

August 3, 2009

To: Auctioneers' Licensing Board  
From: Sandy Edmonds

Proposal to fill open position of Executive Assistant

My hours will be flexible and will involve working from home as well as the office. The phone will be answered between 8-3 and most times later. Typically, when it rings- I answer.

The phone will be forwarded to a board owned cell phone. The purchase of a cell phone will be less than \$50, with a monthly rate of \$40.00. This will in turn cause the office phone bill to go down since your office phone plan is based on usage through the state.

I will use the existing laptop to maintain files. I understand your server is going out and propose not replacing it. Instead I recommend purchasing an external hard drive for \$110. All files will be stored on the external hard drive with back ups on the office desktop and laptop computers. The data will be stored in 3 places at all times.

Even when I go on vacation, you don't need to worry about the office. I take the cell phone and laptop with me. Everything is still taken care of in a timely fashion.

I propose a locking mail box added to the entrance of the building for any items that are hand delivered. The locking mailbox cost will not exceed \$100.00.

I am requesting an annual salary of \$20,000 which breaks down to 1666/month. This fee will cover all work done regardless of whether it is renewal season or not. Since I have a retirement account through another agency, I am not asking for LASERS contributions or any other paid benefits. Leave and sick hours will be accrued based on state guidelines. I believe this will give you a substantial savings over your current payroll/LASERS contributions.

I look forward to getting started on Monday, August 10, 2009 pending board approval.

Please feel free to contact me for any additional information or questions you may need.

Thank you,  
Sandy

225-673-3642 home  
225-763-5550 work

P-18

1. Persons engaged in selling (or soliciting the sale of) consumer products in the home or place of business other than in a permanent retail establishment.
2. Persons engaged in selling (or soliciting the sale of) consumer products to any buyer on a buy-sell basis, a deposit-commission basis, or any similar basis prescribed by regulations, for resale in the home or at a place of business other than in a permanent retail establishment.
3. Persons engaged in the trade or business of delivering or distributing newspapers or shopping news (including any services directly related to such delivery or distribution).

Direct selling includes activities of individuals who attempt to increase direct sales activities of their direct sellers and who earn income based on the productivity of their direct sellers. Such activities include providing motivation and encouragement; imparting skills, knowledge, or experience; and recruiting.

**Licensed real estate agents.** This category includes individuals engaged in appraisal activities for real estate sales if they earn income based on sales or other output.

**Companion sitters.** Companion sitters are individuals who furnish personal attendance, companionship, or household care services to children or to individuals who are elderly or disabled. A person engaged in the trade or business of putting the sitters in touch with individuals who wish to employ them (that is, a companion sitting placement service) will not be treated as the employer of the sitters if that person does not receive or pay the salary or wages of the sitters and is compensated by the sitters or the persons who employ them on a fee basis. Companion sitters who are not employees of a companion sitting placement service are generally treated as self-employed for all federal tax purposes.

## Misclassification of Employees

**Consequences of treating an employee as an independent contractor.** If you classify an employee as an independent contractor and you have no reasonable basis for doing so, you are liable for employment taxes for that worker (the relief provision, discussed below, will not apply). See section 2 in Publication 15 (Circular E) for more information.

**Relief provision.** If you have a reasonable basis for not treating a worker as an employee, you may be relieved from having to pay employment taxes for that worker. To get this relief, you must file all required federal information returns on a basis consistent with your treatment of the worker. You (or your predecessor) must not have treated any worker holding a substantially similar position as an employee for any periods beginning after 1977.

**Technical service specialists.** This relief provision does not apply for a technical services specialist you provide to another business under an arrangement between you and the other business. A technical service specialist

is an engineer, designer, drafter, computer programmer, systems analyst, or other similarly skilled worker engaged in a similar line of work.

This limit on the application of the rule does not affect the determination of whether such workers are employees under the common-law rules. The common-law rules control whether the specialist is treated as an employee or an independent contractor. However, if you directly contract with a technical service specialist to provide services for your business and not for another business, you may still be entitled to the relief provision.

**Test proctors and room supervisors.** The consistent treatment requirement does not apply to services performed after December 31, 2006, by an individual as a test proctor or room supervisor assisting in the administration of college entrance or placement examinations if the individual:

- Is performing the services for a section 501(c) organization exempt from tax under section 501(a) of the code, and
- Is not otherwise treated as an employee of the organization for employment taxes.

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## 2. Employee or Independent Contractor?

An employer must generally withhold federal income taxes, withhold and pay social security and Medicare taxes, and pay unemployment tax on wages paid to an employee. An employer does not generally have to withhold or pay any federal taxes on payments to independent contractors.

### Common-Law Rules

To determine whether an individual is an employee or an independent contractor under the common law, the relationship of the worker and the business must be examined. In any employee-independent contractor determination, all information that provides evidence of the degree of control and the degree of independence must be considered.

Facts that provide evidence of the degree of control and independence fall into three categories: behavioral control, financial control, and the type of relationship of the parties. These facts are discussed below.

**Behavioral control.** Facts that show whether the business has a right to direct and control how the worker does the task for which the worker is hired include the type and degree of:

**Instructions that the business gives to the worker.**

An employee is generally subject to the business' instructions about when, where, and how to work. All of the following are examples of types of instructions about how to do work.

- When and where to do the work.



- What tools or equipment to use.
- What workers to hire or to assist with the work.
- Where to purchase supplies and services.
- What work must be performed by a specified individual.
- What order or sequence to follow.

The amount of instruction needed varies among different jobs. Even if no instructions are given, sufficient behavioral control may exist if the employer has the right to control how the work results are achieved. A business may lack the knowledge to instruct some highly specialized professionals; in other cases, the task may require little or no instruction. The key consideration is whether the business has retained the right to control the details of a worker's performance or instead has given up that right.

**Training that the business gives to the worker.** An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods.

**Financial control.** Facts that show whether the business has a right to control the business aspects of the worker's job include:

**The extent to which the worker has unreimbursed business expenses.** Independent contractors are more likely to have unreimbursed expenses than are employees. Fixed ongoing costs that are incurred regardless of whether work is currently being performed are especially important. However, employees may also incur unreimbursed expenses in connection with the services that they perform for their employer.

**The extent of the worker's investment.** An independent contractor often has a significant investment in the facilities or tools he or she uses in performing services for someone else. However, a significant investment is not necessary for independent contractor status.

**The extent to which the worker makes his or her services available to the relevant market.** An independent contractor is generally free to seek out business opportunities. Independent contractors often advertise, maintain a visible business location, and are available to work in the relevant market.

**How the business pays the worker.** An employee is generally guaranteed a regular wage amount for an hourly, weekly, or other period of time. This usually indicates that a worker is an employee, even when the wage or salary is supplemented by a commission. An independent contractor is often paid a flat fee or on a time and materials basis for the job. However, it is common in some professions, such as law, to pay independent contractors hourly.

**The extent to which the worker can realize a profit or loss.** An independent contractor can make a profit or loss.

**Type of relationship.** Facts that show the parties' type of relationship include:

- **Written contracts describing the relationship the parties intended to create.**
- **Whether or not the business provides the worker with employee-type benefits, such as insurance, a pension plan, vacation pay, or sick pay.**
- **The permanency of the relationship.** If you engage a worker with the expectation that the relationship will continue indefinitely, rather than for a specific project or period, this is generally considered evidence that your intent was to create an employer-employee relationship.
- **The extent to which services performed by the worker are a key aspect of the regular business of the company.** If a worker provides services that are a key aspect of your regular business activity, it is more likely that you will have the right to direct and control his or her activities. For example, if a law firm hires an attorney, it is likely that it will present the attorney's work as its own and would have the right to control or direct that work. This would indicate an employer-employee relationship.

**IRS help.** If you want the IRS to determine whether or not a worker is an employee, file Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, with the IRS.

## Industry Examples

The following examples may help you properly classify your workers:

### Building and Construction Industry

**Example 1.** Jerry Jones has an agreement with Wilma White to supervise the remodeling of her house. She did not advance funds to help him carry on the work. She makes direct payments to the suppliers for all necessary materials. She carries liability and workers' compensation insurance covering Jerry and others that he engaged to assist him. She pays them an hourly rate and exercises almost constant supervision over the work. Jerry is not free to transfer his assistants to other jobs. He may not work on other jobs while working for Wilma. He assumes no responsibility to complete the work and will incur no contractual liability if he fails to do so. He and his assistants perform personal services for hourly wages. Jerry Jones and his assistants are employees of Wilma White.

**Example 2.** Milton Manning, an experienced tile setter, orally agreed with a corporation to perform full-time services at construction sites. He uses his own tools and performs services in the order designated by the corporation and according to its specifications. The corporation supplies all materials, makes frequent inspections of his work, pays him on a piecework basis, and carries workers' compensation insurance on him. He does not have a place of business or hold himself out to perform similar services



*Louisiana*  
Office of the Governor  
Auctioneers Licensing Board

Bobby Jindal  
Governor

October 21, 2010

Mr. Robert Burns  
4155 Essen Lane, # 228  
Baton Rouge, LA 70809

5222 Summa Court  
Suite 352  
Baton Rouge, LA 70809

Telephone: 225.763.5568  
Fax: 225.763.5598

Email: [admin@LALB.org](mailto:admin@LALB.org)  
Web Address: [www.LALB.org](http://www.LALB.org)

Dear Mr. Burns,

In response to your public records request:

1. The time and attendance records for LALB Executive Assistant Sandy Edmonds. Please refer to the attached proposal which was accepted August 17, 2009 in which you were in attendance as a voting member.
2. Records of annual leave accumulation for LALB Executive Assistant Sandy Edmonds. Please refer to the attached calculation based on working 15 hours per week. Weekly hours regularly exceed this calculation.
3. Records of annual leave taken (leave slips) for LALB Executive Assistant Sandy Edmonds. Leave slips are not required.
4. The effective date of hire of LALB Executive Assistant Sandy Edmonds. Date of hire effective August 10, 2009 – please refer to the attached proposal which was accepted August 17, 2009.
5. The current hourly rate of pay for LALB Executive Assistant Sandy Edmonds. The annual salary is \$20,000. Please refer to the attached proposal accepted on August 17, 2009.
6. The number of hours per week that LALB Executive Assistant Sandy Edmonds works for the agency. Please refer to the attached proposal which was accepted August 17, 2009.
7. The official hours that the LALB Office is open to the public. Please refer to the attached proposal which was accepted on August 17, 2009.

Regards,

*Sandy Edmonds*

Sandy Edmonds

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED



Sandy Edmonds						
PP Ending	Hrs Wkd.	Rate	An. Earned	Balance	Sick Earned	Sick Bal
8/16/2009	15	0.0461	0.692	0.692	0.692	0.692
8/30/2009	30	0.0461	1.383	2.075	1.383	2.075
9/13/2009	30	0.0461	1.383	3.458	1.383	3.458
9/27/2009	30	0.0461	1.383	4.841	1.383	4.841
10/11/2009	30	0.0461	1.383	6.224	1.383	6.224
10/25/2009	30	0.0461	1.383	7.607	1.383	7.607
11/8/2009	30	0.0461	1.383	8.990	1.383	8.990
11/25/2009	30	0.0461	1.383	10.373	1.383	10.373
12/6/2009	30	0.0461	1.383	11.756	1.383	11.756
12/20/2009	30	0.0461	1.383	13.139	1.383	13.139
1/3/2010	30	0.0461	1.383	14.522	1.383	14.522
1/17/2010	30	0.0461	1.383	15.905	1.383	15.905
1/31/2010	30	0.0461	1.383	17.288	1.383	17.288
2/14/2010	30	0.0461	1.383	18.671	1.383	18.671
2/28/2010	30	0.0576	1.728	20.399	1.728	20.399
3/14/2010	30	0.0576	1.728	22.127	1.728	22.127
3/28/2010	30	0.0576	1.728	23.855	1.728	23.855
4/11/2010	30	0.0576	1.728	25.583	1.728	25.583
4/25/2010	30	0.0576	1.728	27.311	1.728	27.311
5/9/2010	30	0.0576	1.728	29.039	1.728	29.039
5/23/2010	30	0.0576	1.728	30.767	1.728	30.767
6/6/2010	30	0.0576	1.728	32.495	1.728	32.495
6/20/2010	30	0.0576	1.728	34.223	1.728	34.223
7/4/2010	30	0.0576	1.728	35.951	1.728	35.951
7/18/2010	30	0.0576	1.728	37.679	1.728	37.679
8/1/2010	30	0.0576	1.728	39.407	1.728	39.407
8/15/2010	30	0.0576	1.728	41.135	1.728	41.135
8/29/2010	30	0.0576	1.728	42.863	1.728	42.863
9/12/2010	30	0.0576	1.728	44.591	1.728	44.591
9/26/2010	30	0.0576	1.728	46.319	1.728	46.319
10/10/2010	30	0.0576	1.728	48.047	1.728	48.047

3 year anniversay with state- rate of leave changes



*Louisiana*  
 Office of the Governor  
 State Board of Examiners  
 of Interior Designers

Governor  
 Bobby Jindal

November 5, 2010

Mr. Freddie Phillips  
 8055 Hanks Drive  
 Baton Rouge, LA 70812

Mr. Phillips,

In response to your public records request dated November 1, 2010:

BOARD MEMBERS

CHAIR  
 Deborah Steinmetz, FIDA, FASID

VICE CHAIR  
 L. Ritchie, IDEC

TREASURER  
 Robert C. King, ASID

SECRETARY  
 Carolyn Sawyer, ASID

Deborah Carbo, FIDA

Debra Hazel

Dr. Ann Hymel

EXECUTIVE DIRECTOR  
 Sandy Edmonds

LEGAL COUNSEL  
 Anna E. Dow

1. The time and attendance records for Interior Design Board Executive Assistant Sandy Edmonds.  
The agency does not require these records.
2. Records of annual leave accumulation for Sandy Edmonds.  
Please refer to the attached calculation.
3. Records of annual leave taken (leave slips) Sandy Edmonds.  
The agency does not require leave slips.
4. The effective date of hire of Sandy Edmonds.  
Date of hire February 10, 2007.
5. The current hourly rate of pay for Sandy Edmonds.  
The hourly rate of pay is \$25/hour.
6. The number of hours per week that Sandy Edmonds works for the agency.  
Mrs. Edmonds' compensation is based on a 25 hour work week, never more, never less.
7. The official hours that the Interior Design Board Office is open to the public.  
Mrs. Edmonds' hours are flexible and involve working from home as well as the office

Regards,

Deborah Steinmetz  
 Chair

Robert C. King  
 Treasurer

3222 Summa Court  
 Suite 358  
 Baton Rouge, LA 70809

Telephone: 225.763.5550  
 Fax: 225.763.5551

Email: [admin@LSBID.org](mailto:admin@LSBID.org)  
 Web Address: [www.lsbid.org](http://www.lsbid.org)

