that complaint and filing by the board?**
 12 A. That's right.
 13 **Q. Now, were you -- strike that.**
 14 **I'll mark this -- we are on #6, I**
 15 **think.**
 16 **THE COURT REPORTER:**
 17 Do we have a #5?
 18 **MR. BANKSTON:**
 19 Is that --
 20 **THE WITNESS:**
 21 We have #4. Yes, there is
 22 a #5.
 23 **MR. BANKSTON:**
 24 So this will be #6.
 25 (Whereupon, the document was marked for

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1 identification as Defendant Exhibit #6 and attached
 2 hereto.)
 3 **BY MR. BANKSTON:**
 4 **Q. This is a July 20, 2012 letter and**
 5 **marked as Defendant #6. This letter was addressed**
 6 **to you, sent certified mail, and I'll ask whether**
 7 **or not you recall receiving that letter?**
 8 A. Yes. Do you want it back? Okay.
 9 **Q. Now, in this particular letter, there**
 10 **were additional indications that you were**
 11 **publishing on your website allegations of blatant**
 12 **payroll fraud concerning Ms. Sandy Edmonds; is that**
 13 **correct?**
 14 A. Well, let me see it again. Is that
 15 what it says in there?
 16 No, sir. It does not say that. And we
 17 had this discussion when we had the hearing. I
 18 sent an e-mail to three board members. At the
 19 point of this letter and all the way through the
 20 September, there was nothing on my website or on
 21 LAPA's website that referenced blatant payroll
 22 fraud.
 23 **Q. So it's your testimony that neither at**
 24 **a board meeting nor at -- any communications made**
 25 **to any third parties, that you were not alleging**

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1 **that Ms. Sandy Edmonds was involved with blatant**
 2 **payroll fraud?**
 3 A. No, sir. The extent that there was any
 4 discussion of Ms. Edmonds' employment agreement
 5 took place in May of 2012. In that video, I
 6 recommended that the board modify her employment
 7 agreement. And that is -- that is a video that was
 8 up on the website.
 9 **Q. So you did not use the words, in any**
 10 **third-party communications, to any person in which**
 11 **you used the words that Ms. Edmonds was involved in**
 12 **blatant payroll fraud?**
 13 A. Well, obviously you would have -- if
 14 you say third party, obviously I told you there's
 15 the e-mail.
 16 **Q. I'm trying to ask you that question.**
 17 **So you did use --**
 18 A. I sure did. I'm sorry. I didn't mean
 19 to interrupt you. Go ahead.
 20 **Q. You did use the word "blatant payroll**
 21 **fraud" and you attributed that particular statement**
 22 **to Mr. Patrick Lowery --**
 23 A. I'm sorry. Go ahead.
 24 **Q. -- to Mr. Patrick Lowery of the**
 25 **Department of Civil Service, correct?**

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1 A. I did.
 2 **Q. And in that meeting with Mr. Lowery,**
 3 **you attended that meeting with Mr. Lowery, he**
 4 **indicated to you that they had no jurisdiction over**
 5 **Ms. Edmonds, correct?**
 6 A. That is correct.
 7 **Q. And at that meeting, you were told that**
 8 **you needed to speak to some other department other**
 9 **than Civil Service, correct?**
 10 A. That is correct.
 11 **Q. This particular issue was added as an**
 12 **additional item of complaint against you -- is that**
 13 **correct -- for the hearing that took place in**
 14 **September?**
 15 A. Well, I'm going on that assumption.
 16 One of these -- one of these, and I don't know if
 17 it's that one, I think it is this one, you said
 18 that that would be up to Ms. -- "I have referred
 19 this matter to the board chairperson" -- which
 20 would be Ms. Steinkamp -- "to determine if these
 21 comments should be added to your hearing."
 22 So I would go on the presumption, based
 23 on your letter, since it was certainly an integral
 24 part of the hearing, in fact, it dominated it,
 25 that, yes, that was added by Ms. Steinkamp.

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1 (Whereupon, the document was marked for
 2 identification as Defendant Exhibit #7 and attached
 3 hereto.)
 4 **BY MR. BANKSTON:**
 5 **Q. Let me show you and I'll mark this as**
 6 **Defendant #7, which is a letter dated August 14,**
 7 **2012, directed to you, with a Notice of Hearing.**
 8 **Let me ask whether or not you received and**
 9 **recognize that particular letter?**
 10 A. Yes.
 11 **Q. And that is a notice of the hearing to**
 12 **be set for September 17, 2012. And on that**
 13 **particular notice, this was in reference to the**
 14 **complaint that had been filed by Mr. Peck, correct?**
 15 A. Well, let me -- let me have that back.
 16 I don't know -- because of all of this collectively
 17 running together and I don't know if in here -- and
 18 if you want to give me time to look over it,
 19 because I know a lot of this is standard
 20 boiler-plate language. Well, yeah: Further,
 21 through independent exam -- I assume that should
 22 have been examination -- through independent exam
 23 of e-mails to various board members, you have
 24 continued to raise an issue related to the
 25 employment agreement of Sandy Edmonds.

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1 So it's obvious this was not going to
 2 be limited to Mr. Peck's complaint. It does
 3 reference Mr. Peck's complaint.
 4 Further, the complaint provides that
 5 you disseminated documents that were false and
 6 misleading regarding NOAG's finances.
 7 So now can you repeat what your
 8 question was?
 9 **Q. That it was -- the initial notice was**
 10 **in reference to Mr. Peck -- Mr. Peck's allegations**
 11 **or concerns that he raised in the original consumer**
 12 **complaint?**
 13 A. Well, this document clearly indicates
 14 that that would be one component, yes.
 15 (Whereupon, the document was marked for
 16 identification as Defendant Exhibit #8 and attached
 17 hereto.)
 18 **BY MR. BANKSTON:**
 19 **Q. Let me show you. This is marked as**
 20 **Defendant #8, which is a letter dated August 27th**
 21 **to you in which an amended complaint took place.**
 22 A. Yes.
 23 **Q. And that specifically describes the**
 24 **allegations concerning the language that was used**
 25 **concerning blatant payroll fraud; is that correct?**

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1 A. This one --

2 **Q. Yes, sir.**

3 A. -- #8? No. Let me read it over, but

4 it appears this one entails Ms. Dow. Let me -- I

5 just looked at the first page. Let me look at the

6 second one. (Witness reviews document.)

7 I may be wrong, Mr. Bankston. I've

8 read it kind of hurriedly, but I don't see

9 reference to Ms. Edmonds in #8. If you want me to

10 read it slower, I will.

11 **Q. Take your time.**

12 A. (Witness reviews document.) No, sir, I

13 don't see any reference to any aspect of payroll

14 fraud with regard to #D8.

15 **Q. Now, let me ask you, after you received**

16 **notice of the hearing that was set for**

17 **September 17, 2012, did you continue to contact**

18 **board members concerning the hearing that was set**

19 **on September 17th -- set for September 17, 2012?**

20 A. I certainly don't recall doing that. I

21 know your letter said not to and I had pretty well

22 ceased communication, for the most part, with all

23 board members, other than an e-mail blast, long

24 before then.

25 **Q. Did you understand the issue of why**

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1 **ex parte communications with the board was**

2 **inappropriate?**

3 A. Yes.

4 **Q. Did you receive any advice from your**

5 **counsel about that?**

6 A. I don't recall.

7 **Q. On this issue of the amended notice of**

8 **hearing, it talks about Anna Dow serving as counsel**

9 **and prosecutor, raising a conflict. You did raise**

10 **that issue; is that correct?**

11 A. I raised that issue from my very first

12 board meeting, before I even knew who Anna Dow was,

13 or barely knew who Anna Dow was.

14 **Q. And did you receive written**

15 **communications from the Attorney General's office**

16 **in which they indicated to you that they did not**

17 **believe that that was an issue?**

18 A. They sent a letter, not a formal

19 opinion, that said that that, in and of itself, did

20 not rise to the level of not being acceptable.

21 **Q. But you continued your allegations that**

22 **that was a conflict?**

23 A. Mr. Bankston --

24 **Q. Even though you had --**

25 A. Mr. Bankston, I did not say it was a

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1 conflict. I said it was a less than desirable

2 situation.

3 **Q. Okay. So less than desirable?**

4 A. Yes. And I think -- in fact, I know,

5 as I said in that hearing, I provided the

6 litigation from the State Board of Chiropractors,

7 the Ethics Board and the -- I can't remember the

8 third one now -- dentistry, State Board of

9 Dentistry, all of them entailing the same issue of

10 the same attorney serving in both roles.

11 **Q. And you provided that to the Attorney**

12 **General's office?**

13 A. I made reference to it, yeah. In fact,

14 in their correspondence back, they made reference

15 to, I think, specifically the dentistry board.

16 **Q. Now, you had sued the board previously**

17 **over going into -- or going into executive session;**

18 **is that correct?**

19 A. You mean prior to this lawsuit? Let me

20 think. Hold on. There are a lot of lawsuits. No.

21 I did sue the board previously but it was for

22 Mr. Comer's adamant stand that he was not going to

23 permit me to speak on two separate agenda items at

24 the September 2010 meeting.

25 So to answer your question, did I sue

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1 the board previously, yes, but it was not -- did

2 you ask generic, open meetings or did you get

3 specific, going into executive session?

4 **Q. I think I said executive session, but**

5 **it was an open meetings --**

6 **open-meetings-law-violation, correct?**

7 A. Yes. I did sue the board previously as

8 pertaining to an open-meetings violation, but it

9 was not executive session.

10 **Q. And that was within the same month that**

11 **you were terminated as a board member by the**

12 **Governor?**

13 A. The meeting took place within the same

14 board -- the same month, yes.