RECEIVED MAIL  
 TELETYPE UNIT

An Equal Opportunity Employer



Sandy Edmonds								
PP Ending	Hrs Wkd.	Rate	An. Earned	An. Used	Balance	Sick Earned	Sick Used	Sick Bal
2/28/2007	35.5	0.0461	1.637		1.637	1.637	0	1.637
3/18/2007	40	0.0461	1.844	o	3.481	1.844	0	3.481
4/1/2007	36.5	0.0461	1.683	o	5.163	1.683	0	5.163
4/15/2007	40	0.0461	1.844	o	7.007	1.844	0	7.007
4/29/2007	53	0.0461	2.443	o	9.451	2.443	0	9.451
5/13/2007	42.5	0.0461	1.959	o	11.410	1.959	0	11.410
5/27/2007	37.5	0.0461	1.729	o	13.139	1.729	0	13.139
6/10/2007	40	0.0461	1.844	o	14.983	1.844	0	14.983
6/24/2007	41	0.0461	1.890	o	16.873	1.890	0	16.873
7/8/2007	41	0.0461	1.890	o	18.763	1.890	0	18.763
7/22/2007	40	0.0461	1.844	o	20.607	1.844	0	20.607
8/5/2007	40	0.0461	1.844	o	22.451	1.844	0	22.451
8/19/2007	44.5	0.0461	2.051	o	24.502	2.051	0	24.502
9/2/2007	40	0.0461	1.844	o	26.346	1.844	0	26.346
9/16/2007	40	0.0461	1.844	o	28.190	1.844	0	28.190
9/30/2007	40	0.0461	1.844	o	30.034	1.844	0	30.034
10/14/2007	40	0.0461	1.844	o	31.878	1.844	0	31.878
10/28/2007	40	0.0461	1.844	o	33.722	1.844	0	33.722
11/11/2007	40	0.0461	1.844	o	35.566	1.844	0	35.566
11/25/2007	27.5	0.0461	1.268	o	36.834	1.268	0	36.834
12/9/2007	40	0.0461	1.844	o	38.678	1.844	0	38.678
12/23/2007	40	0.0461	1.844	o	40.522	1.844	0	40.522
1/6/2008	40	0.0461	1.844	o	42.366	1.844	0	42.366
1/20/2008	40	0.0461	1.844	o	44.210	1.844	0	44.210
2/3/2008	40	0.0461	1.844	o	46.054	1.844	0	46.054
2/17/2008	40	0.0461	1.844	o	47.898	1.844	0	47.898
3/2/2008	40	0.0461	1.844	o	49.742	1.844	0	49.742
3/16/2008	40	0.0461	1.844	o	51.586	1.844	0	51.586
3/30/2008	40	0.0461	1.844	o	53.430	1.844	0	53.430
4/14/2008	40	0.0461	1.844	o	55.274	1.844	0	55.274
4/27/2008	50	0.0461	2.305	0	57.579	2.305	0	57.579
5/11/2008	50	0.0461	2.305	0	59.884	2.305	0	59.884
5/25/2008	50	0.0461	2.305	0	62.189	2.305	0	62.189
6/8/2008	50	0.0461	2.305	0	64.494	2.305	0	64.494
6/22/2008	50	0.0461	2.305	0	66.799	2.305	0	66.799
7/6/2008	50	0.0461	2.305	0	69.104	2.305	0	69.104
7/20/2008	50	0.0461	2.305	0	71.409	2.305	0	71.409
8/3/2008	50	0.0461	2.305	0	73.714	2.305	0	73.714
8/17/2008	50	0.0461	2.305	0	76.019	2.305	0	76.019
8/31/2008	50	0.0461	2.305	0	78.324	2.305	0	78.324
9/14/2008	50	0.0461	2.305	0	80.629	2.305	0	80.629
9/28/2008	50	0.0461	2.305	0	82.934	2.305	0	82.934
10/12/2008	50	0.0461	2.305	0	85.239	2.305	0	85.239
10/26/2008	56	0.0461	2.582	0	87.821	2.582	0	87.821
11/9/2008	50	0.0461	2.305	0	90.126	2.305	0	90.126

11/23/2008	50	0.0461	2.305	0	92.431	2.305	0	92.431
12/7/2008	50	0.0461	2.305	0	94.736	2.305	0	94.736
12/21/2008	50	0.0461	2.305	0	97.041	2.305	0	97.041
1/4/2009	50	0.0461	2.305	0	99.346	2.305	0	99.346
1/18/2009	50	0.0461	2.305	0	101.651	2.305	0	101.651
2/1/2009	50	0.0461	2.305	0	103.956	2.305	0	103.956
2/15/2009	50	0.0461	2.305	0	106.261	2.305	0	106.261
3/1/2009	50	0.0461	2.305	0	108.566	2.305	0	108.566
3/15/2009	9	0.0461	0.415	0	108.980	0.415	41	67.980
3/29/2009	30	0.0461	1.383	0	110.363	1.383	20	49.363
4/12/2009	50	0.0461	2.305	0	112.668	2.305	0	51.668
4/26/2009	50	0.0461	2.305	0	114.973	2.305	0	53.973
5/10/2009	50	0.0461	2.305	0	117.278	2.305	0	56.278
5/24/2009	50	0.0461	2.305	0	119.583	2.305	0	58.583
6/7/2009	50	0.0461	2.305	20	121.888	2.305	0	60.888
6/21/2009	50	0.0461	2.305	0	124.193	2.305	0	63.193
7/5/2009	50	0.0461	2.305	0	126.498	2.305	0	65.498
7/19/2009	50	0.0461	2.305	0	128.803	2.305	0	67.803
8/2/2009	50	0.0461	2.305	0	131.108	2.305	0	70.108
8/16/2009	50	0.0461	2.305	0	133.413	2.305	0	72.413
8/30/2009	50	0.0461	2.305	0	135.718	2.305	0	74.718
9/13/2009	50	0.0461	2.305	0	138.023	2.305	0	77.023
9/27/2009	50	0.0461	2.305	0	140.328	2.305	0	79.328
10/11/2009	50	0.0461	2.305	0	142.633	2.305	0	81.633
10/25/2009	50	0.0461	2.305	0	144.938	2.305	0	83.938
11/8/2009	50	0.0461	2.305	0	147.243	2.305	0	86.243
11/25/2009	50	0.0461	2.305	0	149.548	2.305	0	88.548
12/6/2009	50	0.0461	2.305	0	151.853	2.305	0	90.853
12/20/2009	50	0.0461	2.305	0	154.158	2.305	0	93.158
1/3/2010	50	0.0461	2.305	0	156.463	2.305	0	95.463
1/17/2010	50	0.0461	2.305	0	158.768	2.305	0	97.768
1/31/2010	50	0.0461	2.305	0	161.073	2.305	0	100.073
2/14/2010	50	0.0461	2.305	0	163.378	2.305	0	102.378
2/28/2010	50	0.0461	2.305	0	165.683	2.305	0	104.683
3/14/2010	50	0.0461	2.305	0	167.988	2.305	0	106.988
3/28/2010	50	0.0461	2.305	0	170.293	2.305	0	109.293
11-Apr	50	0.0461	2.305	0	172.598	2.305	0	111.598
4/25/2010	50	0.0461	2.305	0	174.903	2.305	0	113.903
5/9/2010	50	0.0461	2.305	0	177.208	2.305	0	116.208
5/23/2010	50	0.0461	2.305	0	179.513	2.305	0	118.513
6/6/2010	50	0.0461	2.305	0	181.818	2.305	0	120.818
6/20/2010	50	0.0461	2.305	0	184.123	2.305	0	123.123
7/4/2010	50	0.0576	2.880	0	187.003	2.880	0	126.003
7/18/2010	50	0.0576	2.880	0	189.883	2.880	0	128.883
8/1/2010	50	0.0576	2.880	0	192.763	2.880	0	131.763
15-Aug	50	0.0576	2.880	0	195.643	2.880	0	134.643
8/29/2010	50	0.0576	2.880	0	198.523	2.880	0	137.523

9/12/2010	50	0.0576	2.880	0	201.403	2.880	0	140.403
9/26/2010	50	0.0576	2.880	0	204.283	2.880	0	143.283
10/10/2010	50	0.0576	2.880	0	207.163	2.880	0	146.163
10/24/2010	50	0.0576	2.880	0	210.043	2.880	0	149.043

<b>Board</b>	<b>PH #</b>	<b>Office Hrs</b>
Barbers Bd	925-1701	8-4 M-Th & 8-11 Fri
Chiropractic Bd	765-2322	830-430 M-F
Cosmetology Bd	756-3404	8-430 M-F
Dietetics/Nutritionists Bd	756-3490	8-430 M-F
Embalmers & Funeral Directors Bd	504-838-5109	9-4 M-F
Home Inspectors Bd	248-1334	8-430
License Practical Nurses Bd	765-2515	10:00-4:00 M-F
Massage Therapy Bd	771-4090	8-4 M-Th
Pharmacy Bd	925-6496	8-430 M-Th & 8-4 Fri
Plumbing Bd	756-3434	7-5 M-Th
Private Investigators	763-3556	8-430 M-F
Social Work Bd	756-3470	8-430 M-F
Speech & Lang Pathology Bd	756-3480	8-430 M-F
Veterinarian Bd	342-2176	8-430 M-F

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Board	PH #	Office Hrs	Paper T & A	# Empl	Leave Slips
Chiropractic Bd	765-2322	830-430 M-F	Yes.		3 T & A has leave on form and reviewed by Board.
Cosmetology Bd	756-3404	8-430 M-F	Yes.	26	Yes. (1)
Dietetics/Nutritionists Bd	756-3490	8-430 M-F	No.		1 No (2). Three boards all share space and use same payroll processor.
Embalmers & Funeral Directors Bd	504-838-5109	9-4 M-F	Yes.		4 T & A has leave on form. (3)
Home Inspectors Bd	248-1334	8-430	Yes.		1 T & A has leave on form. (4)
License Practical Nurses Bd	504-838-5791	10:00-4:00 M-F	Yes.	15	T & A has leave on form. (5)
Private Investigators	763-3556	8-430 M-F	Yes.		3 Yes and signed off by ED.
Social Work Bd	756-3470	8-430 M-F	No.		3 No (2). Three boards all share space and use same payroll processor.
Speech & Lang Pathology Bd	756-3480	8-430 M-F	No.		3 No (2). Three boards all share space and use same payroll processor.
Veterinarian Bd	342-2176	8-430 M-F	Yes.		2 Yes and signed off by ED.

- (1) Quick books (off-budget 7/1) but used same rigorous as before. Color coded calendar for Board review.
- (2) Outside payroll service. Netchex. T & A entered electronically directly by employee but printout reviewed by Administrator and submitted to Board.
- (3) Payroll maintained in-house and processed by one individual within agency.
- (4) Even though leave hours maintained on form, a handwritten unofficial document is executed and filed whenever leave is taken.
- (5) All reviewed before entered for payroll processing.
- (6) Entered directly into computer.

**AFFIDAVIT OF SHERRIE M WILKS**  
**OCTOBER 27, 2011**

STATE OF LOUISIANA

PARISH OF East Baton Rouge

On this 27th day of October, 2011,  
before me, Notary Public, in and for the Parish of East Baton Rouge  
                    , State of Louisiana, and in the presence of the undersigned witnesses personally  
appeared:

Sherrie M. Wilks, whose official street  
address is declared to be 14223 Harry Savoy Road  
                    , which is located in the city or town of St. Amant,  
Parish of Ascension in the State of Louisiana, and for which the zip code is 70774

Ms. Wilks stated before me that she served as Executive Director of the Louisiana Auctioneer's Licensing Board (LALB) from May 17, 1999 to August 7, 2009. She also indicated that the last 18 months of her tenure as Executive Director were very trying on her due to corruption which she observed transpiring regarding favoritism and inconsistent treatment of auctioneers regarding license law violations. She also indicated that she had observed theft of state funds through fraudulent submission of travel expenses which transpired by two LALB members, and which she reported both to LALB outside legal counsel, Anna Dow, and to the Governor's office. As a result of this, she was vilified and maligned.

Specifically, on January 15, 2008, Ms. Wilks stated that she observed two LALB members, Delmar "Buster" Gay, who was the Chairman of the LALB at the time, (and her direct supervisor) and Ray Camp, an LALB Consumer Member, exiting the building and riding together on their return trip to Monroe following an LALB meeting. Ms. Wilks further stated that she later confronted former Chairman Gay on the phone regarding the incident and that he stated, "I wondered when this might come up." Ms. Wilks indicated that after initial phone conversation with Mr. Gay regarding the matter, he repeatedly called her at the office both that day, and over the next several days wanting to talk about it. In these conversations, he took several different approaches on the subject, from telling her he was "disappointed" in her (presumably for calling him on his behavior) to vaguely threatening her job by making comments about her not wanting to "lose her retirement." Ms. Wilks further stated to me that, after several of these calls, Ms. Wilks began repeatedly telling Mr. Gay that she had nothing further to say on the matter and refused to engage him in conversation other than what was absolutely required of her in order to conduct business matters. Ms. Wilks further relayed that this action on her part spurred even more calls from Mr. Gay trying to urge Ms. Wilks to "talk this



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Witnesses:

Barbara G Gudam

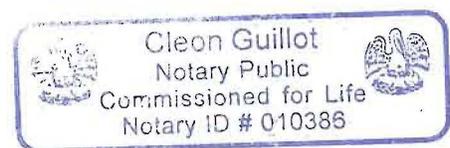
Printed Name: BARBARA G GUDAN

Suzanne Duchamp

Printed Name: SUZANNE DUCHAMP

Sherrie M. Wilks  
Sherrie M. Wilks 9818

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



8055 Hanks Drive  
Baton Rouge, LA 70812-4122

October 4, 2010

KEN COMER, CHAIRMAN, LALB  
1158 GALLAUGHER RD  
JENNINGS LA 70546-3238

Dear Mr. Comer:

This letter regards the reinstatement application for a RESIDENTIAL Louisiana license of Mr. Ken Buhler and the Board's consideration thereof. Relevant facts follow:

- Original LA license revoked due to Mr. Buhler's past auction practices which resulted in substantial losses of money and/or property.
- Payments from Mr. Buhler's bond were grossly inadequate to cover losses; furthermore, Mr. Buhler's actions resulted in losses to those bonding companies which Mr. Buhler **has not reimbursed** to the bonding companies as required by terms of the bonds.
- In the five (5) years since Mr. Buhler's license revocation, Mr. Buhler **has not repaid** the people who suffered losses. Instead, he seeks to deploy the "carrot" that his prior victims will be repaid "contingent on me re-obtaining my license." In so doing, Mr. Buhler is essentially leveraging his supposed willingness to repay victims in order to procure a license reinstatement. Those prior losses, which as I pointed out at the September 20, 2010 meeting, are certainly not minor, represent only the known losses which have been documented through the LALB's complaint process.
- Mr. Buhler has the following balances owing to taxing authorities:
  - State of Louisiana (unpaid sales and withholding taxes): \$154,937 (documentation attached).
  - Internal Revenue Service: \$356,625 (documentation attached).
  - EBRP Sales Taxes: Approximately \$8,000.
- Mr. Buhler is **NOT** a resident of LA for licensure purposes but rather resides in TX and therefore is **not eligible** to have his Louisiana residential license reinstated!!
- Mr. Buhler is on record as stating he wants his LA **residential** license reinstated **so he can obtain a license in Texas**. This is undeniable evidence that he is trying to obtain a reciprocal license in his home state of Texas using a falsified "residential" Louisiana license. Given this knowledge one cannot help but ask the question "**Why?**" Why doesn't Mr. Buhler simply take the Texas exam and get a residential license in his residential state?"

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- The answer to the preceding question is that Mr. Buhler is clearly trying to circumvent the licensing requirements in Texas and “back door” his way into his residential state.
- The fact that the address listed on Mr. Buhler’s application is a **Texas** address, and the voter’s registration he submitted is a **Texas** voter registration proves without a doubt that Mr. Buhler, as a resident of Texas, is **ineligible** for a Louisiana residential license, and therefore his request for reinstatement of his Louisiana license **MUST BE DENIED!!**
- The preceding application irregularity should have been brought to the attention of the Board by the Executive Assistant and it was not. This begs the question as to whether the Executive Assistant has failed to grasp this basic concept after 13 months on the job or whether she has that basic knowledge but knowingly aided and abetted submitting the application to the Board with this clear irregularity intact.
- The above irregularity, when combined with the fact the Board’s Executive Assistant failed to alert auctioneer Daniel Mahaney, an auctioneer based in Indiana, that he needed a firm license in order to conduct a real estate auction in New Orleans several months ago, calls into question the Board’s Executive Assistant’s job knowledge and the potential need for remedial training. In the case of Mr. Mahaney’s oversight, he incurred a loss of a significant sum of money as he had to face one of two choices: #1) postpone the auction, or #2) agree to have another auctioneer take over the auction and assume full responsibility for its conduct. Mr. Mahaney opted for the latter at a significant cost to him in the form of having to pay Dave Gilmore a substantial co-listing fee. The Board remains vulnerable to a cause of action on the part of Mr. Mahaney until the one-year prescription period is up in about nine months or so.
- Had the Board possessed knowledge that information in Mr. Buhler’s package was not in conformity with his request and had a full discussion of same been allowed prior to a vote (rather than my discussion being abruptly cut-off by Mr. Little’s demand to “call for the question,”) the Board may have spared itself the embarrassment of voting as it did on September 20, 2010 to reinstate Mr. Buhler’s license when it now appears nothing short of irresponsible and reckless to have done so.
- Additional cause for concern surrounds the fact that the Board, for the first time during my tenure and in **DIRECT** violation of the State’s Open Meetings Laws, did **not** allow members of the public to be in the meeting room but rather forced all public members to stand in the hallway (most of whom had no choice to be out of earshot of the proceedings). Further, in blatant violation of LA R. S. 42:14(D), the Board did **not** allow public comment prior to a vote on **any** agenda items. It is my understanding that former Board Member Robert Burns has filed a formal complaint with the Attorney General’s Office regarding these two matters.
- Mr. Buhler claimed **repeatedly** that he had not filed bankruptcy then finally admitted he had done so after Ms. Dow subtly stated that he had. Even then, however, Mr. Buhler indicated that he

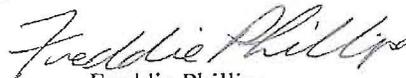
“voluntarily withdrew it.” I am now in possession of documented evidence that:

- #1) Mr. Buhler initiated bankruptcy proceedings and provided **no** supporting schedules, asset listings, liability listings, income figures, etc. as required by the Bankruptcy Court.
- #2) Mr. Buhler was admonished by the Bankruptcy Judge **AND** the Bankruptcy Trustee for failing to conform to the Court’s procedures, and he was ordered to procure counsel (Mr. Buhler filed pro se) and conform to the Court’s requirements.
- #3) Mr. Buhler’s bankruptcy went through the normal process **without** him requesting a dismissal. Instead, he filed to have his filing nullified “in equity” after the fact, and this request was denied by the Court.
- #4) Mr. Buhler, in sharp contrast to his portrayal that he “sought to do the right thing by dismissing his bankruptcy case,” [after first having said he did not file bankruptcy] actually instead **INITIATED ADVERSIAL PROCEEDINGS** against his largest creditor (State Bank). That proceeding was dismissed by the Bankruptcy Court upon the initial challenge of it by State Bank.