15 **Q. And then on -- then in, I guess, 2011,**

16 **you sued Sandy Edmonds on malicious prosecution?**

17 A. I sure did.

18 **Q. And that was ultimately dismissed,**

19 **correct?**

20 A. It was dismissed upon the revelation

21 that it was Ms. Dow who had actually authorized the

22 calling out of the Louisiana State Police Terrorism

23 Unit to my home.

24 **Q. Did you sue Ms. Dow for malicious**

25 **prosecution?**

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1 A. I have sued Ms. Dow for defamation.
 2 **Q. And what defamation did she -- what**
 3 **defamation -- what words of defamation was she**
 4 **involved with?**
 5 A. She made the statement, as it came out
 6 in discovery of the Edmonds matter, that I was
 7 engaging in stalking-like behavior.
 8 **Q. Were you, in fact, stalking Ms.**
 9 **Edmonds?**
 10 A. I wasn't stalking anyone and that's the
 11 reason for the lawsuit.
 12 **Q. So the issue involving Anna Dow**
 13 **involved some words that she used in which she**
 14 **communicated to whom, do you know?**
 15 A. Yeah. She didn't identify the person,
 16 but the communication went to some party at the
 17 Attorney General's office.
 18 **Q. For some reason I thought the lawsuit**
 19 **against Anna Dow had something to do with Barbara**
 20 **Bonnette?**
 21 A. That initially was the initial
 22 complaint. Excuse me. We had a hearing in
 23 September of 2011 involving a special motion to
 24 strike and preemptive exception of no cause of
 25 action. At that time Mr. -- not Mr. -- Judge

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1 Caldwell denied the motion to strike and said to
 2 amend the pleadings to clearly demonstrate Ms. Dow
 3 having defamed my character. The Barbara Bonnette
 4 aspect continues to be an aspect of the defamation
 5 suit. The amended pleadings included the calling
 6 out of the Louisiana terrorism unit of state
 7 police, which I had no knowledge of. At the time I
 8 initially filed the petition, I was unaware. And
 9 Ms. Dow stated on a videotape that she had no idea
 10 who had called police.
 11 **Q. Okay. So initially it was about an**
 12 **auctioneer who filed a complaint against you,**
 13 **correct?**
 14 A. Well, no, that's not correct. And now
 15 you're into an interesting little splitting of
 16 hairs. She was unwilling to file the complaint
 17 against me, or the board didn't want her to file
 18 the complaint against me. The complaint was filed
 19 against the board.
 20 **Q. Barbara Bonnette filed it against the**
 21 **board?**
 22 A. Against the board.
 23 **Q. Okay. And then you sued Anna Dow over**
 24 **that issue?**
 25 A. I did.

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1 **Q. And what was the failure on the part of**
 2 **Ms. Dow related to that?**
 3 A. She made no effort whatsoever to
 4 substantiate the allegations that were contained in
 5 Ms. Bonnett's letter before she permitted it to go
 6 before the board, none, and she readily admitted
 7 that.
 8 **Q. So her failure, in this particular**
 9 **matter, was a failure to vet the allegations in the**
 10 **Barbara Bonnette complaint against the board?**
 11 A. That was the initial part of the
 12 lawsuit, yes.
 13 **Q. Not against you?**
 14 A. Pardon me?
 15 **Q. Not against you?**
 16 A. Well, it's against the board but every
 17 component of it -- and her complaint is about this
 18 long (indicating), it's a half a page. It's
 19 officially against the board, but everything in it
 20 entailed me.
 21 **Q. Is it involving time when you were on**
 22 **the board? If it was against the board, how does**
 23 **it have anything to do with you?**
 24 A. Yeah, it involved time when I was on
 25 the board. Ms. Bonnette was not happy. Mr. Guinn

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1 was far from alone in people that were livid about
 2 me supporting HB 1439. Ms. Bonnette was equally
 3 livid. You may recall the auction in Thibodaux; it
 4 was her auction.
 5 **Q. Well, this is what it says. Suit --**
 6 **this is your response to what this lawsuit is**
 7 **about. It says, Suit regarding absurd claims made**
 8 **by Auctioneer Barbara Bonnette, which were**
 9 **completely false and malicious against plaintiff as**
 10 **a result of his steadfast opposition to shill**
 11 **billing -- bidding, and Ms. Dow's proceedings with**
 12 **presenting that garbage to the Louisiana Auctioneer**
 13 **Licensing Board without any independent**
 14 **investigation whatsoever of Ms. Bonnett's claim.**
 15 A. That's what I said, yeah.
 16 **Q. Here you say it's against you?**
 17 A. Well, like I said -- and Freddie made a
 18 point of this in the board meeting. You can say
 19 it's against the board. Ms. Dow repeatedly said,
 20 This is a complaint against the board. Ms.
 21 Bonnette was threatening to sue the board.
 22 **Q. Do you think that Ms. Dow should not**
 23 **have presented that information to the board?**
 24 A. I think Ms. Dow had an obligation to
 25 confirm any element of validity on it, and she

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1 readily admitted she did not do so.

2 **Q. That really wasn't my question. Do you**

3 **think she had an obligation not to turn it over to**

4 **the board, even though the board was supposedly the**

5 **person in which or the entity that was having the**

6 **complaint against?**

7 A. I think -- I think Ms. Dow had an

8 obligation not to turn it over until she had

9 substantiated any validity to it.

10 **Q. So she independently should have made**

11 **that determination before the complainant received**

12 **-- not the complainant -- but the person alleged to**

13 **have been in violation, which is the board itself,**

14 **received a copy of the complaint?**

15 A. Yes.

16 **Q. Now, you also had a suit against the**

17 **Arthritis Association, Karen Kennedy and Caroline**

18 **Messenger?**

19 A. That's right.

20 **Q. That suit was dismissed, correct?**

21 A. It was.

22 **Q. And that was for a motion for summary**

23 **judgment, which Judge Fields granted, correct?**

24 A. That is correct.

25 **Q. What were your allegations in that**

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1 **particular case?**

2 A. As part of the discovery of the Sandy

3 Edmonds' case, Ms. Kennedy made statements in there

4 that are patently absurd, when she is the one who

5 opened the door to let me in to film for a high

6 school reunion. Speaking of which, I went to a

7 classmate's funeral yesterday and I've got the web

8 page already up. That's what we were doing, myself

9 and Reverend Phillips, to promote a high school

10 reunion. In fact, Cheryl Harrison, the Attorney

11 General's office, even assisted with videotaping

12 one of them. Not one person had the common decency

13 to pick up the phone, if they had these concerns of

14 what may be going on over there, and instead I've

15 got the terrorism unit of state police showing up

16 at my home.

17 Now, I don't remember where -- I don't

18 even remember what your question was. But

19 Ms. Kennedy, when I subsequently pulled the East

20 Baton Rouge Parish Sheriff's report, her name was

21 on there not as a complainant. Ms. Edmonds was the

22 only one identified as a complainant,

23 notwithstanding that she wasn't even there, but

24 Ms. Kennedy is the one who opened the door, not

25 once, not twice but three times.

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1 **Q. Were the allegations in the motion for**

2 **summary judgment in which there -- did you oppose**

3 **that motion for summary judgment?**

4 A. Yes.

5 **Q. Did you put on any affidavits or**

6 **information alleging that the information that she**

7 **said in her affidavits for summary judgment were**

8 **incorrect?**

9 A. I believe I submitted an affidavit of

10 Reverend Phillips. I may be wrong, but I believe I

11 did. But obviously I had my own pleadings in that

12 -- in my opposition memorandum.

13 **Q. And the judge, even with those**

14 **oppositions, still granted the motion for summary**

15 **judgment?**

16 A. He did.

17 **Q. Do you have any -- you're also aware of**

18 **the lawsuit filed concerning the open-meetings-law**

19 **violation concerning speaking on agenda items,**

20 **that's one of the lawsuits that you have, in**

21 **addition to this particular lawsuit, correct?**

22 A. That is right.

23 **Q. And then in addition to that, you have**

24 **recently filed a defamation claim against this law**

25 **firm as well as each of the board members for**

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1 **conducting the hearing that's involved with this**

2 **particular lawsuit, correct?**

3 A. Conducting the hearing and the

4 statements that were made there too.

5 **Q. And what particular statements that**

6 **were made, in your mind, were defamatory by any of**

7 **the board members?**

8 A. Well, we have Ms. Jacobs-Levy's public

9 revelation that multiple board members thought I

10 should have my auction license revoked for, her

11 words, going after our employee. We have

12 Mr. Bordelon, who said that he felt public

13 reprimand was not strong enough. The board should

14 have went further. It should have been gone

15 further, but he doesn't always use the best

16 grammar.

17 **Q. So that would be Ms. Jacobs, and that**

18 **would be in the September hearing or in the January**

19 **hearing?**

20 A. For which one, Ms. Jacobs?

21 **Q. Ms. Jacobs.**

22 A. Ms. Jacobs clearly was all in the

23 September one. She also stated, in the parking

24 lot, that a vote was taken in executive session and

25 that it was three to two in favor of yanking my

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1 license. And she said she was -- as she said
 2 publicly on record at the open part of the meeting,
 3 she was opposed to taking my license. She shared
 4 with us, out in the parking lot, that the vote was
 5 three to two. If she was one of the ones who voted
 6 yes, then I would assume that would only leave one
 7 other member who was opposed to do something. So a
 8 public statement that I was not of the caliber that
 9 I should even hold an auction license and that was
 10 said publicly, is clearly defamatory.

11 Now, with regard to the January 8th,
 12 that is the meeting at which Greg Bordelon, despite
 13 having revealed the fact that his attorney advised
 14 him not to comment on the matter, he chose to do so
 15 anyway, in justifying his "no" vote. He was the
 16 only "no" vote on the public reprimand, which in
 17 and of itself is defamatory. There were no grounds
 18 for a public reprimand.

19 **Q. So your --**
 20 A. But --

21 **Q. Go ahead. I'm sorry.**
 22 A. But he made the statement, at the
 23 January 8th meeting, that I thought we should have
 24 went further, as evidenced by a transcript that you
 25 have filed into the record.

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1 **Q. Now, in the -- you, in fact, were not**
 2 **having your license -- the board did not, in fact,**
 3 **take a vote in which they did that, did they?**
 4 A. Apparently not on the record, not in an
 5 open meeting, but Ms. Jacobs says they did in
 6 executive session, which is another violation.
 7 You're not supposed to take votes in executive
 8 session, but it was three to two.

9 **Q. That's her indication that there was**
 10 **actually a formal vote, or that's what appears to**
 11 **be the actual feelings of the people in the**
 12 **meeting?**
 13 A. Well, she said a vote.

14 **Q. She said a vote. Okay. And so --**
 15 A. She said a vote, is what she said out
 16 in the parking lot.

17 **Q. And -- but that's not what happened, is**
 18 **it?**
 19 A. That is not what happened.

20 **Q. In the open meeting, there was, in**
 21 **fact, a discussion by Ms. Jacobs concerning a**
 22 **potential public reprimand, correct?**
 23 A. Ms. Jacobs revealed -- she was
 24 apparently appointed spokesperson to reveal --
 25 serve as what the board was going to do. She went

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1 out of her way to say, There were multiple members
 2 of this board who felt you should not hold a
 3 license. I was not one of them, I'm quoting her.
 4 And then she said -- actually, I'm trying to
 5 remember -- you'll have to forgive me. I cannot
 6 remember. It was her who went ahead and -- no.
 7 I'm pretty sure she relinquished the board to James
 8 Sims at that point, who said -- Mr. Bankston, I
 9 don't remember whether she said the board is going
 10 to issue a public reprimand or whether she
 11 relinquished the floor to James Sims, who then said
 12 this is a public reprimand. If she's the one who
 13 said it, and I'll have to look at the video, if she
 14 is the one who formally said this is what we're
 15 going to do, then Mr. Sims would have subsequently
 16 said that's what we're doing. I just don't
 17 remember now who -- who said this is what we're
 18 doing. I don't remember who made the motion, who
 19 made the second. I know the vote was unanimous
 20 with the exception of Mr. Bordelon.

21 **Q. So in public there was, in fact, a vote**
 22 **that was taken in which one person or another,**
 23 **you're not sure exactly whom --**
 24 A. Right.

25 **Q. -- made a motion to issue a public**

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1 **reprimand to you and the members that were present**
 2 **would be Mr. McMillin, Mr. Sims, Mr. Bordelon and**
 3 **Mr. -- let's see --**
 4 A. Brister.

5 **Q. -- Mr. Brister.**
 6 A. And we're still missing one.

7 **Q. And Ms. Jacobs.**
 8 A. Yes.

9 **Q. So there were five members. You've**
 10 **sued the five members of the board, including those**
 11 **five members, correct? Those are the five members**
 12 **that were there. Ms. Steinkamp did not participate**
 13 **in the executive session; is that correct?**
 14 A. That's right.

15 **Q. So at that particular vote, which was**
 16 **conducted in public and you heard the vote of those**
 17 **particular people, it was four to one, correct?**
 18 A. That's right.

19 **Q. So whatever the discussion may have**
 20 **been in executive session, where there were people**
 21 **that wanted to take your license, that's not**
 22 **ultimately what they did?**
 23 A. That's not ultimately what they did,
 24 but the revelation that folk on that board felt I
 25 should not hold a license is defamatory.

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<p>1 Q. So the fact simply that in a discussion 2 exercising their function as the administrative 3 hearing, in effect jury of this particular case, 4 were not able or in a position where they should be 5 able to discuss what actions they should or should 6 not be able to take? 7 A. Certainly they can discuss what actions 8 they should and should not be able to take. Those 9 actions should have foundation. 10 Q. Oh, your problem is not with their 11 ability to discuss it. You just don't believe that 12 there was a proper foundation initially ever given 13 for that? 14 A. Mr. Kleinpeter made it abundantly 15 apparent to you, Mr. Bankston; so this isn't 16 something he shared with me. He characterized this 17 whole matter, using a certain phrase, It's the 18 excrement of a bull. That's what it was. 19 Q. Mr. -- 20 A. And so, yes, the board has every right 21 to vet anything it wants. And you, as the attorney 22 who prosecuted this, had the ultimate 23 responsibility to see that any of these things had 24 any merit. You failed to do so. And specifically 25 Ms. Jacobs didn't even reference Stewart Peck in</p>	<p>1 situation about Ms. Edmonds? 2 A. I know he was. And, yes, it created 3 the -- 4 Q. And did you feel there was any 5 obligation whatsoever to indicate in those e-mails 6 that Mr. Lowery says, This is not in my bailiwick. 7 This is not something I have jurisdiction over. 8 Did you feel there was any obligation to say 9 anything about that? 10 A. I relayed what Mr. -- 11 Q. That's a yes-or-no answer and then you 12 can explain it. Did you feel that there was any 13 obligation to do that? 14 A. No. 15 Q. If you would like to explain it, you 16 can. 17 A. No. What I want to do is finish what I 18 was saying a second ago, which was that -- you 19 asked -- there was a question about was I pursuing 20 -- I got one fact out there before you jumped in 21 and asked another question. That was that 22 Mr. Lowery had said this. 23 With regard to Ms. Steinkamp, I am 24 entitled to raise the issue of why she remained 25 silent for auction violations at New Orleans</p>
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<p>1 her findings, did not even reference him. She 2 said, When you, and I quote, go after our three 3 employees, Ms. Edmonds, Ms. Dow and Ms. Steinkamp. 4 Q. Were you going after the three 5 employees? 6 A. No. I was pointing out facts. It is a 7 fact that Mr. Lowery said that this whole setup 8 constitutes blatant payroll fraud. When you asked 9 me to retract that, I did not do so and I will not 10 do so because that's what he said. And except for 11 leaving out the word "blatant" and saying he had 12 made no independent verification of the documents 13 he had been presented, which nobody ever said he 14 did, he stated under oath that it certainly was 15 payroll fraud. 16 Q. You don't believe that the e-mails that 17 you sent out created the impression that Mr. Lowery 18 had indicated that this particular situation was 19 blatant payroll fraud? You did not -- 20 A. You did not let me finish, but what is 21 your question now, again? 22 Q. The communications that you made to 23 third parties concerning blatant payroll fraud, you 24 don't believe that created the impression that 25 Mr. Lowery was commenting specifically on the</p>	<p>1 Auction Gallery that included \$600,000 in unpaid 2 consigners at the time of bankruptcy, that included 3 numerous payments that were made out of escrowed 4 funds for company operating expenses and other 5 matters that were pertinent to New Orleans Auction 6 Gallery. 7 Ms. Dow sent a letter Ms. Sarah Olcott 8 saying that Ms. Steinkamp didn't even work for New 9 Orleans Auction Gallery. Strange, given that on 10 Page 7 she was identified as vice-president, 11 director, treasurer. 12 Q. Let me -- 13 A. And yes -- 14 Q. Go ahead. 15 A. And I did point that out. I believe 16 the board had an obligation, still has an 17 obligation as to why they have never delved into 18 why Ms. Steinkamp stayed silent, particularly as 19 Mr. Danny Pun (phonetic), in January of 2011 -- I 20 don't have the figure in front of me -- of a bid in 21 excess of \$100,000 for two items that were 22 virtually worthless. 23 I don't consider that going after. I 24 consider that bringing up issues that ought to be 25 germane.</p>

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<p>1 Q. Let me show you --</p> <p>2 A. Now --</p> <p>3 Q. Go ahead.</p> <p>4 A. -- there's still the third one and that</p> <p>5 is Ms. Dow. That is a mere statement that I</p> <p>6 believe it is not a desirable setup to have the</p> <p>7 same attorney serving as general counsel and</p> <p>8 prosecuting violations.</p> <p>9 Q. Did you --</p> <p>10 A. That is not going after.</p> <p>11 Q. Did you ever feel that the fact that</p> <p>12 you had received a written response from the</p> <p>13 Attorney General's office, that they found no</p> <p>14 problem with that particular setup, did you ever</p> <p>15 feel that that information should be communicated</p> <p>16 at the same time in which you were alleging that</p> <p>17 she had a conflict?</p> <p>18 A. It was communicated, Mr. Bankston. I</p> <p>19 gave them a copy of the report -- of the -- of the</p> <p>20 -- it's not an opinion -- a letter.</p> <p>21 Q. That's not my question. My question</p> <p>22 is, when you continued to raise these issues of her</p> <p>23 conflict, did you ever indicate, in any of those</p> <p>24 subsequent communications, that that conflict had</p> <p>25 been examined by the Attorney General's office and</p>	<p>1 same person who is reconciling the accounts</p> <p>2 receivable ledger being in charge of making</p> <p>3 deposits, reconciling the bank account. It's just</p> <p>4 not a good setup. Is it -- is it illegal? No. Is</p> <p>5 it advisable? In my opinion, absolutely not. And</p> <p>6 that's as far as I went, was to express my opinion,</p> <p>7 which apparently I wasn't permitted to do.</p> <p>8 Q. Let me show you and I'll mark --</p> <p>9 THE VIDEOGRAPHER:</p> <p>10 Excuse me. Mr. Bankston, I</p> <p>11 think your mike came off.</p> <p>12 MR. BANKSTON:</p> <p>13 I'm sorry. Yeah, it did.</p> <p>14 (Whereupon, the document was marked for</p> <p>15 identification as Defendant Exhibit #D9 and</p> <p>16 attached hereto.)</p> <p>17 BY MR. BANKSTON:</p> <p>18 Q. Let me show you what I'll mark for</p> <p>19 identification as #D9 and ask whether or not you</p> <p>20 recognize that.</p> <p>21 A. (Witness reviews document.) Yes.</p> <p>22 Q. Who is -- who is the author of that</p> <p>23 particular document?</p> <p>24 A. I am.</p> <p>25 Q. Now, what is that document?</p>
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<p>1 they found no fault in it?</p> <p>2 A. Number 1 --</p> <p>3 Q. Answer the question. It's yes or no</p> <p>4 and then --</p> <p>5 A. Well, the answer is no, because you</p> <p>6 have repeatedly used the word "conflict" and I have</p> <p>7 told you I did not describe it as a conflict. So</p> <p>8 the answer is no.</p> <p>9 Q. So you never -- you never referred to</p> <p>10 the splitting of the position, as it relates to</p> <p>11 Ms. Dow, as a conflict?</p> <p>12 A. What I did, I said this is a letter --</p> <p>13 Q. That's a yes or no answer.</p> <p>14 A. As a conflict, no.</p> <p>15 Q. Okay. That's all I need to know.</p> <p>16 A. Well, you said I could elaborate, so</p> <p>17 I'm going to elaborate. I said -- and I'm</p> <p>18 virtually certain that I said in there, although</p> <p>19 they said that in and of itself presents no</p> <p>20 conflict as evidenced by the litigation involving</p> <p>21 the Board of Dentistry, chiropractic board and</p> <p>22 Board of Ethics. It opens the door for problematic</p> <p>23 litigation. It's no different, Mr. Bankston, I</p> <p>24 know you don't -- I know you're not an accountant,</p> <p>25 but it's no different, basically, than having the</p>	<p>1 A. It is a document that recaps from the</p> <p>2 inception of the bankruptcy filing of New Orleans</p> <p>3 Auction Gallery up through and including the date</p> <p>4 -- and I'm looking at the bottom to see if the</p> <p>5 printout will have a date. Normally they do. What</p> <p>6 did y'all do, save this on your hard drive? Well,</p> <p>7 this has February 14th but that's not the date this</p> <p>8 was -- that's not the date this was created. I'm</p> <p>9 trying to look at the last date there was an entry</p> <p>10 made. March 29, 2012, so it would have been right</p> <p>11 around that time.</p> <p>12 Q. In the top -- is that the left-hand</p> <p>13 corner -- it refers to -- what is that described</p> <p>14 as?</p> <p>15 A. This thing says Legal (sic) Auctioneer</p> <p>16 Legal Forum of Issues Facing the Profession.</p> <p>17 Q. Is that also your language?</p> <p>18 A. I don't know -- I absolutely have no</p> <p>19 idea how -- I don't know whether that was a Google</p> <p>20 index. I have often wondered how that's in there.</p> <p>21 It comes up under when you do a search. I did not</p> <p>22 -- to my knowledge, I never put that in there. I</p> <p>23 don't know how that comes. I've wondered that</p> <p>24 myself.</p> <p>25 Q. This is your review of items involving</p>