Given these facts, I do not see how the Board can reinstate Mr. Buhler’s license. To do so would be to thumb our noses at the very laws we are sworn to enforce. Therefore I respectfully request that this matter be placed back on the agenda for full disclosure, discussion and appropriate action.

Enclosures: LA R. S. Section 3121, Mailing Matrix,  
IRS Demand Letter & Assessment, LDR Notice of Assessment  
& Lien

Sincerely,

  
Freddie Phillips  
LALB Member

Note: Cell phone & Email for Freddie Phillips: (225) 229-3341 & [freddiephillips@bellsouth.net](mailto:freddiephillips@bellsouth.net).

MAILING MATRIX FOR FREDDIE PHILLIPS LETTER TO KEN COMER  
DATED OCTOBER 4, 2010  
ALL LETTERS SENT CERTIFIED AND REGULAR MAIL

KEN COMER, CHAIRMAN, LALB  
1158 GALLAUGHER RD  
JENNINGS LA 70546-3238

TESSA STEINKAMP, VICE CHAIRMAN, LALB  
1330 ST CHARLES AVE  
NEW ORLEANS LA 70130-4336

BUSTER GAY, MEMBER, LALB  
180 TWIN OAKS RD  
WEST MONORE LA 71291-8239

EWELL LAMAR LITTLE, MEMBER, LALB  
16287 TIGER BEND RD  
BATON ROUGE LA 70817-4824

GREGORY BORDELON, MEMBER, LALB  
6173 MORGAN SHORES ROAD  
LAKE AUTHUR LA 70549-5314

"CLAYTON" BRISTER, MEMBER, LALB  
85 H BRISTER LOOP  
SIEPER LA 71472-9746

MS ANNA DOW, LEGAL COUNSEL  
LA AUCTIONEERS LICENSING BOARD  
1434 N BURNSIDE STE 14  
GONZALES LA 70737-2155

MS SARAH OLCOTT  
DIRECTOR, LA BOARDS & COMMISSIONS  
P O BOX 94004  
BATON ROUGE LA 70804-9004

MS SANDY EDMONDS, EX. ASSIATANT  
LA AUCTIONEERS LICENSING BOARD  
5222 SUMMA CT STE 352  
BATON ROUGE LA 70809-3727

MR STEPHEN STREET, LA INSPECTOR GEN.  
P O BOX 94095  
BATON ROUGE LA 70804-9095

JAMES D "BUDDY" CALDWELL  
LA ATTORNEY GENERAL  
P O BOX 94005  
BATON ROUGE LA 70804-9005

HILLAR MOORE, EBRP DISTRICT ATTORNEY  
222 ST LOUIS ST STE 550  
BATON ROUGE LA 70802- 5816

**Louisiana Revised Statute §3121. Causes for nonissuance, suspension, revocation, or restrictions; fines; reinstatement**

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license issued under this Chapter for any of the following causes:

(1) Conviction of a felony or entry of a plea of guilty or nolo contendere to a felony charge under the laws of the United States of America or of any state.

(2) Deceit or perjury in obtaining any certificate or license issued under this Chapter.

(3) Providing false testimony before the board.

(4) Efforts to deceive or defraud the public.

(5) Incompetency or gross negligence.

(6) Rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports.

(7) The refusal of the licensing authority of another state to issue or renew a license, permit, or certificate in that state or the revocation or suspension of or other restriction imposed on a license, permit, or certificate issued by such licensing authority.

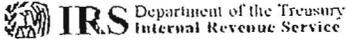
(8) Aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person or acting as an agent, partner, associate or otherwise, of an unlicensed person with intent to evade provisions of this Chapter.

(9) Violation of any provision of this Chapter or any rules or regulations of the board or rules of conduct promulgated by the board.

(10) Indebtedness to the state or to any municipal corporation for any tax as an auctioneer or for any license or commission that he has neglected to pay after final judgment has been rendered against him for it.

(11) Selling goods at an auction before the auctioneer or auction house has first entered into a written contract with the owner or consignor of the goods when the minimum price for such goods has been set or requested at a value above five hundred dollars.

(12) Failing for a period of seven calendar days after notice is given to make good a check which has been returned for insufficient funds (NSF check) or bank draft remitted to the owner or consignor of auctioned goods in settlement pursuant to R.S. 37:3125.



Department of the Treasury  
Internal Revenue Service  
ACS SUPPORT - STOP 5050  
PO BOX 219236  
KANSAS CITY, MO 64121-9236

71617617928098442934

Date:  
JAN. 07, 2010

WI  
1-2-10  
\$350,624.64

Taxpayer Identification Number:  
XXX-XX-5800 N 00

Case Reference Number:  
5981976748  
Caller ID: 387188

Contact Telephone Number:  
TOLL FREE: 1-800-829-7650  
BEST TIME TO CALL:  
MON - FRI 8:00 AM TO 8:00 PM  
ASISTENCIA EN ESPANOL 1-800-829-7650

KENNETH K BUHLER  
1655 W FAIRVIEW DR  
BATON ROUGE LA 70816-7409558

000424

**CALL IMMEDIATELY TO PREVENT PROPERTY LOSS  
FINAL NOTICE OF INTENT TO LEVY AND NOTICE OF YOUR RIGHT TO A HEARING**

**WHY WE ARE SENDING YOU THIS LETTER**

We've written to you before asking you to contact us about your overdue taxes. You haven't responded or paid the amounts you owe. We encourage you to call us immediately at the telephone number listed above to discuss your options for paying these amounts. If you act promptly, we can resolve this matter without taking and selling your property to collect what you owe.

We are authorized to collect overdue taxes by taking, which is called levying, property or rights to property and selling them if necessary. Property includes bank accounts, wages, real estate commissions, business assets, cars and other income and assets.

**WHAT YOU SHOULD DO**

This is your notice, as required under Internal Revenue Code sections 6330 and 6331, that we intend to levy on your property or your rights to property 30 days after the date of this letter unless you take one of these actions:

- Pay the full amount you owe, shown on the back of this letter. When doing so,
  - Please make your check or money order payable to the United States Treasury;
  - Write your social security number and the tax year or employer identification number and the tax period on your payment; and enclose a copy of this letter with your payment.
- Make payment arrangements, such as an installment agreement that allows you to pay off your debt over time.
- Appeal the intended levy on your property by requesting a Collection Due Process hearing within 30 days from the date of this letter.

**WHAT TO DO IF YOU DISAGREE**

If you've paid already or think we haven't credited a payment to your account, please send us proof of that payment. You may also appeal our intended actions as described above.

Even if you request a hearing, please note that we can still file a Notice of Federal Tax Lien at any time to protect the government's interest. A lien is a public notice that tells your creditors that the government has a right to your current assets and any assets you acquire after we file the lien.

We've enclosed two publications that explain how we collect past due taxes and your collection appeal rights, as required under Internal Revenue Code sections 6330 and 6331. In addition, we've enclosed a form that you can use to request a Collection Due Process hearing.

We look forward to hearing from you immediately, and hope to assist you in fulfilling your responsibility as a taxpayer.

Enclosures: Copy of letter, Form 12153, Publication 594, Publication 1660, Envelope



\*433045800103\*

Automated Collection System

Letter 1058 (Rev. 05-2002)(LT-11)

Pay By Date: 02-09-2010

Account Summary		KENNETH K BUHLER		XXX-XX-5800	
Type of Tax	Period Ending	Assessed Balance	Accrued Interest	Late Payment Penalty	Total
1040A	12-31-2002	\$ 17,062.81	\$ 1,770.50	\$ 0.00	\$ 18,833.31
1040A	12-31-2005	\$ 319,015.82	\$ 6,711.78	\$ 9,022.50	\$ 334,750.10
1040A	12-31-2006	\$ 2,887.54	\$ 60.74	\$ 92.95	\$ 3,041.23
<b>Total Amount Due</b>					<b>\$ 356,624.64</b>
Type of Tax	Period Ending	Name of Return			



ORIG 791 BNDL 11930

Buhler, Kenneth K.  
914 Crownway  
Baton Rouge LA 70806

Parish East Baton Rouge  
Serial No. 9200000016  
Date 10/31/2006



Louisiana Department of Revenue  
P.O. Box 201  
Baton Rouge, Louisiana 70821-0201  
**Notice of State Tax Assessment and Lien**

Account No: 8164667  
Social Security No.: ██████████5800

This document is recorded in accordance with the provisions of Title 47, Chapter 18, Part III, particularly Sections 1577 and 1578 of the Louisiana Revised Statutes of 1950, as amended, and by virtue of its recordation, notice is hereby given to all persons that the taxes, interest, penalties, and attorney's fees owed by the tax debtor operate as a judgment on all property of the tax debtor, both movable and immovable.

Kind of Tax		Tax Period Ended	Interest Date	Unpaid Balance of Assessment
Sales	8164667-001	11/30/96 - 6/30/06	10/31/06	\$152,905.24
Withholding	8164667-001	6/30/01 - 12/31/01	10/31/06	\$2,031.55

For use by recording office

For optional use by recording office

Entry# \_\_\_\_\_  
Original no. \_\_\_\_\_  
Bundle no. \_\_\_\_\_  
MOB \_\_\_\_\_  
FOLIO \_\_\_\_\_  
Trans. no. \_\_\_\_\_  
Date \_\_\_\_\_  
Filing fee \_\_\_\_\_

TOTAL \$154,936.79

Interest as provided by R.S. 47:1601 will continue to accrue on the unpaid tax from the dates listed above until paid. All costs of recording this lien are also due.

Baton Rouge, Louisiana, October 31, 2006

Secretary of Revenue  
State of Louisiana

By Joy L. Shrum  
Collection Division

ORIG 791 BNDL 11930

KEPT BY RECORDING OFFICE

FILED AND RECORDED  
EAST BATON ROUGE PARISH, LA.

2007 MAR 13 AM 09:28:23  
FTL BK FOLIO

**DOUG WELBORN**

CLERK OF COURT & RECORDER

CERTIFIED TRUE COPY  
BY \_\_\_\_\_

DEPUTY CLERK & RECORDER

# Auctioneer board member opposes dealer's license

## Resources

⌵ [BR Homicides Maps](#)

Maps listing homicides or suspected homicides in EBR Parish for 2011, 2010, 2009, 2008 and 2007.

⌵ [Gas Prices in BR](#)

Current gas prices in BR area.

⌵ [Governmental Links](#)

Important local, statewide offices.

## Blogs

-  [LSU Football](#)
-  [Louisiana Politics](#)
-  [LSU Baseball](#)
-  [Behind the Party Scene](#)
-  [Advocate Photography](#)
-  [Southern Sports](#)
-  [Saints Football](#)

## Newsletters

- ⌵ [Breaking News Alerts](#)
- ⌵ [Breaking Sports Alerts](#)
- ⌵ [The Advocate's Daily Digest](#)

- ⌵ By [TED GRIGGS](#)
- ⌵ Advocate business writer
- ⌵ Published: Oct 15, 2010 - Page: 6B

## [Comments \(0\)](#)



A state Auctioneers Licensing Board member has asked the board to revisit its decision last month to allow antiques dealer Ken Buhler to regain his auctioneer's license, which was revoked in 2006.

In a letter to board Chairman Ken Comer, board member Freddie Phillips claims Buhler is not a Louisiana resident and is therefore ineligible for the Louisiana residential license for which he's applying.

Buhler wants the Louisiana license because he can't get an auction license in Texas, where he lives, Phillips says in the letter. Louisiana and Texas have reciprocal licensing agreements, but Buhler has not applied in Texas, he said.

The board should have been made aware that Buhler is a Texas resident, and a full discussion of his application should have taken place, Phillips said.

Phillips claims there were other things the board didn't know that would have likely affected the Sept. 21 vote.

Phillips claims in the letter that Buhler:

- Owes the state nearly \$155,000 in unpaid sales and other taxes, \$356,625 to the Internal Revenue Service and around \$8,000 in sales taxes to East Baton Rouge Parish.
- Has not repaid people who lost money when his former auction businesses failed.

"Given these facts, I do not see how the Board can reinstate Mr. Buhler's license," Phillips said in his letter. "To do so would be to thumb our noses at the very laws we are sworn to enforce."

Buhler could not be reached for comment.

Comer referred calls to Anna Dow, the board's attorney. Dow said adding an item to the agenda about Buhler's license application is up to Comer.

There may be some confusion about the status of Buhler's application, she said.

"Mr. Buhler's license was not technically reinstated. His right to apply technically was approved," Dow said.

Buhler still has to go through the application process, and that includes the licensing test, which Buhler has not taken, Dow said. In addition, Buhler is not attempting to get his license until Jan. 1, which means the board has three months to take action, she said.

Dow said she could not go into too much detail but that the board is looking into the information provided by Phillips.

Buhler's license, if granted, would be restricted, Dow said. He would have to sign an agreement stating that he would not directly handle money or be consigned property.

At the September board meeting, Buhler said he was willing to abide by those restrictions.

Dow said Buhler's tax issues could affect his license application.

The board is trying to get documentation on what Buhler owes, Dow said. The sales tax information is confidential, and Dow said she is trying to confirm that information through court records or by getting the information from Buhler.

“Part of what we asked him to do originally was to provide a payment plan,” Dow said. “Now income tax is different, and we were not aware of that, and I am looking into whether that could affect his licensing status.”

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**Find this article at:**

<http://www.2theadvocate.com/news/105003189.html?showAll=y&c=y>

Check the box to include the list of links referenced in the article.

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## Robert Burns

---

**From:** Melinda Robert <Melinda.Robert@LA.GOV>  
**Sent:** Thursday, November 18, 2010 12:45 PM  
**To:** 'Robert Burns'  
**Cc:** 'Sherrie Wilks'  
**Subject:** RE: Request for Appointment to Visit With You

We are on the 3<sup>rd</sup> floor of the Claiborne Bldg. You will need to check in with security first and then they will allow you to come up in the elevators. Once you are off the elevator look for the side of the bldg facing the river (you will see a solid wall). Go towards the wall and take a right and we are the second door on the left and just ask for me. I have also asked my supervisor, Patrick Lowery, Chief of Accountability, to join us.

Melinda G. Robert  
HR Consultant Supervisor  
Accountability Division  
Department of State Civil Service  
(225) 219-9438

**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Thursday, November 18, 2010 12:25 PM  
**To:** Melinda Robert  
**Cc:** 'Sherrie Wilks'  
**Subject:** RE: Request for Appointment to Visit With You

Yes, it's 1201 North 3<sup>rd</sup> Street, correct? Can you relay to us what floor you're on? Thanks.



**Robert Edwin Burns**  
Real Estate Broker / Certified Real Estate Auctioneer  
Auction Sells Fast / BWW Realty  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (225) 235-4346  
LA Lic. #: 1536  
[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

**From:** Melinda Robert [mailto:Melinda.Robert@LA.GOV]  
**Sent:** Thursday, November 18, 2010 11:25 AM  
**To:** 'Robert Burns'  
**Cc:** Sherrie Wilks  
**Subject:** RE: Request for Appointment to Visit With You

How's Monday at 9am? Do you know where we are located?



**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Wednesday, November 17, 2010 2:19 PM  
**To:** Melinda Robert  
**Cc:** Sherrie Wilks  
**Subject:** Request for Appointment to Visit With You

Ms. Robert:

Myself and Ms. Sherrie Wilks, who is copied on this email, have some questions and concerns about a couple of single-employee Boards. We would appreciate the opportunity to schedule a meeting with you either Monday or Tuesday of next week to relay those questions and concerns and provide documentation to you regarding same.

Please let us know when may be a convenient time for you to visit with us on the matter.

Sincerely,



**Robert Edwin Burns**  
Real Estate Broker / Certified Real Estate Auctioneer  
Auction Sells Fast / BWW Realty  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (225) 235-4346  
LA Lic. #: 1536  
[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

## Robert Burns

---

**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**Sent:** Wednesday, December 01, 2010 7:28 PM  
**To:** 'Sandy@lalb.org'  
**Subject:** RE: Freedom of Information Request

Sandy:

I just read this email (and have copied the contents of your PDF letter below), and obviously it's now past 6:00 p.m., so let's just go with Wednesday, December 8 at 10:00 a.m.

I am also perplexed by the unavailability of you as the Executive Assistant (at WHATEVER day and time, I'm highly flexible regarding that) to oversee this process. I do not believe it to be appropriate for the LALB to incur charges of \$30/hour, \$40/hour, or \$50/hour or whatever the cost be to hire a paralegal to perform what should be routine office duties as part of your job!!

When your agreement was presented to the Board, I specifically asked if you would be in the office, and you can check the audio tape to hear your reply: "Oh, I'll be in the office more than you can imagine," or words to that effect. I believe this was a **HIGHLY, HIGHLY, HIGHLY** misleading statement on your part, as I was questioning your willingness to serve the public. Clearly you were meaning you would go into the office at your own convenience regardless of public needs or requests, and there have been ZERO office hours disseminated to the public since you assumed your position regarding the LALB largely because there ARE NO hours at which the public can rely upon for being served. In that regard, the LALB is failing **MISERABLY** to fulfill its role as a **PUBLIC AGENCY!!** I know I cannot be the only auctioneer or other member of the public who shares this sentiment.

I also pose one simple question: "For what is the LALB paying you?" It's a question that I think warrants careful response because I again reiterate the LALB is a **PUBLIC AGENCY!!**

*Louisiana*

Office of the Governor  
**Auctioneers Licensing Board**  
*An Equal Opportunity Employer*  
December 1, 2010

Mr. Robert Burns  
4155 Essen Lane, # 228  
Baton Rouge, LA 70809

Dear Mr. Burns,

The following items you requested are now ready for viewing.

1. 'All travel vouchers submitted by all Board Members from September 1, 2008 to November 16, 2010.
2. All cancelled checks pertaining to the vouchers referenced in item # 1.
3. All invoices submitted by LALB Attorney Anna Dow from September 1, 2008 to November 16, 2010.

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4. All cancelled checks pertaining to the invoices referenced in item # 3.

5. ANY future travel voucher processed by the LALB by ANY LALB Board Member pertaining to any Louisiana Legislative Hearing conducted on Wednesday, November 17, 2010.

You will be met at the appointment time and you will be given the opportunity to indicate which pages you would like copied, if any. The charge for any copies will be 25 cents per page as set by the Louisiana Division of Administration. You will submit payment, preferably by check made payable to the Board, to the appointed person, a para-legal, during your office visit. The copies will be made and mailed to you the following week day.

We can accommodate your request on:

Thursday, December 2<sup>nd</sup> at 10am

Friday, December 3<sup>rd</sup> at 10am

Wednesday, December 8<sup>th</sup> at 10am

Please respond via email to let us know what day will work best for you. If you choose Thursday, December 2<sup>nd</sup> we must know before 6pm today.

Regards,  
Sandy Edmonds  
Sent via electronic mail



**Robert Edwin Burns**  
Real Estate Broker / Certified Real Estate Auctioneer  
Auction Sells Fast / BWW Realty  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (225) 235-4346  
LA Lic. #: 1536  
[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

**From:** Sandy Edmonds [mailto:admin@lalb.org]  
**Sent:** Wednesday, December 01, 2010 2:49 PM  
**To:** 'Robert Burns'  
**Subject:** RE: Freedom of Information Request

Robert,  
Please see the attached document regarding your request for records.

Thank you,

**Sandy Edmonds**



**Louisiana Auctioneers Licensing Board**

5222 Summa Court, Suite 352, Baton Rouge, LA 70809

Phone 225-763-5568 | Fax 225-763-5598

[Sandy@lalb.org](mailto:Sandy@lalb.org)

[www.lalb.org](http://www.lalb.org)

**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]

**Sent:** Thursday, November 18, 2010 5:12 PM

**To:** Sandy Edmonds

**Subject:** Freedom of Information Request

Sandy:

I submit the attached request to visit the LALB Office and examine records. Please let me know a time convenient to do so once the documentation has been assimilated. As indicated in the letter, nobody is going to accompany me for this period of document examination.

BTW, it was encouraging to hear Rep. Smiley indicate to Rep. Barrow at yesterday's hearing that, at the committee deliberations of her 2011 bill regarding diversity on Louisiana Boards and Commissions, her voice will be heard "loudly and clearly." I also like the fact Rep. Smiley sponsored the bill establishing the central database for Boards and Commissions.

From my observations, you seem to be represented by an honorable man in the Louisiana Legislature! I KNOW that I'm represented by an honorable Senator in Dan Claitor.

Thanks, Sandy, and I look forward to hearing back from you regarding my request.



**Robert Edwin Burns**

Real Estate Broker / Certified Real Estate Auctioneer

Auction Sells Fast / BWW Realty

4155 Essen Lane, Ste 228

Baton Rouge, LA 70809-2152

(225) 201-0390 (225) 235-4346

LA Lic. #: 1536

[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 10.0.1153 / Virus Database: 424/3267 - Release Date: 11/19/10



*Louisiana*  
Office of the Governor  
Auctioneers Licensing Board

Bobby Jindal  
Governor

March 29, 2011

Mr. Robert Burns  
4155 Essen Lane, # 228  
Baton Rouge, LA 70809

5222 Summa Court  
Suite 352  
Baton Rouge, LA 70809

Telephone: 225.763.5568  
Fax: 225.763.5598

Email: [admin@LALB.org](mailto:admin@LALB.org)  
Web Address: [www.LALB.org](http://www.LALB.org)

Dear Mr. Burns,

We have received your email request for the following records:

1. The audio tape recording of the August 17, 2009 board meeting.
2. An updated account for the leave accumulated for Sandy Edmonds through the most recent pay period.

The audio tape from August 17, 2009 has not been located. I will continue to search and let you know when and if it is located.

The updated leave records you have requested are attached to this email.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Edmonds".

Sandy Edmonds



## AGREEMENT

BY AND BETWEEN SANDY EDMONDS, EXECUTIVE SECRETARY / EXECUTIVE ASSISTANT, AND THE LOUISIANA AUCTIONEERS LICENSING BOARD

The Louisiana Auctioneers Licensing Board (hereinafter Board), a political subdivision of the State of Louisiana, and Sandy Edmonds (hereinafter Edmonds), who is currently appointed by the Board as the Executive Secretary / Executive Assistant pursuant to LSA-R.S. 37:3112, enter into this agreement for the purpose of clarifying the status of Edmonds, who is a non-classified civil service employee of the Board.

Edmonds has been employed in this position since August 10, 2009, which remains her hire date. This agreement will state her rights to compensation, the procedure for approval of leave, her duties with regard to the office and her supervisors to whom she must report. This agreement does not change the relationship between the two parties, but clarifies that this is a performance based contract rather than an hourly contract as well as any other matters mentioned in this agreement.

The Board understands that Edmonds is appointed Executive Secretary / Executive Assistant, which is considered part time job employment. The following statements apply to this job:

- a. Edmonds agrees to all of the requirements outlined in the job description attached to this document. The Board agrees that the job description attached to this document reflects their expectations of the Executive Secretary / Executive Assistant position.
- b. Edmonds is not required to account for her time on a time sheet. The Board requires that she perform her duties in a timely fashion. As long as she performs accordingly, she will not be required to account for specific time periods.
- c. Edmonds will not be required to have leave slips approved by her supervisor. She may be asked to account for all leave accrued and all leave used. If she does take leave, the Board will be responsible for 38 percent of all leave taken. The other board for which she is employed, the Louisiana State Board of Examiners of Interior Designers, will be responsible for 62 percent of all leave. Therefore, if she takes leave for an eight hour day, the Board will be responsible for 3 hours only.
- d. Edmonds agrees that she will take leave for those dates on which she does not answer the telephone or return emails.
- e. The Chairman of the Board will be Edmonds' supervisor. She will report to the Chairman on all matters. The Chairman will make all decisions with regard to Edmonds, except in those matters when the Board overrules the action of the

P-78

chairman. At least four votes are required to overrule the action of the Chairman with regard to Edmonds.

- f. The Chairman of the Board is empowered to authorize payment to Edmonds for all salary or reimbursements due to Edmonds.
- g. The Chairman of the Board may designate another individual to supervise Edmonds, if necessary.

Edmonds shall be paid \$22,000 annually, with equal payments to be made biweekly. Should she leave prior to the end of a fiscal year, her pay will be prorated according to the days worked. Edmonds does not ask that the Board provide retirement benefits or health insurance. She receives no benefits through this Board.

Should Edmonds or the Board terminate this agreement and their relationship, Edmonds shall be paid as required by law.

This agreement applies to Edmonds and the Board only, and cannot be transferred to any other party.

WITNESSES:

Caroline Messinger

Greg Boudin

Sandy Edmonds  
SANDY EDMONDS

James K. Comer Jr.  
LOUISIANA AUCTIONEERS  
LICENSING BOARD, BY J. KENNETH  
COMER, JR., CHAIRMAN

Anna E. Dow  
 Attorney at Law  
 1434 N. Burnside  
 Suite 14  
 Gonzales LA 70737

Invoice submitted to:  
 Interior Design Board  
 5222 Summa Court  
 Suite  
 Baton Rouge LA 70808

February 1, 2011

In Reference To: Miscellaneous Board matters; 92-1-R  
 Invoice #13117

Professional services

	Hrs/Rate	Amount
1/5/11 conference with Sandy re employment agreement	0.50 150.00/hr	75.00
Draft notarial act / job agreement	0.20 150.00/hr	30.00
1/18/11 E-mail re public records request	0.10 150.00/hr	15.00
E-mail re commercial complaint; review complaint	0.20 150.00/hr	30.00
For professional services rendered	1.00	\$150.00
Previous balance		\$630.00
1/5/11 Payment - thank you		(\$630.00)
----- Balance due		\$150.00
=====		

□





Shannon S. Temple  
Director

**State of Louisiana**  
**DEPARTMENT OF STATE CIVIL SERVICE**  
www.civilservice.la.gov

*"Partnering for a Better Louisiana"*

ACCOUNTABILITY/WORKFORCE  
DEVELOPMENT DIVISION  
225.219.9437  
Fax: 225.219.1041  
TDD: 1.800.846.5277  
Toll Free: 1-866.783.5462

April 1, 2011

Robert Burns  
Auction Sells Fast/BWW Realty  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152

Dear Mr. Burns:

We are in receipt of your email to Adrienne Bordelon, General Counsel, regarding your complaints about Sandy Edmonds. In your email, you asked whether Ms. Bordelon concurred with statements made to you by her predecessor, Robert Boland.

Both Adrienne and I have reviewed the text of your email. I regret to point out that Ms. Edmonds is still in the unclassified service and therefore is not under the authority of Civil Service Rules.

I see from your message to Ms. Bordelon that you discussed the matter with the Legislative Auditor as I suggested in our meeting some months back. We will have to await the outcome of their inquiry. However, I can offer you another suggestion. Since the boards of the agencies employing Ms. Edmonds are appointed by the Governor, you may want to contact the Governor's Office of Constituent Services at (225) 342-0991. Perhaps they can assist you in this matter.

If you have any further questions, you may contact me at (225) 219-7867.

Sincerely,

Patrick G. Lowery  
Division Administrator  
Accountability/Workforce Development Division



Post Office Box 94111 • Baton Rouge, Louisiana 70804-9111

**AN EQUAL OPPORTUNITY EMPLOYER**



*Louisiana*

Office of the Governor  
Auctioneers Licensing Board

Bobby Jindal  
Governor

July 18, 2011

Mr. Robert Burns  
4155 Essen Lane, # 228  
Baton Rouge, LA 70809

5222 Summa Court  
Suite 352  
Baton Rouge, LA 70809

Telephone: 225.763.5568  
Fax: 225.763.5598

Email: [admin@LALB.org](mailto:admin@LALB.org)  
Web Address: [www.LALB.org](http://www.LALB.org)

Dear Mr. Burns,

We are in receipt of your request for the following:

1. "A executed (i.e. signed) copy of the employment agreement between Louisiana Auctioneer's Licensing Board (LALB) Executive Assistant Sandy Edmonds and the LALB which was presented and discussed at the January 10, 2011 LALB meeting.
2. The most recent accounting of leave accumulation and usage of LALB Executive Assistant Sandy Edmonds through the most recent pay period ended."

The requested documents are attached.

Regards,

A handwritten signature in cursive script that reads "Sandy Edmonds".

Sandy Edmonds

## AGREEMENT

BY AND BETWEEN SANDY EDMONDS, EXECUTIVE SECRETARY / EXECUTIVE ASSISTANT, AND THE LOUISIANA AUCTIONEERS LICENSING BOARD

The Louisiana Auctioneers Licensing Board (hereinafter Board), a political subdivision of the State of Louisiana, and Sandy Edmonds (hereinafter Edmonds), who is currently appointed by the Board as the Executive Secretary / Executive Assistant pursuant to LSA-R.S. 37:3112, enter into this agreement for the purpose of clarifying the status of Edmonds, who is a non-classified civil service employee of the Board.

Edmonds has been employed in this position since August 10, 2009, which remains her hire date. This agreement will state her rights to compensation, the procedure for approval of leave, her duties with regard to the office and her supervisors to whom she must report. This agreement does not change the relationship between the two parties, but clarifies that this is a performance based contract rather than an hourly contract as well as any other matters mentioned in this agreement.

The Board understands that Edmonds is appointed Executive Secretary / Executive Assistant, which is considered part time job employment. The following statements apply to this job:

- a. Edmonds agrees to all of the requirements outlined in the job description attached to this document. The Board agrees that the job description attached to this document reflects their expectations of the Executive Secretary / Executive Assistant position.
- b. Edmonds is not required to account for her time on a time sheet. The Board requires that she perform her duties in a timely fashion. As long as she performs accordingly, she will not be required to account for specific time periods.
- c. Edmonds will not be required to have leave slips approved by her supervisor. She may be asked to account for all leave accrued and all leave used. If she does take leave, the Board will be responsible for 38 percent of all leave taken. The other board for which she is employed, the Louisiana State Board of Examiners of Interior Designers, will be responsible for 62 percent of all leave. Therefore, if she takes leave for an eight hour day, the Board will be responsible for 3 hours only.
- d. Edmonds agrees that she will take leave for those dates on which she does not answer the telephone or return emails.
- e. The Chairman of the Board will be Edmonds' supervisor. She will report to the Chairman on all matters. The Chairman will make all decisions with regard to Edmonds, except in those matters when the Board overrules the action of the

chairman. At least four votes are required to overrule the action of the Chairman with regard to Edmonds.

- f. The Chairman of the Board is empowered to authorize payment to Edmonds for all salary or reimbursements due to Edmonds.
- g. The Chairman of the Board may designate another individual to supervise Edmonds, if necessary.

Edmonds shall be paid \$22,000 annually, with equal payments to be made biweekly. Should she leave prior to the end of a fiscal year, her pay will be prorated according to the days worked. Edmonds does not ask that the Board provide retirement benefits or health insurance. She receives no benefits through this Board.

Should Edmonds or the Board terminate this agreement and their relationship, Edmonds shall be paid as required by law.

This agreement applies to Edmonds and the Board only, and cannot be transferred to any other party.