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1 the New Orleans Auction Gallery, correct, your view
 2 of information involving Ms. Steinkamp and some of
 3 the allegations that you've made against Ms.
 4 Steinkamp as well as Ms. Dow, correct?
 5 A. Yes.
 6 Q. And you have later learned that some of
 7 the allegations that you made in here were done in
 8 error, correct?
 9 A. Specify.
 10 Q. Are you aware of any?
 11 A. Only the one about -- can I see it --
 12 the date at which there was a request for an
 13 expedited hearing and I don't know that it's
 14 referenced in here. I'm going to have to say no,
 15 because I don't see reference to -- there's no
 16 reference in here to my incorrect statement that a
 17 motion to disband the Unsecured Creditor's
 18 Committee had been denied. When, in reality, it
 19 was a motion for an expedited hearing to disband
 20 the Unsecured Creditor's Committee.
 21 Q. So any comments in the hearing that
 22 took place by your counsel would have been
 23 incorrect in which she is referring to errors that
 24 you made simply because you don't have the legal
 25 experience to understand all of this?

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1 A. The statement -- and Mr. Kleinpeter
 2 went out of his way to say statements before the
 3 board. The reference to the Unsecured Creditor's
 4 Committee was stated in a board meeting,
 5 November 14th or 15th, 2011. It was never placed
 6 in that.
 7 Q. Mr. Burns, thank you for that
 8 additional information but the question is, do you
 9 recall your counsel indicating to the board that
 10 one of the reasons why we should not have any fault
 11 on Mr. Burns was because of the fact that you are
 12 not a lawyer and some of the information that you
 13 were looking at in the bankruptcy court was simply
 14 over your head?
 15 A. He may have said that.
 16 Q. Do you recall that?
 17 A. I think so. I don't know that those
 18 were his exact words but I think it was pretty
 19 close, if it's not his exact words.
 20 Q. And, in fact, you had information that
 21 was wrong and incorrect?
 22 A. I'm sorry.
 23 Q. Go ahead.
 24 A. I'm sorry. Repeat that.
 25 Q. That you, in fact, in some of the

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1 information that you had contained in #D9 was, in
 2 fact, not correct and created a false impression
 3 simply because you didn't have --
 4 A. I don't agree with that at all. I
 5 mean, if you want to state something that you feel
 6 is false and incorrect, point it out.
 7 Q. I'm just asking the question. Did your
 8 counsel indicate that you had made false and
 9 incorrect statements to the board in
 10 communications, either on your website or them
 11 personally, simply because of the fact that you
 12 were not well versed in bankruptcy?
 13 A. He said --
 14 Q. Yes or no?
 15 A. Yes. He said that Mr. Burns made the
 16 representation that the Unsecured Creditor's
 17 Committee had been disbanded when in -- or, I'm
 18 sorry, a motion to disband the Unsecured Creditor's
 19 Committee had been denied. When, in reality, it
 20 was a motion for an expedited hearing. Mr.
 21 Kleinpeter then said, Is he supposed to admit, when
 22 subsequently it was denied?
 23 So the answer to your question is no.
 24 He -- he pointed out a small technical error that I
 25 made. And I think Mr. Peck is the one who said

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1 perhaps it was his inability to understand. I
 2 think Mr. Peck -- in fact, I know when he filed it,
 3 he knew it was going to be denied and it was
 4 ultimately denied and I believe you asked me the
 5 date and I think he put in here the date that it
 6 was denied. I think April 3, 2012. So I was just
 7 about five months ahead of the whole process,
 8 Mr. Bankston. To suggest that unsecured creditors
 9 don't have a right to have an Unsecured Creditor's
 10 Committee is absurd.
 11 Q. And you know that how?
 12 A. Because it's common sense, Mr.
 13 Bankston.
 14 Q. Now, let me ask you. Do you know
 15 Ms. Edmonds' husband?
 16 A. Do I know him personally? No. I don't
 17 think I've ever met him.
 18 Q. Can you explain why you attempted to
 19 friend him on Facebook?
 20 A. I made no effort to friend him on
 21 Facebook.
 22 Q. Let me show you --
 23 A. If I do, I certainly don't recall it.
 24 (Whereupon, the document was marked for
 25 identification as Defendant Exhibit #10 and

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1 attached hereto.)
 2 **BY MR. BANKSTON:**
 3 **Q. I'll show you what I'll mark as Exhibit**
 4 **#10. You don't know this man but this is a page**
 5 **that -- where is my pen -- #10, huh? This is a**
 6 **screen shot from Mr. Edmonds' Facebook account. Is**
 7 **that -- is that your Facebook account?**
 8 A. Well, I don't know that this is his or
 9 not.
 10 **Q. I'm representing to you, Mr. Burns,**
 11 **that is a sheet from his Facebook.**
 12 A. There's nothing to indicate that it is
 13 from his and, I'm sorry, I'm unwilling to accept
 14 that, because I don't recall having made a friend
 15 request. And if you give me something that -- I
 16 mean, up here we've got nothing but black
 17 (indicating).
 18 **Q. Mr. Burns, I just said I'm representing**
 19 **to you that that is from his Facebook friends**
 20 **request and that was an attempt by you. Are you**
 21 **denying that you, in fact, did that?**
 22 A. I'm not denying. I certainly don't
 23 remember ever having asked to be a friend of his.
 24 **Q. Would there be any reason whatsoever**
 25 **that you would be considered to be a friend of his?**

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1 A. No, and I don't remember ever having,
 2 excuse me, made such a request. I don't recognize
 3 any of the other people on here. "Respond to your
 4 16 friend requests." If I did -- again, I would
 5 prefer that this thing clearly identified it as his
 6 page. I don't know why this would be black up
 7 here, you know (indicating). I mean, clearly me,
 8 Tracy Manuel, Heather Esposito and Damon Nelson
 9 have requested to be friends with somebody.
 10 **Q. Now, let me ask --**
 11 A. I don't totally rule it out, but I sure
 12 don't remember it.
 13 **Q. Would there be any reason whatsoever**
 14 **for you to do that?**
 15 A. No.
 16 **Q. Let me ask you --**
 17 A. Was that official or --
 18 **Q. This was just #D1. That was --**
 19 A. Oh.
 20 **Q. I'm trying to keep the stack together**
 21 **here.**
 22 A. Do you want me to be putting them -- I
 23 have most of them.
 24 **Q. In the -- in the filing of this lawsuit**
 25 **in this particular matter -- I have a copy of that**

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1 -- in your suit, which you prepared, you indicated
 2 previously that you paid Mr. Kleinpeter \$4100 --
 3 A. Yes.
 4 **Q. -- for defense of this particular**
 5 **matter?**
 6 A. Yes.
 7 **Q. Do you have copies of his invoices that**
 8 **he prepared for you --**
 9 A. Yes.
 10 **Q. -- related to this matter?**
 11 A. Yes.
 12 **Q. And in reference to the lawsuit that**
 13 **you filed, you make no reference in the citation of**
 14 **any advice being given to the board members by the**
 15 **administrative law judge in any of your pleadings.**
 16 **Is there any particular reason why?**
 17 A. Correct me if I'm wrong, but did I not
 18 say that Mr. Vallan -- did I not quote him?
 19 **Q. No, sir. Here's a copy of the**
 20 **petition.**
 21 A. Yes. Can we see that?
 22 (Whereupon, the document was marked for
 23 identification as Defendant Exhibit #11 and
 24 attached hereto.)
 25 **BY MR. BANKSTON:**

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1 **Q. It will be marked as Defendant #11.**
 2 A. You're saying I did not quote Michael
 3 Vallan?
 4 **Q. I don't see it. Maybe I just missed**
 5 **it, but I don't see it.**
 6 A. (Witness reviews document.) Paragraph
 7 7, As clearly captured on Petitioner's videotape of
 8 the meeting, along with videotape which the LALB
 9 also provided, Petitioner's counsel sought to be
 10 recognized, and upon obtaining such recognition by
 11 the administrative law judge, stated, Uh, I think
 12 he has the right to be heard in executive session
 13 if he wants to. The administrative law judge then
 14 stated verbatim, quote, Well, he has a right. They
 15 have a right to go into executive session and
 16 discuss character and other type issues. He has
 17 the -- well, there must be something wrong because
 18 this doesn't connect with the next page. He has
 19 the -- you're missing a page, Mr. Bankston. It
 20 goes from Paragraph 7 to Paragraph -- oh, I'm
 21 sorry, I didn't realize it was front and back.
 22 He has the right to have those issues
 23 outside, to be heard in an open session. So we're
 24 going into executive session to discuss character
 25 issues and once we come outside of executive

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1 session, we'll be able to discuss those issues
 2 outside of his character.
 3 So yes, I did and I quoted him.
 4 **Q. In this particular matter, after the**
 5 **suit was filed, you were provided another**
 6 **opportunity for a concluding hearing on January 8,**
 7 **2013, to bring these issues back up in public; is**
 8 **that correct?**
 9 A. Now, wait a minute. That was a little
 10 bit long of a question. Can you say that again?
 11 **Q. On January -- as a result of the filing**
 12 **of your lawsuit, the board decided to give you an**
 13 **opportunity for an additional hearing to discuss**
 14 **their decision, which was held on January 8, 2013;**
 15 **is that correct?**
 16 A. No, sir. And I think your letter
 17 clearly indicated it wasn't going to be another
 18 hearing. It was just going to be the deliberations
 19 aspect of the previous hearing.
 20 **Q. And that took place on January 8, 2013,**
 21 **correct?**
 22 A. Correct.
 23 **Q. And at that meeting, you appeared at**
 24 **that meeting?**
 25 A. I did make an appearance.

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1 **Q. And you did make a statement?**
 2 A. I sure did.
 3 **Q. And at that meeting did you have the**
 4 **opportunity to put on any additional information**
 5 **that you wanted?**
 6 A. Ms. Hunter said I could make a
 7 statement, and I told her I was not going to be
 8 agreed -- I was not going to agree to be sworn in
 9 for that proceeding, that it was a farce, that it
 10 was an attempt to put the genie back in the bottle
 11 and it was an admission that you had violated the
 12 open-meetings law or else you would have no need to
 13 even convene this and it was not going to cure the
 14 violation. And Ms. Lynn did file a pleading that
 15 did say that those reset deliberations were an
 16 effort to cure the violation.
 17 **Q. And in reference to that particular**
 18 **matter, was there discussion and debate, or**
 19 **discussion by the board members concerning a**
 20 **penalty against you, at that December -- excuse me**
 21 **-- at that January 3rd --**
 22 A. There was very, very limited
 23 discussion. In fact, the court reporter -- do you
 24 have the transcript, or is that one of the exhibits
 25 that you're introducing? The court reporter's

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1 transcript makes notation of the fact that there
 2 were no response. Ms. Hunter had to go out of her
 3 way and it was put in there, Are you going to
 4 provide a reason for why you gave him the
 5 reprimand? Thereafter -- I think there was maybe a
 6 page. It was that fast. The main one -- the main
 7 two parties that spoke up were Greg Bordelon and
 8 Darlene Jacobs.
 9 **Q. And so the subsequent January 3rd --**
 10 A. 8th.
 11 **Q. -- excuse me, January 8, 2013 meeting,**
 12 **in which Mr. Bordelon made the comment in open**
 13 **meeting, is the basis of your defamation claim**
 14 **against him in a separate suit?**
 15 A. In a separate suit? Well, in a
 16 separate suit from this one?
 17 **Q. Yes.**
 18 A. It's part of it, yes.
 19 **Q. And the claim against Ms. Jacobs is**
 20 **because of the comments she made in the open**
 21 **meeting on the January 8, 2013, that is part of**
 22 **your claim against her in a defamation case,**
 23 **separate from this suit?**
 24 A. Yes.
 25 (Whereupon, the document was marked for

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1 identification as Defendant Exhibit #12 and
 2 attached hereto.)
 3 **BY MR. BANKSTON:**
 4 **Q. Now, I'm going to mark as Exhibit**
 5 **Number --**
 6 **THE COURT REPORTER:**
 7 #12.
 8 **BY MR. BANKSTON:**
 9 **Q. -- #12 --**
 10 A. Hold on. I can tell you. Unless you
 11 have some you're holding out on me, I've got them
 12 all in order.
 13 **Q. It's #12.**
 14 A. Well, I've only got to #10. I mean,
 15 I've got through #9. Is this going to be
 16 considered one?
 17 **Q. That's #10.**
 18 A. I'm sorry. Okay.
 19 **Q. It's the petition. Thank you.**
 20 **Here, it's a letter dated February 4,**
 21 **2013. Do you recognize that findings of fact, or**
 22 **findings issued by the hearing officer?**
 23 A. Yes.
 24 **Q. And what is the decision indicated?**
 25 A. It says the board affirmed its decision

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1 of September 17, 2012.
 2 Do you want them all back or just this
 3 one?
 4 **Q. No. And in reference to this**
 5 **particular, do you recall receiving this?**
 6 A. I received that. I never did get a
 7 copy of the original findings of fact. To this
 8 day, I haven't gotten a copy.
 9 **Q. And in reference to this particular**
 10 **matter, did you file an appeal of this adjudicatory**
 11 **hearing?**
 12 A. No.
 13 **Q. Is there any reason why you didn't file**
 14 **an appeal of this hearing?**
 15 A. Yes.
 16 **Q. Why is that?**
 17 A. Because I had made the decision not to
 18 retain my license, hence an appeal would be
 19 unnecessary because there's no license. There's no
 20 -- I'm never going to be a licensed auctioneer
 21 again in this state. You can take that to my
 22 grave. So going through an administrative -- and I
 23 guess I have it in my mind that my license was
 24 yanked. I guess hearing those kind of words and
 25 knowing that this type pattern was probably going

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1 to continue until it was. And you have to forgive
 2 me, because it is, in my mind, that it was yanked,
 3 even though I know it wasn't.
 4 **Q. What do you mean "it was yanked"?**
 5 A. It was not yanked.
 6 **Q. Well, you just said it was yanked.**
 7 A. No. I said in my mind.
 8 **Q. Oh, in your mind it was yanked. Okay.**
 9 A. When you have the governing authority
 10 and you're being told that the majority don't feel
 11 you should hold a license, that tends to burn into
 12 your memory, Mr. Bankston.
 13 **Q. But there was no action by any board to**
 14 **take your license?**
 15 A. No. And to answer your question more
 16 concretely, Mr. Kleinpeter -- I don't know why
 17 sometimes I draw a blank -- asked me outside if I
 18 wanted to appeal. I asked him for a cost figure.
 19 He said \$3500. And I told him that I was not going
 20 to.
 21 **Q. So --**
 22 A. I wanted to cut my losses, basically.
 23 **Q. Was there any -- are you telling us**
 24 **there was no harm because of the fact? Now I'm not**
 25 **going to have a license, so I don't need to go**

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1 **about doing this or --**
 2 A. No. I could not justify continuing to
 3 shell out -- you know, that would put us up to
 4 \$8,000, you know. And I'm not going to erase the
 5 earnings that I made by fighting a board who is
 6 determined to protect practices that are against
 7 the law and to go after those who point them out.
 8 So that's why I didn't pursue an appeal.
 9 **Q. When did LAPA first start placing**
 10 **things on the Internet?**
 11 A. Well, like I said earlier, it was some
 12 time in early to mid 2011 but I don't know the
 13 exact.
 14 **Q. I've got you.**
 15 **(Whereupon, the document was marked for**
 16 **identification as Defendant Exhibit #13 and**
 17 **attached hereto.)**
 18 **BY MR. BANKSTON:**
 19 **Q. I'll mark this as Defendant #13 and**
 20 **it's a letter dated August 23, 2013, directed to**
 21 **this office. Do you recognize that particular**
 22 **letter?**
 23 A. (Witness reviews document.) Yes.
 24 **Q. What is the nature of that particular**
 25 **letter?**

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1 A. It's basically a formal written demand.
 2 As you had explained to the board, I think it was
 3 May of -- could I impose upon getting one of those
 4 small bottles myself? I've run out.
 5 **Q. Sure. Have that one (indicating).**
 6 A. Thank you. As I had -- or as you had
 7 explained in May of 2012, the board can have
 8 certain conditions for going into executive
 9 session, one of which is threatened litigation
 10 after formal written and that's what this basically
 11 is.
 12 **Q. And in that particular letter, you're**
 13 **making a demand of the attorney's fees that were**
 14 **provided or cost you from Mr. Kleinpeter, correct?**
 15 A. Yes.
 16 **(Whereupon, the document was marked for**
 17 **identification as Defendant Exhibit #14 and**
 18 **attached hereto.)**
 19 **BY MR. BANKSTON:**
 20 **Q. Let me show you -- and I'll mark this**
 21 **as Exhibit #14. This is an e-mail from you dated**
 22 **December 26, 2012, and ask whether or not you**
 23 **recognize that?**
 24 A. (Witness reviews document.) Yes.
 25 **Q. In that particular letter, I presume**

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1 **that you are -- had become aware that an e-mail had**
 2 **been sent to you that same day -- I'll mark this as**
 3 **Defendant #15 -- dated that same day, December 26,**
 4 **2012, and ask whether or not you recall receiving**
 5 **that letter --**
 6 A. This is -- okay.
 7 **Q. -- from my office to you, by e-mail?**
 8 A. Yes.
 9 **Q. And then I presume this is a response**
 10 **back from that?**
 11 A. Yes. Yes.
 12 **Q. Thank you. Let me have it back.**
 13 **Thanks.**
 14 **(Whereupon, the document was marked for**
 15 **identification as Defendant Exhibit #15 and**
 16 **attached hereto.)**
 17 **BY MR. BANKSTON:**
 18 **Q. One of the things you indicate here is**
 19 **-- in this particular letter back to me, you**
 20 **indicate that, I expect to see an administrative**
 21 **law judge present as well as a court stenographer**
 22 **and, at the board's option, a videographer. Then**
 23 **you talk about a distinct potential for challenges**
 24 **to the impartiality of the composition of the five**
 25 **members who participated in the closed-door**