WITNESSES:

Caroline Messinger

Greg Boudet

Sandy Edmonds  
SANDY EDMONDS

James K. Comer Jr.  
LOUISIANA AUCTIONEERS  
LICENSING BOARD, BY J. KENNETH  
COMER, JR., CHAIRMAN

Sandy Edmonds								
PP Ending	Hrs Wkd.	Rate	An. Earned	An. Used	Balance	Sick Earned	Sick Used	Sick Bal
8/16/2009	15	0.0461	0.692		0.692	0.692	0	0.692
8/30/2009	30	0.0461	1.383	0	2.075	1.383	0	2.075
9/13/2009	30	0.0461	1.383	0	3.458	1.383	0	3.458
9/27/2009	30	0.0461	1.383	0	4.841	1.383	0	4.841
10/11/2009	30	0.0461	1.383	0	6.224	1.383	0	6.224
10/25/2009	30	0.0461	1.383	0	7.607	1.383	0	7.607
11/8/2009	30	0.0461	1.383	0	8.990	1.383	0	8.990
11/22/2009	30	0.0461	1.383	0	10.373	1.383	0	10.373
12/6/2009	30	0.0461	1.383	0	11.756	1.383	0	11.756
12/20/2009	30	0.0461	1.383	0	13.139	1.383	0	13.139
1/3/2010	30	0.0461	1.383	0	14.522	1.383	0	14.522
1/17/2010	30	0.0461	1.383	0	15.905	1.383	0	15.905
1/31/2010	30	0.0461	1.383	0	17.288	1.383	0	17.288
2/14/2010	30	0.0461	1.383	0	18.671	1.383	0	18.671
2/28/2010	30	0.0576	1.728	0	20.399	1.728	0	20.399
3/14/2010	30	0.0576	1.728	0	22.127	1.728	0	22.127
3/28/2010	30	0.0576	1.728	0	23.855	1.728	0	23.855
4/11/2010	30	0.0576	1.728	0	25.583	1.728	0	25.583
4/25/2010	30	0.0576	1.728	0	27.311	1.728	0	27.311
5/9/2010	30	0.0576	1.728	0	29.039	1.728	0	29.039
5/23/2010	30	0.0576	1.728	0	30.767	1.728	0	30.767
6/6/2010	30	0.0576	1.728	0	32.495	1.728	0	32.495
6/20/2010	30	0.0576	1.728	0	34.223	1.728	0	34.223
7/4/2010	30	0.0576	1.728	0	35.951	1.728	0	35.951
7/18/2010	30	0.0576	1.728	0	37.679	1.728	0	37.679
8/1/2010	30	0.0576	1.728	0	39.407	1.728	0	39.407
8/15/2010	30	0.0576	1.728	0	41.135	1.728	0	41.135
8/29/2010	30	0.0576	1.728	0	42.863	1.728	0	42.863
9/12/2010	30	0.0576	1.728	0	44.591	1.728	0	44.591
9/26/2010	30	0.0576	1.728	0	46.319	1.728	0	46.319
10/10/2010	30	0.0576	1.728	0	48.047	1.728	0	48.047
10/24/2010	30	0.0576	1.728	0	49.775	1.728	0	49.775
11/7/2010	30	0.0576	1.728	0	51.503	1.728	0	51.503
11/21/2010	27	0.0576	1.555	3	50.058	1.555	0	53.058
12/5/2010	21	0.0576	1.210	9	42.268	1.210	0	54.267
12/19/2010	30	0.0576	1.728	0	43.996	1.728	0	55.995
1/2/2011	30	0.0576	1.728	0	45.724	1.728	0	57.723
1/16/2011	30	0.0576	1.728	0	47.452	1.728	0	59.451
1/30/2011	30	0.0576	1.728	0	49.180	1.728	0	61.179
2/13/2011	30	0.0576	1.728	0	50.908	1.728	0	62.907
2/27/2011	30	0.0576	1.728	0	52.636	1.728	0	64.635
3/13/2011	27	0.0576	1.555	3	51.191	1.555	0	66.191
4/3/2011	30	0.0576	1.728	0	52.919	1.728	0	67.919
4/17/2011	30	0.0576	1.728	0	54.647	1.728	0	69.647
5/1/2011	30	0.0576	1.728	0	56.375	1.728	0	71.375





*Louisiana*

Office of the Governor  
State Board of Examiners  
of Interior Designers

Bobby Jindal  
Governor

July 18, 2011

BOARD MEMBERS

CHAIR  
Deborah Steinmetz, FIIDA, FASID

VICE CHAIR  
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TREASURER  
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SECRETARY  
Carolyn Sawyer, ASID

Karen Carbo, IIDA

Karen Hazel

Jo Ann Hymel

EXECUTIVE DIRECTOR  
Sandy Edmonds

LEGAL COUNSEL  
Anna E. Dow

Mr. Robert Burns  
4155 Essen Lane, # 228  
Baton Rouge, LA 70809

Dear Mr. Burns,

We are in receipt of your request for the following:

“1. A executed (i.e. signed) copy of any and all employment agreements between the Louisiana State Board of Examiners of Interior Designers and its Executive Director, Sandy Edmonds.

There are none.

2. The most recent accounting of leave accumulation and usage of the Louisiana State Board of Examiners of Interior Designers' Executive Director, Sandy Edmonds, covering through the most recent pay period ended.”

The information you requested is attached.

Sincerely,

Sandy Edmonds

5222 Summa Court  
Suite 358  
Baton Rouge, LA 70809

Telephone: 225.763.5550  
Fax: 225.763.5551

Email: [admin@LSBID.org](mailto:admin@LSBID.org)  
Web Address: [www.lsbid.org](http://www.lsbid.org)

Sandy Edmonds								
PP Ending	Hrs Wkd.	Rate	An. Earned	An. Used	Balance	Sick Earned	Sick Used	Sick Bal
2/28/2007	35.5	0.0461	1.637		1.637	1.637	0	1.637
3/18/2007	40	0.0461	1.844	o	3.481	1.844	0	3.481
4/1/2007	36.5	0.0461	1.683	o	5.163	1.683	0	5.163
4/15/2007	40	0.0461	1.844	o	7.007	1.844	0	7.007
4/29/2007	53	0.0461	2.443	o	9.451	2.443	0	9.451
5/13/2007	42.5	0.0461	1.959	o	11.410	1.959	0	11.410
5/27/2007	37.5	0.0461	1.729	o	13.139	1.729	0	13.139
6/10/2007	40	0.0461	1.844	o	14.983	1.844	0	14.983
6/24/2007	41	0.0461	1.890	o	16.873	1.890	0	16.873
7/8/2007	41	0.0461	1.890	o	18.763	1.890	0	18.763
7/22/2007	40	0.0461	1.844	o	20.607	1.844	0	20.607
8/5/2007	40	0.0461	1.844	o	22.451	1.844	0	22.451
8/19/2007	44.5	0.0461	2.051	o	24.502	2.051	0	24.502
9/2/2007	40	0.0461	1.844	o	26.346	1.844	0	26.346
9/16/2007	40	0.0461	1.844	o	28.190	1.844	0	28.190
9/30/2007	40	0.0461	1.844	o	30.034	1.844	0	30.034
10/14/2007	54.5	0.0461	2.512	o	32.547	2.512	0	32.547
10/28/2007	41	0.0461	1.890	o	34.437	1.890	0	34.437
11/11/2007	49.5	0.0461	2.282	o	36.719	2.282	0	36.719
11/25/2007	27.5	0.0461	1.268	o	37.986	1.268	0	37.986
12/9/2007	44.5	0.0461	2.051	o	40.038	2.051	0	40.038
12/23/2007	48.5	0.0461	2.236	o	42.274	2.236	0	42.274
1/6/2008	55.5	0.0461	2.559	o	44.832	2.559	0	44.832
1/20/2008	40	0.0461	1.844	o	46.676	1.844	0	46.676
2/3/2008	40	0.0461	1.844	o	48.520	1.844	0	48.520
2/17/2008	40	0.0461	1.844	o	50.364	1.844	0	50.364
3/2/2008	40	0.0461	1.844	o	52.208	1.844	0	52.208
3/16/2008	40	0.0461	1.844	o	54.052	1.844	0	54.052
3/30/2008	42	0.0461	1.936	o	55.988	1.936	0	55.988
4/14/2008	<b>44.5</b>	0.0461	2.051	0	58.040	2.051	0	58.040
4/27/2008	51	0.0461	2.351	0	60.391	2.351	0	60.391
5/11/2008	50	0.0461	2.305	0	62.696	2.305	0	62.696
5/25/2008	50	0.0461	2.305	0	65.001	2.305	0	65.001
6/8/2008	50	0.0461	2.305	0	67.306	2.305	0	67.306
6/22/2008	50	0.0461	2.305	0	69.611	2.305	0	69.611
<b>7/6/2008</b>	<b>50</b>	<b>0.0461</b>	<b>2.305</b>	0	<b>71.916</b>	<b>2.305</b>	0	71.916
7/20/2008	50	0.0461	2.305	0	74.221	2.305	0	74.221
8/3/2008	50	0.0461	2.305	0	76.526	2.305	0	76.526
8/17/2008	50	0.0461	2.305	0	78.831	2.305	0	78.831
8/31/2008	50	0.0461	2.305	0	81.136	2.305	0	81.136
9/14/2008	50	0.0461	2.305	0	83.441	2.305	0	83.441
9/28/2008	50	0.0461	2.305	0	85.746	2.305	0	85.746
10/12/2008	50	0.0461	2.305	0	88.051	2.305	0	88.051
10/26/2008	56	0.0461	2.582	0	90.633	2.582	0	90.633
11/9/2008	50	0.0461	2.305	0	92.938	2.305	0	92.938

11/23/2008	50	0.0461	2.305	0	95.243	2.305	0	95.243
12/7/2008	50	0.0461	2.305	0	97.548	2.305	0	97.548
12/21/2008	50	0.0461	2.305	0	99.853	2.305	0	99.853
1/4/2009	50	0.0461	2.305	0	102.158	2.305	0	102.158
1/18/2009	50	0.0461	2.305	0	104.463	2.305	0	104.463
2/1/2009	50	0.0461	2.305	0	106.768	2.305	0	106.768
2/15/2009	50	0.0461	2.305	0	109.073	2.305	0	109.073
3/1/2009	50	0.0461	2.305	0	111.378	2.305	0	111.378
3/15/2009	9	0.0461	0.415	0	111.793	0.415	41	70.793
3/29/2009	30	0.0461	1.383	0	113.176	1.383	20	52.176
4/12/2009	50	0.0461	2.305	0	115.481	2.305	0	54.481
4/26/2009	50	0.0461	2.305	0	117.786	2.305	0	56.786
5/10/2009	50	0.0461	2.305	0	120.091	2.305	0	59.091
5/24/2009	50	0.0461	2.305	0	122.396	2.305	0	61.396
6/7/2009	50	0.0461	2.305	20	104.701	2.305	0	63.701
6/21/2009	50	0.0461	2.305	0	107.006	2.305	0	66.006
7/5/2009	50	0.0461	2.305	0	109.311	2.305	0	68.311
7/19/2009	50	0.0461	2.305	0	111.616	2.305	0	70.616
8/2/2009	50	0.0461	2.305	0	113.921	2.305	0	72.921
8/16/2009	50	0.0461	2.305	0	116.226	2.305	0	75.226
8/30/2009	50	0.0461	2.305	0	118.531	2.305	0	77.531
9/13/2009	50	0.0461	2.305	0	120.836	2.305	0	79.836
9/27/2009	50	0.0461	2.305	0	123.141	2.305	0	82.141
10/11/2009	50	0.0461	2.305	0	125.446	2.305	0	84.446
10/25/2009	50	0.0461	2.305	0	127.751	2.305	0	86.751
11/8/2009	50	0.0461	2.305	0	130.056	2.305	0	89.056
11/25/2009	50	0.0461	2.305	0	132.361	2.305	0	91.361
12/6/2009	50	0.0461	2.305	0	134.666	2.305	0	93.666
12/20/2009	50	0.0461	2.305	0	136.971	2.305	0	95.971
1/3/2010	50	0.0461	2.305	0	139.276	2.305	0	98.276
1/17/2010	50	0.0461	2.305	0	141.581	2.305	0	100.581
1/31/2010	50	0.0461	2.305	0	143.886	2.305	0	102.886
2/14/2010	50	0.0461	2.305	0	146.191	2.305	0	105.191
2/28/2010	50	0.0461	2.305	0	148.496	2.305	0	107.496
3/14/2010	50	0.0461	2.305	0	150.801	2.305	0	109.801
3/28/2010	50	0.0461	2.305	0	153.106	2.305	0	112.106
11-Apr	50	0.0461	2.305	0	155.411	2.305	0	114.411
4/25/2010	50	0.0461	2.305	0	157.716	2.305	0	116.716
5/9/2010	50	0.0461	2.305	0	160.021	2.305	0	119.021
5/23/2010	50	0.0461	2.305	0	162.326	2.305	0	121.326
6/6/2010	50	0.0461	2.305	0	164.631	2.305	0	123.631
6/20/2010	50	0.0461	2.305	0	166.936	2.305	0	125.936
7/4/2010	50	0.0576	2.880	0	169.816	2.880	0	128.816
7/18/2010	50	0.0576	2.880	0	172.696	2.880	0	131.696
8/1/2010	50	0.0576	2.880	0	175.576	2.880	0	134.576
15-Aug	50	0.0576	2.880	0	178.456	2.880	0	137.456
8/29/2010	50	0.0576	2.880	0	181.336	2.880	0	140.336

9/12/2010	50	0.0576	2.880	0	184.216	2.880	0	143.216
9/26/2010	50	0.0576	2.880	0	187.096	2.880	0	146.096
10/10/2010	50	0.0576	2.880	0	189.976	2.880	0	148.976
10/24/2010	50	0.0576	2.880	0	192.856	2.880	0	151.856
11/7/2010	50	0.0576	2.880	0	195.736	2.880	0	154.736
11/21/2010	35	0.0576	2.016	15	182.752	2.016	0	156.752
12/5/2010	50	0.0576	2.880	0	185.632	2.880	0	159.632
12/19/2010	40	0.0576	2.304	0	187.936	2.304	0	161.936
1/2/2011	50	0.0576	2.880	0	190.816	2.880	0	164.816
1/16/2011	50	0.0576	2.880	0	193.696	2.880	0	167.696
1/30/2011	50	0.0576	2.880	0	196.576	2.880	0	170.576
2/13/2011	50	0.0576	2.880	0	199.456	2.880	0	173.456
2/27/2011	50	0.0576	2.880	0	202.336	2.880	0	176.336
3/13/2011	50	0.0576	2.880	0	205.216	2.880	0	179.216
3/27/2011	50	0.0576	2.880	0	208.096	2.880	0	182.096
4/10/2011	50	0.0576	2.880	0	210.976	2.880	0	184.976
4/24/2011	50	0.0576	2.880	0	213.856	2.880	0	187.856
5/8/2011	50	0.0576	2.880	0	216.736	2.880	0	190.736
5/22/2011	50	0.0576	2.880	0	219.616	2.880	0	193.616
6/5/2011	30	0.0576	1.728	20	201.344	1.728	0	195.344
6/20/2011	50	0.0576	2.880	0	204.224	2.880	0	198.224
7/4/2011	50	0.0576	2.880	0	207.104	2.880	0	201.104

Total Added Hours : 51

Sandy Edmonds								
PP Ending	Hrs Wkd.	Rate	An. Earned	An. Used	Balance	Sick Earned	Sick Used	Sick Bal
2/28/2007	35.5	0.0461	1.637		1.637	1.637	0	1.637
3/18/2007	40	0.0461	1.844	o	3.481	1.844	0	3.481
4/1/2007	36.5	0.0461	1.683	o	5.163	1.683	0	5.163
4/15/2007	40	0.0461	1.844	o	7.007	1.844	0	7.007
4/29/2007	53	0.0461	2.443	o	9.451	2.443	0	9.451
5/13/2007	42.5	0.0461	1.959	o	11.410	1.959	0	11.410
5/27/2007	37.5	0.0461	1.729	o	13.139	1.729	0	13.139
6/10/2007	40	0.0461	1.844	o	14.983	1.844	0	14.983
6/24/2007	41	0.0461	1.890	o	16.873	1.890	0	16.873
7/8/2007	41	0.0461	1.890	o	18.763	1.890	0	18.763
7/22/2007	40	0.0461	1.844	o	20.607	1.844	0	20.607
8/5/2007	40	0.0461	1.844	o	22.451	1.844	0	22.451
8/19/2007	44.5	0.0461	2.051	o	24.502	2.051	0	24.502
9/2/2007	40	0.0461	1.844	o	26.346	1.844	0	26.346
9/16/2007	40	0.0461	1.844	o	28.190	1.844	0	28.190
9/30/2007	40	0.0461	1.844	o	30.034	1.844	0	30.034
10/14/2007	54.5	0.0461	2.512	o	32.547	2.512	0	32.547
10/28/2007	41	0.0461	1.890	o	34.437	1.890	0	34.437
11/11/2007	49.5	0.0461	2.282	o	36.719	2.282	0	36.719
11/25/2007	27.5	0.0461	1.268	o	37.986	1.268	0	37.986
12/9/2007	44.5	0.0461	2.051	o	40.038	2.051	0	40.038
12/23/2007	48.5	0.0461	2.236	o	42.274	2.236	0	42.274
1/6/2008	55.5	0.0461	2.559	o	44.832	2.559	0	44.832
1/20/2008	40	0.0461	1.844	o	46.676	1.844	0	46.676
2/3/2008	40	0.0461	1.844	o	48.520	1.844	0	48.520
2/17/2008	40	0.0461	1.844	o	50.364	1.844	0	50.364
3/2/2008	40	0.0461	1.844	o	52.208	1.844	0	52.208
3/16/2008	40	0.0461	1.844	o	54.052	1.844	0	54.052
3/30/2008	42	0.0461	1.936	o	55.988	1.936	0	55.988
4/14/2008	44.5	0.0461	2.051	o	58.040	2.051	0	58.040
4/27/2008	51	0.0461	2.351	o	60.391	2.351	0	60.391
5/11/2008	50	0.0461	2.305	o	62.696	2.305	0	62.696
5/25/2008	50	0.0461	2.305	o	65.001	2.305	0	65.001
6/8/2008	50	0.0461	2.305	o	67.306	2.305	0	67.306
6/22/2008	50	0.0461	2.305	o	69.611	2.305	0	69.611
7/8/2008	50	0.0461	2.305	o	71.916	2.305	0	71.916
7/20/2008	50	0.0461	2.305	o	74.221	2.305	0	74.221
8/3/2008	50	0.0461	2.305	o	76.526	2.305	0	76.526
8/17/2008	50	0.0461	2.305	o	78.831	2.305	0	78.831
8/31/2008	50	0.0461	2.305	o	81.136	2.305	0	81.136
9/14/2008	50	0.0461	2.305	o	83.441	2.305	0	83.441
9/28/2008	50	0.0461	2.305	o	85.746	2.305	0	85.746
10/12/2008	50	0.0461	2.305	o	88.051	2.305	0	88.051
10/26/2008	56	0.0461	2.582	o	90.633	2.582	0	90.633
11/9/2008	50	0.0461	2.305	o	92.938	2.305	0	92.938

+ 14.5  
+ 1.0  
+ 9.5  
+ 4.0  
+ 8.5  
+ 15.5

+ 2.0  
+ 14.5  
+ 1.0



Louisiana  
Office of the Governor  
**State Board of Examiners  
of Interior Designers**

Bobby Jindal  
Governor

October 6, 2011

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LEGAL COUNSEL  
Anna E. Dow

Mr. Robert Burns  
Mr. Freddie Phillips  
Auction Sells Fast  
4155 Essen Lane  
Apartment 228  
Baton Rouge, LA 70809

**Re: Your Request to Add An Agenda Item**

Dear Mr. Burns:

As chairman of the Louisiana State Board of Examiners of Interior Designers I have received your request to add an agenda item for our next meeting of the board. After reviewing that request, the board does not think that the agenda item is germane to the issues confronting the LSBID or the interior design profession as a whole.

Therefore, respectfully, the item will not be on the agenda.

Sincerely,

Deborah Steinmetz, FASID, FIIDA

11736 Newcastle Avenue  
Bldg. 2, Suite C  
Baton Rouge, LA 70816

Telephone: 225.295-8425  
Fax: 225.304-6655

Email: [admin@LSBID.org](mailto:admin@LSBID.org)  
Web Address: [www.lsbid.org](http://www.lsbid.org)



## Robert Burns

---

**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**Sent:** Monday, August 23, 2010 11:55 AM  
**To:** greg.lindsey@la.gov  
**Cc:** Sarah Olcott (Olcotts@GOV.STATE.LA.US); Freddie Phillips (freddiephillips@bellsouth.net)  
**Subject:** LALB File Documentation from Freddie Phillips to Greg Lindsey  
**Attachments:** LALB\_minutes\_jan\_2010.pdf; Sandy\_Edmonds\_08.01.10.pdf

Mr. Lindsey:

[This email has been sent by Robert Burns **ONLY** to the above named recipients – Greg Lindsey and copies to Sarah Olcott and Freddie Phillips. Any reference to the file entitled “IG package” is one you should already have, but if you don’t and need it, let me know and I can send it to you].

My colleague on the Louisiana Auctioneer’s Licensing Board, Freddie Phillips, tells me that he spoke with you at length on Friday and relayed you would like to see some file documentation regarding irregularities at the LALB as well as be brought “up to speed” on where things stand with his own difficulties he’s encountered from the LALB in the last several months. As you know, he is the **ONLY** African American auctioneer in the history of Louisiana, and he’s had a **VERY** tough time trying to “break in” to the “good ole boy” auction network.

The easiest way for me to fulfill Freddie’s request that you be provided with documentation is to merely give you a tailor-made webpage with links to everything of which you may have an interest. Here is that link:

[www.bwwrealty.com/freddie\\_phillips.html](http://www.bwwrealty.com/freddie_phillips.html)

With regard to item # 3 on the link above, if you click on the file, if you look at **NOTHING** else, just look at the William Jones incident (act # 2). I provide full documentation of what all happened regarding Mr. Jones and how our attorney, Ms. Dow, totally and completely acted outside her authority to renew the license of an auctioneer who, #1) was actively involved in an auction in which the City of Kenner lost over a half a million dollars (\$500,000), and #2) was deceptive about his residency status for EIGHT (8) years!! Yet Ms. Dow, ON HER OWN (despite putting it in writing that she would go before the Board), agreed to resolve his “problem” (see the links for her letterhead and Mr. Jones’ response) by merely paying the difference between what his license fee would have been and what he historically paid (difference = \$75 x 8, or \$600) for those eight years!! Now I ask you this, Mr. Lindsey: What kind of signal does that send to out-of-state licensees (especially MS and TX) regarding being truthful about their state of residence? I say it sends the following signal: “Don’t bother telling us the truth. If you lie and get caught, we’ll just have you pay the difference, so you may come out ahead by being dishonest, and the worst that can happen is that you pay what you would have paid anyway!” I’m absolutely infuriated that Ms. Dow made this decision on her own, consulted nobody, and particularly in light of the irregularities referenced above. At a BARE MINIMUM, had I been afforded the opportunity to vote on the matter, I would have sought to impose our maximum fine of \$500 (which as you know, I’m on record as believing to be grossly inadequate).

Secondly, I hope I can give you some idea of just how solid the “good ole boy” network of auctioneers is in LA and surrounding states. To do that, I draw your attention to the attached file showing the LALB minutes of January 2010. I have highlighted an item for your attention on page two (2). It entails refunding Mr. Troy Lippard’s licensing fee on the heels of him coming to Louisiana from Oklahoma and successfully selling two properties in St. Francisville for around \$2 - \$2.5 million!! Mr. Lippard just happens to be close friends with Barbara Bonnette, the one who filed the “complaint against the Board” (which itself can be seen on the support links I provided to item # 3 at the link above). In fact, they’re affiliated with the same real estate brokerage-auction firm, United Country, and they were co-listing agents for the auctions. Had I been allowed to continue my discussion on the tape file you’ve already heard,

[www.bwwrealty.com/LALB080210mon.mp3](http://www.bwwrealty.com/LALB080210mon.mp3), past the **1:11:51** mark I had planned to relay (see item # 9 on the

"Sandy Edmonds" letter file attached), that I'd complimented Mr. Lippard and Ms. Bonnette on their outstanding auction results and was therefore puzzled by why in the round-world we were refunding Mr. Lippard's licensing fee. Of course, I never got to make that point at the August 2, 2010 meeting because I was allowed to speak only from the **1:07:35** mark of the link just referenced until the 1:11:51 mark before being rudely cut-off by both Chairman Comer and Terry Shirley. Mr. Shirley, incidentally, sat at the Board table and, despite not being a Board Member, at times seem to take it upon himself assume the role of Chairman and the actual Chairman allowed him to do so without uttering a word. Can you imagine the reaction if I would have had someone sitting at the table conducting themselves in such a manner??????

At any rate, I can hardly believe that it's legal to arbitrarily and capriciously pick and choose who pays a licensing fee and who doesn't, and I find it **appalling** that the LALB would opt to refund a licensing fee for no apparent reason whatsoever. Of course, I'm only one vote and, as usual, Freddie and I voted to do what we firmly believe to be legally correct and not refund any licensing fee. As is so often the case, however, we were outvoted 3-2 (Buster Gay motioned and close friend and "consumer" member Clayton Brister seconded, and Tessa Steinkamp opted to cast the deciding vote with the "good ole boy" network). Hence, part of the licensing fee was refunded. Greg Bordelon (another "consumer" member) and Ken Comer, close friends who ride with each other to the meetings, were both absent for that meeting, leaving only five voting members.

At any rate, that should certainly give you more "fuel for the fire" in terms of seeing just how pervasive corruption is within the LALB office. There's simply no nicer way to phrase it.

In many ways, I wish I'd never volunteered to serve on the LALB. If that were the case, I would remain to this day blissfully ignorant of its high propensity to show auctioneer favoritism of certain auctioneers over others, to focus almost exclusively on "promoting the auction industry" vs. its stated mission of consumer protection (can anyone seriously wonder why Rep. Baldone apparently opted not to dignify this industry "policing body" by filing a complaint??). I would have thus stayed "in the dark" about just how corrupt this industry can be.

I called Mr. James Quinn, then Director of Boards and Commissions, on January 27, 2009 and relayed that I wanted off the LALB immediately (after the quite-familiar January 26, 2009 meeting involving an illegal executive session and numerous character assassinations), and he asked me to take a few days to think it over. As Mr. Phillips relayed in the August 2, 2010 meeting, he called me and specifically requested that I remain on the Board, lest he feel he was a "lone voice in the wilderness." Out of respect for Mr. Phillips, I did agree to remain on the Board for as long as he is on it, and I'll honor that commitment, but the second he's no longer on the Board, I'm gone!! I also can't help but wonder if Mr. Robert Graves, a well-respected attorney and auctioneer who resigned after only one LALB meeting and for whom I got tabbed to take the place of, didn't see enough in one meeting alone to say, "I'm outta here!" I guess that may also explain why Mr. Quinn asked me to take a few days to think about my resignation (because it was a revolving-door of LALB appointments during that timeframe).

The irony is that there's a huge push among a faction of auctioneers in this state to have me removed from the Board. Let me be clear: Nobody affiliated with the Governor's Office has even remotely made any such overture to me (i. e. that my removal from the Board is a probability or even a possibility). Nevertheless, if the segment of the auctioneer community actively seeking my removal should succeed, so be it. Let me be blunt: If the choice is having to be "molded" into the "good ole boy" network and engage in illegal and unethical practices to remain an LALB member vs. being told by Gov. Jindal that I'm no longer desired as a Board member, then that's not a Governor for whom I wish to serve anyway. I am not naive enough to fail to recognize significant pressure is coming from a small but quite vocal segment of the auctioneer community to remove me (and perhaps Mr. Phillips for that matter) from the Board.

Since Ms. Olcott relays that her office and yours have been in regular contact regarding LALB affairs, I have taken the liberty to copy her on this email.

Thanks, Mr. Lindsey, and I hope you had an enjoyable weekend.



**Robert Edwin Burns**

Real Estate Broker / Certified Real Estate Auctioneer

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**Sherrie Wilks**

**From:** Sherrie Wilks [lalb@lalb.brcoxmail.com]

**Sent:** Wednesday, January 16, 2008 3:34 PM

**To:** 'bustergay@bellsouth.net'

Buster,

You wanted the amount of Ray's mileage reimbursement from yesterday. It was \$ 194.48

I don't think it's your responsibility to reimburse the board. I think it's Rays because he's the one that took the money, but that will have to be between you and Ray I guess.

For what it's worth Buster, I may not have addressed this issue as tactfully as I could have, but in all honesty, I could think of no good way to do it that wasn't going to make you mad.

*(Is there a good way to tell your boss that you think he's done something wrong? NO.)*

So I'm sorry if it came out wrong, but it was a no win situation for me. I saw him getting in your car and I knew what had happened. I couldn't let it happen again and I had to let you know how serious it could be for all of us. I try really hard to do the right thing and follow all the state's rules because the state takes this kind of thing seriously and I don't want to get in trouble. But what you probably don't realize is that I don't want you or the other board members in trouble either and it's **your name** that is on those travel reimbursement forms as the person authorizing the payment.

So I know you are upset with me, and I understand that. But while you are being upset or disappointed with me, please try to remember that I'm doing more than being a stickler on the rules.... I'm trying to keep us **all** from getting into any trouble. I hope that you can come to understand this, and that things won't get all tense and uncomfortable again.

Sherrie

1/22/2008

P33-a

**Sherrie Wilks**

**From:** Sherrie Wilks [lalb@lalb.brcocxmail.com]  
**Sent:** Wednesday, January 16, 2008 12:15 PM  
**To:** 'annadow@bellsouth.net'  
**Subject:** problem

Anna,

I think I may have a problem that I'm not really sure what else if anything I need to do. I did what I thought was the right thing to do... and I addressed the situation but I can tell it didn't "set well" when I addressed it and I'm afraid that it might come back at a later date and cause problems so I wanted you, as an attorney, and as the Board's attorney to know what occurred. I want this email to be considered confidential for fear of future reprisals or actions that might be taken against me by the Board.

Yesterday, as I was trying to catch Tessa in the parking lot before she left, and I noticed Ray and Buster getting into the same car to leave. Apparently they rode together, which is fine, except for the fact that they were both paid mileage, which is not allowed if they ride together. I don't know how long this has been going on, and I'm not sure I want to know. What I do know is that since I am now aware of it, I had to speak to Buster about it and let him know that this can not continue. Oh joy... just the conversation I wanted to have with the person who holds my job in his hands. (Do you detect the extreme sarcasm in that last line?)

So when he called this morning I just came right out and told him I needed to talk to him about something and didn't really know how to do it so I was just going to come right out and say it. I told him I saw Ray getting into his car, and that Ray had been paid mileage, and that this was not allowed if they rode together. I told him that this could not continue because it was really a type of fraud to claim mileage when he didn't drive. He kind of laughed and said he wondered when it was going to come out (which meant he knew it was wrong and went along with it anyway). Then he began to back pedal and say it didn't happen all the time, and that sometimes Ray would park elsewhere (because he was going to the Henderson's or somewhere else after the meeting) and Buster would pick him up from the parking lot and they would ride to the meeting together and then Buster would bring him back to his car after the meeting. I told him I didn't know how often it occurred and I didn't want to know but that it had to stop. I told him they could take turns driving, and claiming mileage, but if they rode together, they could not both get mileage. I told him that this was like malfeasance in office and technically I am supposed to report stuff like this, and I don't want to be in this position. I also explained that he and Ray could be canned for doing this, and that I could be canned for not reporting it so they had to stop. He said ok... they wouldn't do it anymore.

About 45 minutes later, he called me back. He told me he had been thinking about our conversation and he was really disappointed. I was stunned. He's disappointed in me?! I told him that made two of us because I was really disappointed in both he and Ray. I was disappointed that he and Ray would do this knowing that it was wrong. He said it probably wasn't the way things were supposed to go, but he was still disappointed in me because he tried to do things for me to help me look out for my family like letting us take off and go home a little early the day before a holiday and things like that. (We get paid by the hour, not by the day. If we work 4 hours instead of 6 or 7 then we get paid for 4 hours. If I take personal time I fill out leave slips and take my leave time, or I don't get paid for it.) He said that maybe he and Ray would just not try to get back on the board again. I told him that wasn't what this was about, and that was his choice if that's what he decided, but he just needed to know that this mileage thing had to stop. He said he guessed we should all play by the same rules and I said I agreed. I'm not even sure what that was supposed to mean, but I got the feeling he was insinuating that I do things I shouldn't or don't do things I should... I wasn't going to get into an argument with him and piss him off even more so I didn't even ask what he meant... I just agreed. It's a very precarious situation I'm in here because he does hold my job in his hands, and he has the power to terminate me at will, or make working here a living hell so I don't want him really pissed off.... But I also can't let him and Ray cheat on their expenses and claim mileage when it's not due them.

And for the record I think you know that I have no problem playing by the rules. It's what I do. I've been audited by the Inspector General, the Property people, Civil Service, and the Legislative Auditors office and my audits are always clean because I try really hard to do things the "right way". I've had board members try to "cheat" on their expenses before, and I have caught it and not paid them for it. (Fred, Barbara, Brian to name a few) I'm not going to start allowing it now. Anyway...he told me again he was just really disappointed. I told him again that made two of us. Then he told me if I

1/22/2008

thought this was bad I should wait and see what it would be like with Barbara and the Hendersons on the board. He ended the conversation saying he wasn't mad, but he was just disappointed. And I told him again that made two of us. That was it.

Anyway.... I really didn't like the "tone" of the second conversation. I can't say he actually threatened me or my job but I also can't say that it didn't come across as sounding like he was trying to intimidate me because it did kind of sound like he was trying to intimidate me somehow, and it definitely sounded like he was trying to make me fee guilty when I was the one doing the right thing. He's acting like I'm the one that did something wrong. I'm feeling very uneasy about this whole situation, so if suddenly he starts "finding fault" with my job performance or attitude or anything like that... I want someone to know what happened to bring this on. He's pissed that I caught him and Ray cheating on their travel expenses and told him it had to stop.