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1 **deliberations, particularly in light of the very**
 2 **public statements made regarding me in a**
 3 **widely-circulated newspaper article which had been**
 4 **published in the intervening time frame.**
 5 A. Yes, sir.
 6 **Q. What are you referring to there?**
 7 A. Well, and I think if you'll recall
 8 correctly, Mr. Bordelon's impartiality was
 9 challenged at the hearing itself. He chose to --
 10 to -- to serve in that capacity notwithstanding
 11 both myself and Mr. Kleinpeter's challenge to his
 12 impartiality, or lack thereof, I should say.
 13 **Q. And what was the basis of his**
 14 **impartiality?**
 15 A. Are you talking about for the hearing
 16 itself or what I'm referencing there?
 17 **Q. Hearing.**
 18 A. Mr. Bordelon had openly said that he
 19 felt Reverend Phillips and I should have
 20 restraining orders issued against us, prohibiting
 21 us from attending board meetings.
 22 **Q. And when did he communicate that to --**
 23 **to you or to others?**
 24 A. Well, he said that publicly in a board
 25 meeting and I'd have to get -- I'd have to pull the

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1 tapes, Mr. Bankston, but it was either June of 2011
 2 or July of 2011, whichever -- whichever month the
 3 board had a meeting.
 4 **Q. Why would he say that?**
 5 A. Well, that's a very good question.
 6 **Q. Do you know?**
 7 A. Well, he provided some elaboration,
 8 that he didn't want us there with all of these
 9 lawsuits. He said that he had spoken with his
 10 attorney and his attorney had said -- I believe the
 11 words he used -- in fact, they're on the video --
 12 is that you don't even discuss the weather with
 13 these folk until the lawsuits are over with.
 14 **Q. So it was the pending litigation that**
 15 **was -- what pending litigation was on at this**
 16 **particular time?**
 17 A. Reverend Phillips had -- let me make
 18 sure. I don't know if Reverend Phillips -- it was
 19 either -- his was still ongoing. Mine, I had
 20 settled. I was pleased with some progress that the
 21 board had made post -- I will give this to Ken
 22 Comer, he did change and he invited participation;
 23 he didn't discourage it and I was very pleased with
 24 that. So I know your question was --
 25 **Q. What litigation?**

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1 A. -- what litigation. Only one, that I
 2 recall, was -- I don't know if -- I think I had. I
 3 think there was the lawsuit against Ms. Edmonds at
 4 that time, but I don't want to say I'm 100-percent
 5 positive on that. I would have to pull the
 6 videotape. Because it was right at the exact same
 7 time that I had filed it. But the one that he had
 8 specific reference to that was still ongoing,
 9 although it was about to be wrapped up, was
 10 Reverend Phillips' lawsuit.
 11 **Q. The December 26th letter to you says,**
 12 **Be advised that the board has reset the**
 13 **deliberation of your hearing for the January**
 14 **meeting. The board will deliberate in open session**
 15 **as per your request. You are required to appear on**
 16 **January 8th. The hearing is going to take place at**
 17 **such and such location.**
 18 **And then as a result of that, you**
 19 **responded back to me, wanting to make sure that**
 20 **there was going to be a court reporter and an**
 21 **administrative law judge member, which there was;**
 22 **is that correct?**
 23 A. That's correct. Uh-huh.
 24 **Q. And then also, accordingly, the**
 25 **formality -- this is what you wrote, Accordingly,**

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1 the formality of an administrative law judge, court
 2 reporter, et cetera, certainly should not be
 3 dispensed with as it pertains to the January 8,
 4 2013. This e-mail is to serve as my notice of the
 5 expected formality in that regard and a reminder
 6 that, in caps, a minimum of four members of the
 7 original five who participated in the deliberation
 8 would be required to participate in these reset
 9 deliberations in order for LALB to have a quorum
 10 present for open discussions.
 11 A. Right.
 12 Q. And that, in fact, did happen, all of
 13 the things that you had requested?
 14 A. Well, yes. It was more -- the LALB has
 15 a tendency to do things informally and like calling
 16 somebody as a witness when they've not been
 17 subpoenaed and that was my statement, that there's
 18 not going to be anything informal but, yes, it was.
 19 Q. Everything that you had asked for in
 20 that December 26, 2012 e-mail to this office was,
 21 in fact, provided for and done?
 22 A. Yes.
 23 MR. BANKSTON:
 24 Okay. Stop.
 25 THE VIDEOGRAPHER:

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1 Stand by. We're going off
 2 the record at 12:23.
 3 (Discussion off the record.)
 4 THE VIDEOGRAPHER:
 5 This continues the
 6 deposition of Robert Burns. The time is 12:24.
 7 BY MR. BANKSTON:
 8 Q. Mr. Burns, let me ask you, in reference
 9 to your actions as it relates to providing any
 10 information to regulatory boards, what is your
 11 understanding of the regulatory board as it relates
 12 to the CPAs? Do you, each year, have to file an
 13 application?
 14 A. Are you talking about for the --
 15 Q. CPA.
 16 A. Yeah, it's not an application. They
 17 send you -- well, I guess it is an application.
 18 They send you a renewal. It's not really an
 19 application. And they just say confirm that this
 20 is who you are. This is still your address. And
 21 you have to indicate if there's been a change in
 22 your status of -- whether you're working for a CPA
 23 firm or whether you're retired or whether you --
 24 and mine has always, I think, been under the block
 25 of "other," you know, because they'll have broad

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1 categories like finance or -- anyway, mine has
 2 always pretty much been under "other".
 3 Q. And that would be like what?
 4 A. Industry, non --
 5 Q. Real estate or --
 6 A. Yeah. Yeah.
 7 Q. Okay. Now, in reference to that, do
 8 you intend to return to the active practice as a
 9 CPA?
 10 A. I never was an active-practitioner CPA.
 11 Q. Would you ever intend to attempt to do
 12 the educational requirements that you don't
 13 presently have, I guess, to be a CPA?
 14 A. Probably, in all likelihood, not. I'm
 15 virtually certain probably not.
 16 Q. And in reference to any applications
 17 that you -- or applications or renewals that you
 18 may have filed with the CPA society or CPA --
 19 A. Board.
 20 Q. -- Board, did you make any disclosure
 21 to them concerning any investigation that may have
 22 been going on as it relates to your license as an
 23 auctioneer?
 24 A. Yes, I did.
 25 Q. And what did you say in that

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1 application or renewal?
 2 A. Well, they -- I attempted to do it on
 3 line. They said that when -- when you answer
 4 affirmatively to that question, you have to do it
 5 the old-fashioned way, paper, and provide -- and I
 6 think I sent it -- I think I printed out a hard
 7 copy of an e-mail. I gave them direct links so
 8 they could go watch the administrative hearing.
 9 Q. So my question was, what did you tell
 10 them or what did you write to them?
 11 A. I responded affirmatively that I had
 12 been the subject of an investigation.
 13 Q. And did you -- and this would have been
 14 for what year?
 15 A. It was a question -- I'm sorry, I
 16 didn't mean to interrupt you -- but it was a
 17 question that asked, During the preceding year --
 18 and I'll get us as close as I can -- in the
 19 preceding year, have you been the subject of any
 20 investigation by another state regulatory body?
 21 That's pretty much -- and you have to answer yes or
 22 no.
 23 Q. And you answered yes?
 24 A. I did.
 25 Q. But then you said you couldn't do it on

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1 **line so you had to do a hard copy of something?**
 2 A. Yes. When you answer no to that, they
 3 have a default provision that then says, Okay,
 4 look, you've said you were the subject of an
 5 investigation. You're going to have to supply more
 6 detail.
 7 And I think I tried to call, because I
 8 remember once I couldn't get an answer, and she --
 9 they told me what I was going to need to do.
 10 **Q. And what kind of detail did you provide**
 11 **to them?**
 12 A. I don't recall. I know I said I'm a
 13 subject of an investigation. The full details are
 14 available at this link, and I gave them the link to
 15 go watch the video.
 16 **Q. That really would not have affected,**
 17 **one way or the other, your inactive status, would**
 18 **it?**
 19 A. Well, I didn't know what it was going
 20 to affect. They sent me a subsequent letter that
 21 said, We may make further inquiry of you, but at
 22 this time your inactive license -- not license --
 23 certificate, your inactive certificate is being
 24 renewed. And they expressed appreciation for the
 25 ability to go in and -- they expressed appreciation

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1 for what I sent them.
 2 **Q. Can you describe to me what you believe**
 3 **your professional reputation is right now as a**
 4 **result of these either regulatory actions taken**
 5 **against you or as a result of the defamation claims**
 6 **that you talked about?**
 7 A. Well, my professional reputation
 8 amongst those who know me is stellar. If an
 9 outside party said, Gee, I want to examine Robert
 10 Burns' auctioneer file, there's stuff in there that
 11 I don't want them seeing and there's nothing I can
 12 do about it. It's public record.
 13 **Q. So but my question is, have you had a**
 14 **conversation with anyone that says, Robert, I've**
 15 **read about this. I've heard about this. I've**
 16 **gotten information about these?**
 17 **First, let's talk about the actual**
 18 **complaint filed with the commission or with the**
 19 **board. Has anyone spoken to you about that?**
 20 A. Meaning has anybody said, Gee, I found
 21 this? No.
 22 **Q. To what third parties are you aware**
 23 **that any information, that you believe to be**
 24 **defamatory, has been communicated to any third**
 25 **party?**

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1 A. The world. It's in my auctioneer file.
 2 Anybody who wants to come in and see it. There's
 3 absolutely nothing I can do to keep them from
 4 getting it.
 5 **Q. Are you aware -- other than in your**
 6 **auctioneer's licensing file -- and what is in that**
 7 **file?**
 8 A. Well, I haven't requested it lately but
 9 I would assume all of this (indicating), especially
 10 that July 23rd letter that references me being --
 11 or alleged to be incompetent and grossly negligent.
 12 **Q. And what letter was that, by whom?**
 13 A. Like I said, no one was willing to sign
 14 this. It came from your office. I'll have to get
 15 you the exhibit number. It is D -- Defendant #4.
 16 It's the backup to Defendant #4. Well, I'm sorry,
 17 that's not right. That's the complaint. Hold on.
 18 Maybe the July 23rd letter. This is July 20th. I
 19 could have sworn your letter was July 23rd. Did
 20 you send me a letter -- I guess you don't have to
 21 answer but --
 22 I don't know that it's here in front of
 23 me, Mr. Bankston, because July 23rd sure is -- or
 24 20 -- no, wait a minute. May. May. That's why.
 25 I'm talking about the wrong month. This is not --

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1 this is just -- July 12th. Just hang tight. I
 2 know if I had my computer screen up, I could pull
 3 it up right away.
 4 At this time I'm going to pause and say
 5 I know I have one.
 6 **Q. In which what?**
 7 A. In which the allegation is being made
 8 that I am incompetent, grossly negligent,
 9 disseminating out false and misleading reports.
 10 **Q. And who would that have come from?**
 11 A. Well, like I said, it said for the
 12 board and that -- that one, I think, is on here and
 13 nobody signed it.
 14 **Q. Let's look at that a second.**
 15 A. Notice of failure to comply, that's
 16 #D4. Do you want it?
 17 **Q. So the language in here that you find**
 18 **defamatory is --**
 19 A. No, that's not the one I'm referencing,
 20 so.
 21 **Q. That's not?**
 22 A. That's not the one I'm referencing, but
 23 I pointed that one out as saying that's one that's
 24 not signed.
 25 **Q. So this one, in your opinion, is not**

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1 **defamatory?**
 2 A. Well, I think that one doesn't do
 3 anything but make reference to Mr. Peck's
 4 complaint. Am I correct?
 5 **Q. It says, On May 7, 2012, an auctioneer**
 6 **consumer complaint was filed against you. The**
 7 **complaint, attached hereto, and alleges that on**
 8 **such and such a date, you know, false statements**
 9 **were made. It alleges that. Is that what you're**
 10 **calling defamatory?**
 11 A. No. He's free to allege anything he
 12 wants. He's a member of the public.
 13 **Q. Okay. Is there anything else that you**
 14 **are aware of -- are you talking about the amended**
 15 **complaint?**
 16 A. That's probably what I'm having
 17 reference to. And I'll let you --
 18 **Q. Okay. Back on. In the Notice of**
 19 **Hearing, which is marked as Exhibit #D7, I'll ask**
 20 **you to look at that. And then also #D8, which is**
 21 **the amended --**
 22 A. Yes, this one clearly is the one that
 23 makes reference to -- at least one of the ones I
 24 got that makes reference to -- I didn't mean to
 25 interrupt you, Mr. Bankston.

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1 **Q. Go ahead.**
 2 A. Well, obviously there must have been
 3 another one because this one makes -- does make
 4 reference to -- yes, it's got the incompetency and
 5 gross negligence. It's got incompetency and gross
 6 negligence, providing false testimony before the
 7 board -- even though before September 17th I was
 8 never sworn in for any statement that was made
 9 before the board -- rendering, submitting,
 10 subscribing or verifying false, deceptive or
 11 misleading or unfounded opinions or reports.
 12 **Q. Are you alleging that -- the**
 13 **referencing of the fact that it says, These acts**
 14 **may be in violation of these following statutes,**
 15 **are you alleging that that is defamatory?**
 16 A. Yes.
 17 **Q. Then in the #D8, which is the Anna Dow**
 18 **additional information, which this act may be in**
 19 **violation, efforts to deceive or defraud the public**
 20 **and another statute referenced. Are you alleging**
 21 **that these statements or these statements of**
 22 **allegations against you are, in fact, defamatory?**
 23 A. Most definitely, because you are
 24 painting the picture that I have violated some
 25 auction standard by my mere right to express an

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1 opinion that I don't think that is a desirable
 2 setup. So, yes, I most certainly think that's
 3 defamatory, because it is creating the perception
 4 that I have violated an auctioneer statute, that
 5 required the ultimate reach on the part of this
 6 board. The short answer to your question is yes.
 7 **Q. And let me ask you, on the issue of**
 8 **access to your file with the auctioneers licensing**
 9 **board, are you aware of anybody requesting your**
 10 **file?**
 11 A. No. But there would be no obligation
 12 for me to be informed of that.
 13 **Q. And in reference to --**
 14 A. And I'm quite certain that I would not
 15 be informed, so.
 16 **Q. So we've talked about your professional**
 17 **-- what would you call your profession right now?**
 18 A. What would I call my profession?
 19 **Q. If you had a profession?**
 20 A. I consider myself retired.
 21 **Q. And have any of those allegations that**
 22 **you say in #D8 or #7 affected your professional**
 23 **reputation as a retiree?**
 24 A. I have gone out of my way to provide --
 25 to provide the defenses that would counter.

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1 **Q. Just answer --**
 2 A. No.
 3 **Q. -- the question.**
 4 A. No.
 5 **Q. Okay. And you can explain it, but just**
 6 **answer the question, if you would.**
 7 **And in reference to your personal**
 8 **reputation, which may -- may or may not be**
 9 **different, do you view your personal reputation to**
 10 **be different than your professional reputation?**
 11 A. No.
 12 **Q. And are you aware, other than what**
 13 **we've talked about, #7 and #8, of any -- and also,**
 14 **of course, the comments made by Ms. Jacobs later on**
 15 **and Mr. Bordelon later on, anything that would have**
 16 **damaged your personal reputation?**
 17 A. Help me out. When you say --
 18 **Q. We've talked about #7 and #8.**
 19 A. Yes. Uh-huh.
 20 **Q. We've talked about Ms. Jacobs.**
 21 A. Yes.
 22 **Q. And we've talked about Mr. Bordelon.**
 23 A. Yes.
 24 **Q. Is there anything additionally that you**
 25 **believe has defamed you in the sense of hurting**

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1 **your personal reputation?**
 2 A. Not that would rise to that magnitude,
 3 no. I mean, there have been statements made that
 4 -- I realize people make statements that -- and,
 5 you know, I make statements that in a harsh -- in a
 6 -- I don't know what's the right word -- a moment
 7 of heated board meeting, that some statements may
 8 have been made that -- that probably weren't
 9 intended. I would hope not.
 10 **Q. And what about in the -- in your**
 11 **subsequent suit for defamation, you have sued**
 12 **Ms. Steinkamp, correct?**
 13 A. Yes.
 14 **Q. And what items of defamation has she**
 15 **been involved with as it relates to you?**
 16 A. Because she has -- according to your
 17 letter, she is the one who made the decision to put
 18 the blatant payroll fraud aspect out here, thereby
 19 resulting in the things you have just itemized,
 20 that I'm incompetent, that I am grossly negligent,
 21 that I have been distributing out false and
 22 misleading reports. All of which I think the
 23 Inspector General's report of December 9, 2013
 24 validate my position, not hers, or not -- not the
 25 collective defendants.

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1 **Q. So the mere fact that she authorized or**
 2 **may have participated in some form or fashion the**
 3 **actual filing of the complaint -- not the filing of**
 4 **the complaint, but of actually placing the**
 5 **complaint issue for hearing was defamatory?**
 6 A. The -- as you well know, Mr. Bankston,
 7 the purpose of a hearing is to take action against
 8 someone's license. When you do that, when you have
 9 no foundation whatsoever, and I certainly do allege
 10 that she did that, in this situation, yes.
 11 **Q. Okay. So the answer would be yes, that**
 12 **the actions that she took to have the item placed**
 13 **on the agenda for consideration for the full board**
 14 **was her defamatory actions against you?**
 15 A. Yes.
 16 **Q. Anything else in reference to her?**
 17 A. Well, it would not fall within the
 18 prescription period but, yes, she made statements
 19 with regard to me, personal statements. She's made
 20 many with regard to Reverend Phillips but, yes, she
 21 made statements, you know, that said I was a snake
 22 in the grass. In fact, we can get the audio. I
 23 know I can get that audio. I know the exact board
 24 meeting it took place, that she said I was a slimy
 25 snake in the grass, Mr. Bankston.

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1 **Q. And when was that, approximately? Was**
 2 **that --**
 3 A. January 2009.
 4 **Q. So that clearly had prescribed --**
 5 A. Yes.
 6 **Q. -- by January 2010?**
 7 A. Yes.
 8 **Q. Anything else?**
 9 A. As I said, I would hope she would have
 10 retracted that statement; she didn't. But those
 11 type comments Ms. Steinkamp will frequently shoot
 12 off, you know. I would assume that, as I said,
 13 that was a time that she had an outburst that --
 14 and there's a difference between a personal attack,
 15 which is what that was, and taking it to the level
 16 of going against someone's license.
 17 **Q. So anything else, other than going**
 18 **against the license that we're talking about here,**
 19 **being in the defamation we're talking about as it**
 20 **relates to Tessa Steinkamp?**
 21 A. I don't recall anything off the top of
 22 my head.
 23 **Q. Okay. I don't see anything in the**
 24 **pleadings on that particular defamation case in**
 25 **which -- other than the actual placement of the**

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1 **item on the agenda as it relates to her. Is that a**
 2 **fair statement?**
 3 A. Yes.
 4 **Q. All right. What about Hal McMillin as**
 5 **a result of any comments he's made that have been**
 6 **defamatory?**
 7 A. Well, Mr. McMillin made the comment
 8 that -- and that was in the January 8th and it's in
 9 the transcript -- that the board taking the
 10 position of issuing the public reprimand was, in
 11 his mind, an extension of an olive branch. Now,
 12 that is a clear indication that, Hey, we're letting
 13 you slide on something. You're lucky. We're
 14 trying to work with you. And creates the
 15 perception that I was somehow in the wrong and I
 16 take -- I take offense to it and, yes, I believe
 17 that's defamatory.
 18 **Q. So his reference to making an**
 19 **olive-branch extension to you was what you thought**
 20 **was defamatory that he made?**
 21 A. Yes. It's an indication that -- that
 22 -- as Ms. Jacobs said, You're lucky we didn't take
 23 your license.
 24 **Q. What about the mere fact that he voted**
 25 **to publicly reprimand you?**

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1 A. Well, clearly --

2 **Q. That would be defamation?**

3 A. -- that would be, yes, stating the

4 obvious there.

5 **Q. And what about Mr. Sims, other than**

6 **voting to reprimand you, was there anything in**

7 **addition?**

8 A. Yes, Mr. Sims has made numerous

9 statements. Mr. Sims has said, We didn't have all

10 of these problems until you got on the board. And

11 Mr. Sims said, You videotaping these meetings is

12 unprofessional. He did apologize subsequently. I

13 will give him that.