Sherrie

1/22/2008

DATE		Mi. Paid		Mi. Paid	
Sep-01	BG	\$132.00	RC	<del>\$141.00</del>	R.C. lived in Bastrop, aprox 32 miles north of BG until Jan 04 when RC moved to W. Monroe. They now live on the same street and are neighbors. (see map)
Nov-01	BG	\$132.00	RC	<del>\$141.00</del>	
Jan-02	BG	\$132.00	RC	\$141.00	
Mar-02	BG	\$132.00	RC	\$141.00	
May-02	BG	\$132.00	RC	<del>\$144.00</del>	
Jul-02	BG	\$132.00	RC	<del>\$144.00</del>	
Sep-02	BG	\$132.00	RC	\$144.00	
Nov-02	BG	\$132.00	RC	\$144.00	
Jan-03	BG	\$132.00	RC	<del>\$144.00</del>	
Mar-03	BG	\$132.00	RC	<del>\$144.00</del>	
May-03	BG	\$132.00	RC	\$144.00	
Jun-03	BG	\$132.00	RC	\$144.00	
Jul-03	BG	\$132.00	RC	<del>\$144.00</del>	
Sep-03	BG	\$132.00	RC	\$76.20	
Nov-03	BG	\$132.00	RC	\$76.20	\$2,012.40 *Error: underpaid
Jan-04	BG	\$140.80	RC	\$141.44	RC address Chngd to W. Monroe
Feb-04	BG	\$140.80	RC	\$141.44	
Mar-04	BG	\$140.80	RC	\$141.44	
May-04	BG	\$140.80	RC	\$141.44	
Jun-04	BG	\$0.00	RC	\$99.60	* Corrections from Sept & Nov
Jul-04	BG	\$140.80	RC	\$141.44	
Sep-04	BG	\$140.80	RC	\$141.44	
Nov-04	BG	\$140.80	RC	\$150.28	
Jan-05	BG	\$149.60	RC	\$150.28	
Mar-05	BG	<del>\$149.60</del>	RC	\$150.28	
Apr-05	BG	\$149.60	RC	\$150.28	
May-05	BG	\$149.60	RC	\$150.28	
Jul-05	BG	<del>\$149.60</del>	RC	\$150.28	
Sep-05	BG	\$158.40	RC	\$159.12	
Nov-05	BG	\$158.40	RC	\$0.00	absent
Jan-06	BG	\$154.40	RC	\$159.12	
Mar-06	BG	\$154.40	RC	\$159.12	
Apr-06	BG	\$154.40	RC	\$159.12	
May-06	BG	\$158.40	RC	\$159.12	
Jul-06	BG	<del>\$176.00</del>	RC	\$0.00	absent
Sep-06	BG	\$176.00	RC	\$176.80	
Jan-07	BG	\$176.00	RC	\$176.80	
Mar-07	BG	<del>\$176.00</del>	RC	\$176.80	
May-07	BG	\$176.00	RC	\$176.80	
Jul-07	BG	\$176.00	RC	\$176.80	
Sep-07	BG	\$193.60	RC	\$194.48	
Dec-07	BG	\$193.60	RC	\$194.48	
Jan-08	BG	\$193.60	RC	\$194.48	* Saw BG & RC in same car
Mar-08	BG	\$193.60	RC	\$0.00	absent
May-08	BG	\$0.00	RC	\$0.00	removed

Subtotal Jan 04 thru May 08:

\$4,502.40

\$4,112.96

Total mi. Pd

\$6,482.40

\$6,125.36

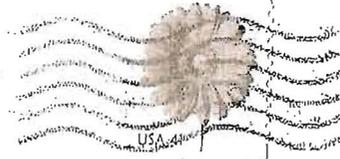
P-34

**Buster Gay Enterprises, Inc.**

Buster Gay & Associates  
180 Twin Oaks Rd.  
West Monroe, La. 71291

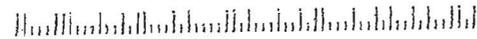
SHREVEPORT LA 711

22 JAN 2008 PM 3 L



Louisiana Auctioneers Licensing Board  
5222 Summa Ct., Ste 352  
Baton Rouge, La. 70509

7080933727



P-35

<b>LOUISIANA AUCTIONEERS LICENSING BOARD</b>		6323
<small>225-922-2329 8017 JEFFERSON HWY., SUITE A2 BATON ROUGE, LA 70809</small>		<small>94-13 654</small> 168
PAY TO THE ORDER OF	<i>Ray Camp</i>	DATE <i>1-15-08</i>
	<i>Two Hundred Ninety One &amp; 48/100</i>	\$ <i>291</i> <sup><i>48</i></sup>
		DOLLARS <input checked="" type="checkbox"/> <small>See Reverse for Details</small>
FOR	<i>Sheree Wells</i>	<i>Burnin</i>
<b>CHASE</b> <small>JPMorgan Chase Bank, N.A. Baton Rouge, Louisiana 70801 www.Chase.com</small>		
#006323# 1:065400137: 2006007589#		

## Robert Burns

---

**From:** Mathew Laborde <mlaborde@beaubox.com>  
**Sent:** Monday, August 16, 2010 2:11 PM  
**To:** Robert Burns  
**Subject:** RE: Deluxe Inn on Airline

Sounds great Robert.

Thanks,

Mathew Laborde

### Beau Box Commercial Real Estate

6777 Jefferson Hwy  
Baton Rouge, LA 70806  
337.326.1368 c  
225.237.0463 d  
225.237.3343 o  
225.237.3344 f

[mlaborde@beaubox.com](mailto:mlaborde@beaubox.com)

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**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Monday, August 16, 2010 12:49 PM  
**To:** Mathew Laborde  
**Subject:** RE: Deluxe Inn on Airline

Mathew:

Even though I had the mix-up in the names, I still knew what had to have transpired. As evidenced by the attached Federal lawsuits over the whole matter, BMR purchased the note from BLX for "pennies on the dollar." The interesting reading begins on page eight (8), paragraph 52, and I've highlighted much of that text.

I doubt they paid more than \$350,000 - \$400,000 tops for the note, and their goal (as with all hedge and vulture funds) is to flip it at \$700,000 or so. If so, they may be VERY happy to just sell it themselves and nearly double their money (hence her comment to you), even at the low-ball offers they would receive without any help from a broker or auctioneer.

Our best shot is to hope for a "greed factor", and that she may stop to think about auction being able to up those low-ball \$650,000 or so offers (if people like ~~XXXXXXXXXXXXXXXXXXXX~~ will even go that high). I'm sure they'd prefer to more than double their money rather than merely make a 50% return (especially after all the legal fees), and, if nothing else, the attached document will come in handy when and if "bare knuckle time" ever comes where we're negotiating any reserve they want to set. The front-end negotiation on auction reserve is critical because, if we botch

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the reserve badly and the auction doesn't bring enough, even a non-vulture seller puts the screws to you on the commission, I'm sure you can imagine what these guys will do!!

Thanks again, Mathew, and we can monitor this situation and see if it may unfold into a profitable venture for us!!



**Robert Edwin Burns**

Real Estate Broker / Certified Real Estate Auctioneer

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---

**From:** Mathew Laborde [mailto:mlaborde@beaubox.com]

**Sent:** Monday, August 16, 2010 11:44 AM

**To:** Robert Burns

**Subject:** RE: Deluxe Inn on Airline

BMR is Silver Point.

Mathew Laborde

**Beau Box Commercial Real Estate**

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Baton Rouge, LA 70806

337.326.1368 c

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[mlaborde@beaubox.com](mailto:mlaborde@beaubox.com)

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**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]

**Sent:** Monday, August 16, 2010 11:42 AM

**To:** Mathew Laborde

**Subject:** RE: Deluxe Inn on Airline

Here is the Sheriff's Sale webpage on

it: <https://web.ebrso.org/civil/realestate.asp?intCaseID=985436&selParishCodeID=2>.

My guess is that Silver Point probably bought the note from BMR for somewhere in the \$400,000 - \$900,000 range. The defaulted principal balance was \$1,225,000 or so. BMR probably had no interest in an extended work-out, so they sold the note to Silver Point, who specializes in distressed assets. Their motivation is all a function of how much they paid for the note, which we'll probably be in the dark on. The fact that nobody bid more than 2/3 appraised amount (the starting bid) tells you that, if they paid over \$900,000, they've made a mistake.

That property has NEVER succeeded in any way and has been in default so many times I've lost count. One day it's bound to get acquired for an amount low enough for the debt to be serviced and an upgrade made to bring it up to decent standards.



**Robert Edwin Burns**

Real Estate Broker / Certified Real Estate Auctioneer

Auction Sells Fast / BWW Realty

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Baton Rouge, LA 70809-2152

(225) 201-0390 (225) 235-4346

LA Lic. #: 1536

[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

---

**From:** Mathew Laborde [mailto:mlaborde@beaubox.com]

**Sent:** Monday, August 16, 2010 11:02 AM

**To:** Robert Burns

**Subject:** RE: Deluxe Inn on Airline

I think her last name may be Dobrow (see her email). My mistake.

Mathew Laborde

**Beau Box Commercial Real Estate**

6777 Jefferson Hwy

Baton Rouge, LA 70806

337.326.1368 c

225.237.0463 d

225.237.3343 o

225.237.3344 f

[mlaborde@beaubox.com](mailto:mlaborde@beaubox.com)

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---

**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Monday, August 16, 2010 10:50 AM  
**To:** Mathew Laborde  
**Subject:** RE: Deluxe Inn on Airline

She just returned my call.....am drafting an email to her an copying you on it....she said auction may be a distinct possibility.....I'm sure they'll want to make a fast return (probably bought the note for a steep discount) so we can certainly facilitate that.....email will go out in a few mintues...Thanks, Mathew!!



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---

**From:** Mathew Laborde [mailto:mlaborde@beaubox.com]  
**Sent:** Monday, August 16, 2010 10:44 AM  
**To:** Robert Burns  
**Subject:** RE: Deluxe Inn on Airline

It could be because they do not have the deed yet. They expect it in 1-2 weeks.

Mathew Laborde

**Beau Box Commercial Real Estate**  
6777 Jefferson Hwy  
Baton Rouge, LA 70806  
337.326.1368 c  
225.237.0463 d  
225.237.3343 o  
225.237.3344 f

[mlaborde@beaubox.com](mailto:mlaborde@beaubox.com)

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**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Monday, August 16, 2010 10:41 AM  
**To:** Mathew Laborde  
**Subject:** RE: Deluxe Inn on Airline

Matthew:

I just called, and she spoke with me for about 15 seconds before saying, "I need to place you on hold." I waited 15 minutes (kept the phone on speaker and went about my work), so it appears they're a long way from wanting any form of help with a sale. If they're still holding it a few months from now, maybe that will change. They may be getting tons of inquiries (no doubt all with the last name █████), but any offers will all be absolute rock-bottom. The only way to force it up is through a competitive bidding, but what do I know??



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[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

**From:** Mathew Laborde [mailto:mlaborde@beaubox.com]  
**Sent:** Monday, August 16, 2010 9:08 AM  
**To:** Robert Burns  
**Subject:** Deluxe Inn on Airline

Robert:

This might be a good property we can pitch an auction to. It's very distressed. When I spoke with the contact she said they have had too many people interested in it and were not going to list it with a Broker. See Information below:

**Deluxe Inn**  
10245 Airline Highway, Baton Rouge, LA 70816-4099  
[more info »](#)  
Floors: 2  
Rooms: 140  
Sheriff Sale Date: 7/28/2010  
Writ Amount: \$1,299,029.17  
Appraised Amount: \$1,850,000.00  
Owner: Silver Point Capital, LP - a distressed debt and credit-focused private investment firm based in Greenwich, Connecticut.  
Contact: Angela Debowski (203) 655-0831

Mathew Laborde

**Beau Box Commercial Real Estate**

6777 Jefferson Hwy  
Baton Rouge, LA 70806  
337.326.1368 c  
225.237.0463 d  
225.237.3343 o  
225.237.3344 f

[mlaborde@beaubox.com](mailto:mlaborde@beaubox.com)

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## Robert Burns

---

**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**Sent:** Wednesday, August 25, 2010 10:02 AM  
**To:** 'Burden Edmonds'  
**Cc:** Beau Box (bbox@beaubox.com); Robert Svendson (rsvendson@beaubox.com)  
**Subject:** RE: [REDACTED] property  
**Attachments:** Auction 1018 [REDACTED].pdf

Burden:

Just called you and left voice message on office phone. Attached is proposed promotional budget for [REDACTED] property. Give me a call and we can talk about how to go about proceeding on forward in terms of assessing reserve number, etc.

Thanks.



### Robert Edwin Burns

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---

**From:** Burden Edmonds [mailto:bedmonds@beaubox.com]  
**Sent:** Tuesday, August 24, 2010 4:25 PM  
**To:** Robert Burns; Beau Box; Robert Svendson  
**Subject:** RE: [REDACTED]

[http://www.lacdb.com/jsp/search/results.jsp?searchType=ACTIVE\\_LISTINGS&init=1&agentLastName=svendson#t=3|p=1,50|c=search2:true;propertyType::subtype::searchFilter include non member listings:no;agentLastName:svendson;|ac=Location:\[\],PropertyType,SalePrice,LeasePrice,Size,SaleLease,AdditionalListings,Associate|h=|d=55\\_2013843|t=\\*\\*R educed\\*\\*12/2C735 \[REDACTED\]](http://www.lacdb.com/jsp/search/results.jsp?searchType=ACTIVE_LISTINGS&init=1&agentLastName=svendson#t=3|p=1,50|c=search2:true;propertyType::subtype::searchFilter include non member listings:no;agentLastName:svendson;|ac=Location:[],PropertyType,SalePrice,LeasePrice,Size,SaleLease,AdditionalListings,Associate|h=|d=55_2013843|t=**R educed**12/2C735 [REDACTED])

This is the LACDB listing.

### Burden Edmonds

Beau Box Commercial Real Estate  
6777 Jefferson Hwy.  
Baton Rouge, LA 70806  
Cell. 225-931-9222  
Office. 225-237-3343

P-37

Direct. 225-237-3362

Fax. 225-237-3344

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---

**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]

**Sent:** Tuesday, August 24, 2010 4:09 PM

**To:** Beau Box; Burden Edmonds; Robert Svendsen

**Subject:** RE: [REDACTED]

Sounds great, Beau. I'll anxiously awaiting receiving any information and us hopefully proceeding on with our first auction!!



**Robert Edwin Burns**

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---

**From:** Beau Box [mailto:bbox@beaubox.com]

**Sent:** Tuesday, August 24, 2010 4:07 PM

**To:** Robert Burns (Robert@AuctionSellsFast.com); Burden Edmonds; Robert Svendsen

**Subject:** [REDACTED]

Robert:

We will be contacting you about the [REDACTED] property, debt is \$350,000. Burden or Robert please email a flyer

Beau J. Box

Beau Box Commercial Real Estate

P O Box 66865

Baton Rouge LA 70896

225-931-3200 (cell)

225-237-3343 (office)

[box@beaubox.com](mailto:box@beaubox.com)

## Promotion Budget for Auction # 1018

██████████  
June 11, 2010

Promotional Cost Description	Date Incurred	Quantity	Unit Cost	Ext. Amount
First Ad, Advocate 3 x 5"	TBD	1.00	340.20	340.20
Second Ad, Advocate 3 x 5"	TBD	1.00	340.20	340.20
Third Ad, Adovcate 3 x 5"	TBD	1.00	340.20	340.20
Fourth Ad, Advocate 3 x 5"	TBD	1.00	340.20	340.20
Flyer/Post Card Mailout to ASF List	TBD	350.00	0.65	227.50
E-mail Distribution Alert for Auction	No Charge			
Internet Advertising on www.AuctionSellsFast.com	No Charge.			
Total				<u>1,588.30</u>
<b>Less: Promotional Fee Received</b>				<b>1,600.00</b>
Anticipated Ad Budget Surplus (Overage)				12

**Robert Burns**

---

**From:** Beau Box <bbox@beaubox.com>  
**Sent:** Saturday, May 15, 2010 8:56 AM  
**To:** [REDACTED]  
**Cc:** Elizabeth Morrison;  
Robert@AuctionSellsFast.com  
**Subject:** Beau Box [REDACTED]

Yes. Good idea. Liz Morrisson and Robert Burns will contact you on Monday. Thanks. Send me a site plan if you have!!