14 **Q. I'm looking for stuff that you believe**

15 **-- that you would say is defamation?**

16 A. Well, I believe making a statement that

17 I'm acting unprofessionally in exercising my right

18 to videotape meetings is defamation.

19 **Q. Okay.**

20 A. We can, you know -- you and I can

21 disagree on that, but I put that out there for a

22 reason.

23 **Q. And when did he make this comment about**

24 **being unprofessional in taping --**

25 A. It was either September or November of

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1 ahead.

2 **Q. That was back in -- prior to --**

3 A. Yes, that's correct. Right.

4 **Q. So that's prescribed, correct?**

5 A. Yes.

6 **Q. So as it relates to the lawsuit, year**

7 **before, other than Mr. Brister voting to publicly**

8 **reprimand you, was there any other defamation that**

9 **you recall?**

10 A. Only as part of his statement in that

11 -- and it's all part of that same meeting. He

12 turned around with an angry look on his face, as

13 captioned on the camera, and said, I'll just say

14 you're looking for a reason to sue.

15 **Q. And when was that?**

16 A. Again, it was either that September or

17 November of 2011. I think it was September.

18 **Q. So that's prescribed too?**

19 A. Yes. Yes.

20 **Q. So I'm just trying to make sure I'm**

21 **clear. For Mr. Brister, other than his actual vote**

22 **to publicly reprimand you, there are no other**

23 **actions, that you're aware of, as far as defamation**

24 **concerning Mr. Brister?**

25 A. That is correct. Mr. Brister, as I

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1 2011.

2 **Q. So that was beyond the prescriptive**

3 **period here?**

4 A. Yes.

5 **Q. So those comments have prescribed,**

6 **correct?**

7 A. Yes.

8 **Q. Anything within the time frame of this**

9 **lawsuit, within the preceding year of the lawsuit,**

10 **in which Mr. Sims would have made that such comment**

11 **that you would deem to be defamation?**

12 A. I don't -- I can't give you a specific

13 example at this time.

14 **Q. Okay. So all we have, as it relates to**

15 **Mr. Sims, is the fact that he, in fact, did vote**

16 **for the public reprimand?**

17 A. Yes.

18 **Q. What about Mr. Brister?**

19 A. Mr. Brister almost never opens his

20 mouth, ever. So it would be -- the only thing

21 Mr. Brister ever said was, he too chimed in with

22 James Sims and saying that -- that he didn't think

23 this was professional, recording the videos.

24 **Q. That was --**

25 A. That's one of the few -- I'm sorry. Go

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1 said, very rarely speaks.

2 **Q. And we've gone over Tessa already.**

3 **We've done -- who else is left in your**

4 **defamation --**

5 A. Ms. Jacobs. Ms. Jacobs, I guess.

6 **Q. Ms. Jacobs. And other than the**

7 **comments that she made in the January 8th or in the**

8 **September 17th --**

9 A. No, I don't recall anything Ms. Jacobs

10 has said in that regard.

11 **Q. And her actual vote to publicly**

12 **reprimand you, you believe is also an act of**

13 **defamation?**

14 A. Well, sure, in addition to the

15 statements that she said, which she was purporting

16 to be speaking on behalf of the entire board, and

17 obviously -- although she went out of her way to

18 say she didn't agree with yanking the license. In

19 fact, she told me that it was she who -- now,

20 whether she did or not, I don't know. I wasn't in

21 there. That's one thing why I object so

22 strenuously being in executive session. She said

23 she -- and I'm quoting her -- had to go to bat to

24 save my license.

25 **Q. So we've talked about all the board**

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1 members. Now, in reference to this law firm, is
 2 the preparation of -- if it comes to be known that
 3 the preparation of Exhibit #8 and Exhibit #7, those
 4 are the two ones, were transmitted to you by this
 5 office, is that the act of defamation that you
 6 believe took place as it relates to Bankston and
 7 Associates and Larry S. Bankston?
 8 A. Well, that and your --
 9 Q. That's yes?
 10 A. Yes.
 11 Q. So these two items or the fact that you
 12 had received notice that these items had been
 13 placed for hearing are, in fact, acts of defamation
 14 against you?
 15 A. Given that --
 16 Q. Is that yes?
 17 A. Yes.
 18 Q. Okay. Now, go ahead.
 19 A. Given that -- and I did not look at the
 20 documents you just referenced but I'm going to take
 21 it on -- that one of them clearly references the
 22 blatant payroll fraud. Am I correct?
 23 Q. I think that item actually is -- that
 24 is Exhibit #6. So it would be #5, #6 -- #6, #7 and
 25 #8, this is the reference to the blatant payroll

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1 fraud by this office to you?
 2 A. Yes.
 3 Q. So #5, #6 -- #6, #7 and #8 were the
 4 exhibits we just talked about?
 5 A. If -- if those are the ones and I'm
 6 taking it on faith that you've got them all
 7 covered, yes.
 8 Q. So each -- the letter about the blatant
 9 payroll fraud, the thing from Peck and also the
 10 Anna Dow were all, in your mind, defamation by this
 11 office related to you?
 12 A. Yes, and particularly more so the two
 13 of the three. The Peck matter, he has a right to
 14 file that. Thereafter, this board has an
 15 obligation, as it seems to have done for every
 16 other licensee, there's extensive investigation
 17 before a hearing is held, you know.
 18 Q. So you fault the board for not doing an
 19 extensive investigation --
 20 A. Or you.
 21 Q. -- of these --
 22 A. Whoever --
 23 Q. Let's first --
 24 A. Yeah. Go ahead.
 25 Q. Extensive -- obligation by the board to

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1 do an extensive investigation, you fault the board
 2 for that?
 3 A. Yes.
 4 Q. And in reference to this office not
 5 doing an extensive investigation, you fault the
 6 board for that --
 7 A. I fault --
 8 Q. You fault me for that?
 9 A. I fault either you or this office for
 10 not going to Ms. Edmonds and saying, Ms. Edmonds,
 11 are you going on vacations and reporting to be on
 12 the clock? Which, incidentally, she did the very
 13 day after you were hired to pursue this matter,
 14 which proves the totality of everything, so yes.
 15 Q. Now, anything other than #5, #6 and #7
 16 as it relates to this office?
 17 A. No. I think that's it.
 18 Q. Were there any specific words, other
 19 than what's been discussed in reference to
 20 Ms. Jacobs and also in reference to Mr. Sims, by
 21 this office at the hearings that you thought was
 22 defamatory, in either the September or the
 23 January 8th?
 24 A. Well, first I want to correct one
 25 previous statement that I made. You did make the

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1 statement, Mr. Bankston, I have it on video but you
 2 immediately retracted it and that's another
 3 situation that I'm referencing of people saying
 4 things on the spur and you retracted it
 5 immediately, which was that I was responsible for
 6 the security being there. But you immediately
 7 backed off on that. You said that there was --
 8 that I had an obligation to be respectful of the
 9 meeting and you said, And you have been. So now --
 10 and I was distracted in thinking of that, so can
 11 you repeat the question you just asked me of the
 12 current question?
 13 Q. So that issue is not an issue for you?
 14 A. No, because you immediately retracted
 15 it, and I appreciate you doing that.
 16 Q. The question was, either at the
 17 September -- let's first talk about the
 18 September 18th hearing. Were there any words used
 19 by this office, by me, that you thought were, in
 20 fact, defamatory in the transcript of that hearing?
 21 A. Yes.
 22 Q. What?
 23 A. Your wording that there is no question
 24 that Mr. Burns' statement that this -- the
 25 executive director of this agency is engaging in

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1 blatant payroll (sic) and then to continue to
 2 assess, through pleadings and -- and then I forget
 3 your exact wording thereafter. There's no question
 4 that that's false and misleading, and I believe the
 5 Inspector General's report would contradict that.
 6 I think they found quite a bit of substance as
 7 evidenced by their report.
 8 **Q. Anything else?**
 9 A. At that hearing?
 10 **Q. Yes.**
 11 A. I don't recall anything off the -- you
 12 know.
 13 **Q. And then on the January 8, 2013, there**
 14 **was limited discussions there. So was there --**
 15 A. Very.
 16 **Q. -- anything that was defamatory by this**
 17 **office?**
 18 A. Oh, by yours, no. No.
 19 **Q. All right. I am -- I am finished.**
 20 A. Really?
 21 **MR. BANKSTON:**
 22 That's all I have.
 23 **THE VIDEOGRAPHER:**
 24 Okay. Stand by. We're
 25 going off the record. This concludes the

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1 I have read the above and foregoing
 2 testimony given by me and the same is true and
 3 correct subject to attached changes, if any.
 4
 5 Changes attached: Yes
 6 () No
 7
 8
 9 ROBERT EDWIN BURNS
 10 *Robert Edwin Burns*
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1 deposition. We're going off at 12:54.
 2 (End of proceedings.)
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1 REPORTER'S CERTIFICATE
 2
 3 This certification is valid only for a
 4 transcript accompanied by my original signature and
 5 original required seal on this page.
 6 I, Suzanne Edmonson, Certified Court
 7 Reporter in and for the State of Louisiana, as the
 8 officer before whom this testimony was taken, do
 9 hereby certify that ROBERT BURNS, after having been
 10 first duly sworn by me upon authority of R.S.
 11 37:2554, did testify as hereinabove set forth in
 12 the foregoing 151 pages; that the testimony was
 13 reported by me in stenographic machine shorthand,
 14 by Computer-Aided Transcription, was prepared or
 15 transcribed by me, or under my personal direction
 16 and supervision, and is a true and correct
 17 transcript to the best of my ability and
 18 understanding; that the transcript has been
 19 prepared in compliance with transcript format
 20 guidelines required by statute or by rules of the
 21 board; that I have acted in compliance with the
 22 prohibition on contractual relationships, as
 23 defined by Louisiana Code of Civil Procedure
 24 Article 1434 and in rules and advisory opinions of
 25 the board; that I am not related to counsel or to

1 the parties herein, nor am I otherwise interested
2 in the outcome of this matter.

3
4 Signed: February 17, 2014

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8
9 Suzanne Edmonson, 91287
Certified Court Reporter
in and for the State of Louisiana

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