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----- Original Message -----

**From:** Jimmy Nunnally <jimmy@nunnallyrealestate.com>  
**To:** Beau Box  
**Cc:** S [REDACTED]; Mandy Giles <mandy.giles@comcast.net>  
**Sent:** Sat May 15 06:53:31 2010  
**Subject:** Amber Street, Slidell

Beau,

[REDACTED] & I own a 3 acre commercial tract well suited for a professional office park off of [REDACTED].

Could this be sold this summer in an auction under your new JV arrangement?

[REDACTED] please confirm our listing with [REDACTED] & Blum has expired.

Thanks Jimmy  
[REDACTED]

Magnolia Square Traditional Neighborhood  
13606 Lovett Road, Central  
[REDACTED]

=====  
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P-38

**Robert Burns**

---

**From:** Beau Box <bbox@beaubox.com>  
**Sent:** Wednesday, May 19, 2010 6:55 AM  
**To:** Elizabeth Morrison; Robert@AuctionSellsFast.com  
**Cc:** Beau Box  
**Subject:** FW: Lots 1-3, Square 17, Pearl Acres Subdivision, St. Tammany Parish, LA  
**Attachments:** Amber Plat-Survey.pdf

Robert and Elizabeth please discuss and update me as to value and overall thoughts on this tract. IF you can get a google aerial and outline it that would be nice.....

---

**From:** Jimmy Nunnally [mailto:jimmy@nunnallyrealestate.com]  
**Sent:** Wednesday, May 19, 2010 6:53 AM  
**To:** 'Robert Burns'  
**Cc:** Beau Box; steelep@att.net  
**Subject:** Lots 1-3, Square 17, Pearl Acres Subdivision, St. Tammany Parish, LA

Robert,

It was very nice visiting with you by telephone on Sunday!

Please find attached a survey of the subject 3 acre tract, known as [REDACTED], dated [REDACTED] by J.V. Burkes Associates, Inc.

The owners of the adjoining 3 acre tract, giving us frontage on [REDACTED], are interested in joining in with the condition the auction is not absolute. I will request a survey of their parcel and forward upon receipt.

In the meantime, let me know what additional information you may need and when the auction can be scheduled.

Please note my contact information below.

Thanks, Jimmy

[REDACTED SIGNATURE]

[REDACTED CONTACT INFORMATION]

**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Sunday, May 16, 2010 11:27 AM  
**To:** Jimmy Nunnally  
**Cc:** Beau Box  
**Subject:** Contact Information for R/E Auctioneer Robert Burns

Mr. Nunnally

It was a please speaking with you a few moments ago. I look forward to us receiving material and evaluating the prospects for a summer auction for the three acre tract you mentioned, together with the potential for the adjoining three-acre tract with frontage on [redacted] if that owner may also be interested in joining in the auction. I do agree with you that the potential to have a combined six acres with frontage would likely enhance an auction's results.

You have an enjoyable remainder of the weekend and have a safe return-trip home, and we'll look to be in touch again soon.



**Robert Edwin Burns**  
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**Promotion Budget for Auction # 1017**

**Jimmy Nunnally & Steele Pollard**

**June 11, 2010**

Promotional Cost Description	Date Incurred	Quantity	Unit Cost	Ext. Amount
First Ad, Times Piccayune 2 x 4"	TBD	1.00	1,051.68	1,051.68
Second Ad, Times Piccayune 2 x 4"	TBD	1.00	1,051.68	1,051.68
Third Ad, Times Piccayune 2 x 4"	TBD	1.00	1,051.68	1,051.68
First Ad, Adovcate 3 x 5"	TBD	1.00	340.20	340.20
Second Ad, Adovcate 3 x 5"	TBD	1.00	340.20	340.20
Third Ad, Adovcate 3 x 5"	TBD	1.00	340.20	340.20
Flyer/Post Card Mailout to ASF List	TBD	350.00	0.65	227.50
Estimated Hotel Con. Room for Auction	TBD	1.00	200.00	200.00

E-mail Distribution Alert for Auction No Charge  
Internet Advertising on www.AuctionSellsFast.com No Charge.

Total 4,603.14

**Less: Promotional Fee Received 4,600.00**

Anticipated Ad Budget Surplus (Overage) (3)

## Robert Burns

---

**From:** Beau Box <bbox@beaubox.com>  
**Sent:** Friday, July 30, 2010 8:49 AM  
**To:** Robert@AuctionSellsFast.com; Mathew Laborde  
**Subject:** Re: Beau Box Lafayette Hotel

Call the bank now and set a conf call time for later today or Monday

---

**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**To:** Beau Box; Mathew Laborde  
**Sent:** Fri Jul 30 06:44:52 2010  
**Subject:** RE: Beau Box Lafayette Hotel

Sounds great. Just called Matt...He should be in the office in about 45 minutes, at which time he will call me, and I will come over and we'll strategize and initiate the call. Looking forward to it!



**Robert Edwin Burns**  
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---

**From:** Beau Box [mailto:bbox@beaubox.com]  
**Sent:** Friday, July 30, 2010 8:14 AM  
**To:** Robert@AuctionSellsFast.com; Mathew Laborde  
**Subject:** Re: Beau Box Lafayette Hotel

You guys need a conference call with the bank TODAY. Robert call them

---

**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**To:** Mathew Laborde  
**Cc:** Beau Box  
**Sent:** Fri Jul 30 06:00:37 2010  
**Subject:** RE: Beau Box Lafayette Hotel

Hi Matthew:

Thanks for obtaining the document. I have reviewed it, and here are my thoughts:

P-39

- We really need to convince the bank to permit open availability of what financial information they have (to include, at a bare minimum, historical occupancy rates and average room rates) for all prospective bidders to be able to evaluate (the disclaimers can still be included),
- To do otherwise will do nothing but hurt the results of the auction. Bidders are not going to expect for the numbers to be glowing (or else the property wouldn't have ended up in the bank's possession), but if they are given no past financial performance, they will likely create their own pro-forma financials which will likely be worse than the actual numbers, thus resulting in lower bids.
- I've closely followed approximately five hotel auctions during my career (two in Hammond, and 2-3 in New Orleans) including attending two of those auctions, and the financial information was ALWAYS provided for website visitors to obtain with the mere clicking of a mouse (no registration of any kind even required to view the documents). I have no doubt whatsoever that it was that transparency which enhanced the bidding and resulting in successful sales for all of the properties.

Under the traditional sales approach, the existing agreement may serve a useful purpose, but for an auction, unless there is a change to permit availability of financial performance, the bank needs to be prepared for lower bids across the board on the parts of all bidders. It's their call to make, but I'm just relaying that, if silence on financial information is present, bidders will assume the worst and bid accordingly.

Thanks, and let me know anything I can do to assist with us obtaining this engagement and proceeding on with an auction for which the bank will be well pleased with the results.



**Robert Edwin Burns**

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---

**From:** Mathew Laborde [mailto:mlaborde@beaubox.com]

**Sent:** Thursday, July 29, 2010 4:02 PM

**To:** Robert Burns

**Subject:** RE: Beau Box Lafayette Hotel

Robert:

An agreement has to be signed to view the financial information that they have. Please find it attached.

Thanks,

**Mathew Laborde**

**Beau Box Commercial Real Estate**

6777 Jefferson Hwy  
Baton Rouge, LA 70806  
337.326.1368 c  
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**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Wednesday, July 28, 2010 2:12 PM  
**To:** Mathew Laborde; Beau Box; Jessie Hynes  
**Subject:** RE: Beau Box Lafayette Hotel

Sounds great, Mathew!! Here are a few #s from the 3/31/10 Call Report to gauge how motivated they may be (6/30 Call Report should be out within seven days or so -- \$\$ in thousands):

ORE	164,826
Loans 90+ days past due but still accruing interest	13,194
Non-Accrual Loans	692,454
Total Non-Performing Assets	870,474
Total Assets	17,195,645
Non-Performing ORE / Assets as % of Assets	0.96% / 5.06%
Total Equity Capital	1,745,981 (Note: Loan Loss Reserve =
386,073, or 2.83% of Gross Loans).	
Non-Performing Assets as a % of TEC	0.50 (as a guide, this ratio, sometimes called
the "Texas Ratio," when approaching 20, is the current criteria for FDIC shutting a bank down).	

So, they're not in any kind of significant danger at present, but the ORE ratio of nearly 1% of assets has got to start to concern them at some point. Taking in that hotel adds about 1,000 to the 164,826 number above and, like I say, it's outside of their designated target market, so they may be more inclined to just let it go. Let's hope so!!!



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LA Lic. #: 1536  
[www.AuctionSellsFast.com](http://www.AuctionSellsFast.com)

**From:** Mathew Laborde [mailto:mlaborde@beaubox.com]  
**Sent:** Wednesday, July 28, 2010 11:30 AM  
**To:** Robert Burns; Beau Box; Jessie Hynes  
**Subject:** RE: Beau Box Lafayette Hotel

I have attached a few pictures of the hotel. A few things I have noted were: I saw no more than ten operating cars while there and doors to multiple empty rooms were left open the whole time I was there. I will see if I can get any information on finances and occupancy.

**Mathew Laborde**

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**From:** Robert Burns [mailto:Robert@AuctionSellsFast.com]  
**Sent:** Wednesday, July 28, 2010 9:00 AM  
**To:** Beau Box; Mathew Laborde; Jessie Hynes  
**Subject:** RE: Beau Box Lafayette Hotel

I would certainly concur that this looks to be an excellent auction prospect, especially since this is a loan they extended which is not in the bank's core market (Utah, California, Texas, Arizona, Nevada, Colorado, Idaho, Washington and Oregon). Also, as evidenced by the reviews, it's been poorly maintained, and the bank is not likely to want to make substantial improvements but rather seek to just get out as quickly as possible.

You're probably right, Matt, on the \$1.45 million being the appraised value. If it was the winning bid amount (which would have been 2/3 appraisal since you can bet the bank bid and nobody else did), it would infer an appraised amount of \$2,122,498.94 and, since this is not a nice round number, the \$1.45 million is more likely the appraised value. If that's the case, the bank likely bid 2/3 of that, or \$943,333.33 and became the owner for that bid.

I agree that pitching our services in an organized fashion gives us maximum probably of getting the deal. We can promote that our two firms are both very close proximity wise to the property and that we have extensive databases of investors within this geographic area to whom we can distribute marketing materials.

Other items we'll need from the bank to promote the auction would obviously include financial operating results and occupancy levels.

We should be able to make a great pitch for auctioning this property!!



**Robert Edwin Burns**  
Real Estate Broker / Certified Real Estate Auctioneer

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**From:** Beau Box [mailto:[bbox@beaubox.com](mailto:bbox@beaubox.com)]  
**Sent:** Wednesday, July 28, 2010 6:43 AM  
**To:** Mathew Laborde; [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com); Jessie Hynes  
**Subject:** Re: Beau Box Lafayette Hotel

We need to pitch our services in an organized manner. Let's ask Jesse to prepare some marketing propaganda....Matt get some pictures of the hotel in Lafayette and email them to Jesse. Need pix of:

1. Signs
2. Front
3. Side
4. Parking
5. Deferred maintenance items

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**From:** Mathew Laborde  
**To:** Beau Box; [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com) <[Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com)>  
**Sent:** Wed Jul 28 04:35:14 2010  
**Subject:** RE: Beau Box Lafayette Hotel

Robert:

The details on the hotel are attached. It went to Sheriff Sale on 7/14/10 in Lafayette. Zions National Bank bought it back. The sheriff got two appraisals done on it. I believe the average of the two values was \$1,415,000, however, I need to double check (that may be the winning bid amount). I contacted the bank and they told me that Blake Zumbrunnen ([Blake.zumbrunnen@zionsbank.com](mailto:Blake.zumbrunnen@zionsbank.com)) and Jeff Norman ([Jeff.norman@zionsbank.com](mailto:Jeff.norman@zionsbank.com)) were the people to speak with regarding this property. The Office #: (801)844-8303. Judging by the reviews on Google it has probably been under poor management and has a few problems ([Reviews](#)). Let me know what other information you need and how I can help.

Thanks,

Mathew Laborde

Beau Box Commercial Real Estate  
6777 Jefferson Hwy  
Baton Rouge, LA 70806  
337.326.1368 c  
225.237.0463 d  
225.237.3343 o  
225.237.3344 f

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-----Original Message-----

From: Beau Box

Sent: Wednesday, July 28, 2010 6:05 AM

To: Robert@AuctionSellsFast.com; Mathew Laborde

Subject: Beau Box Lafayette Hotel

Matt

Can you get the details of the hotel in Lafayette to Robert? He is copied. Let's pitch an auction deal to the lender.

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## Robert Burns

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**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**Sent:** Monday, July 26, 2010 11:13 AM  
**To:** Beau Box (bbox@beaubox.com)  
**Subject:** Marge Mackey Update / Opportunity

Beau:

Had occasion to be in Port Vincent yesterday, so I decided to walk over the property I've always THOUGHT was the Eagle's Landing property. There are no roads, streets, etc. The only improvements are the green pipes sticking up for water/sewer tie-in and lot identification. I spoke with a neighbor, Oliver Duncan, and asked if he knew the name of what the S/D was going to be, and he confirmed it was to be Eagles Landing. He and his wife were quite frustrated with the whole situation and he relayed the grass has yet to be cut. The next time I'm out that way (yesterday's trip was unexpected), I'll take my digital camera and get a few photos.

Anyway, I pulled my old file on EBRP regarding Marge Mackey, which at this point can be summed up here, <https://web.ebrso.org/civil/realEstate.asp?selParishCodeID=2&txtCaseNum=581753&subForm=+Go+>. As you can tell, the foreclosure sale on her main office on Sherwood continues to be stopped (probably due to the involuntary bankruptcy filed 8/29/09) as of 12/02/09.

The status of the Ascension property is summed up here:

<http://www.ascensionsheriff.com/Assets/AssetsDisplay.asp?p1=1337>. As you can tell, that foreclosure sale is scheduled for 10/13/10. The judge signed a relief from the automatic stay and abandoned the property on 4/13/10. He may not be able to do that on the Sherwood property if he deems equity may exist to pay unsecured creditors, so the availability of Sherwood may be delayed for a more protracted period, but perhaps we could approach the bankruptcy trustee about auctioning it (or at least BB list traditionally with maybe added support via website advertising, mail-outs, etc. on BWW Realty website).

The other bank involved in Eagle's Landing (beyond Fidelity) is Gulf Coast Bank in New Orleans (President Guy Williams). I met Guy once 18 years ago on an FDIC exam, but I don't know much about him at all. Any chance you may know him and maybe, with your relations with Mr. Smith at Fidelity, we might could speak with them about being able to get the Ascension property off their books (assuming they can get it on 10/13 without a glitch) by 12/31/10 through auction? That may seem appealing to both banks because, in addition to the property being a heavy drag on future profits, it will certainly make their 12/31/10 year-end numbers look better without a big increase in non-performing ORE ever showing up on the books (not on 9/30 and sold before 12/31). Otherwise, the sales period is likely to take years. May also be a good opportunity to pitch Mr. Smith on us auctioning the property behind Arzi's over on Jones Creek (the "other" Marge Mackey fiasco which was listed with L & B then with Maestri-Murrell but not sure if they still have listing or not but no recorded conveyance by Fidelity as of today).

Let me know your thoughts, and soon after the FDIC call report submissions are finalized (August 5 or so), maybe we can have another strategizing session in early August?



**Robert Edwin Burns**  
Real Estate Broker / Certified Real Estate Auctioneer



## Robert Burns

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**From:** Robert Burns <Robert@AuctionSellsFast.com>  
**Sent:** Monday, May 17, 2010 9:29 AM  
**To:** Beau Box (bbox@beaubox.com)  
**Cc:** Elizabeth Morrison (emorrison@beaubox.com)  
**Subject:** Quarterly Updated Bank Spreadsheet and Files Thereof  
**Attachments:** Bank Prospecting.xls; Mackey - Eagles Landing - Bankruptcy.pdf; Mackey Foreclosure on Main Sherwood Office.pdf; Qualify Seller.pdf

Beau:

In preparation for Wednesday's meeting, attached is an updated bank ORE spreadsheet to reflect March 31 call report information. I've highlighted several banks of note which are the most promising for contact. I also added a couple of banks to the list: First Financial Bank in Plaquemine (added because it's the lender for the [REDACTED] subdivision in Denham Springs we talked about a few weeks ago), and Iberia (added since you're on the Board, but their numbers are highly misleading since most of their problematic assets have arisen from out-of-state acquisitions in FL and AR for which they have loss-sharing arrangements with the FDIC).

Of note regarding banking activity in the latest quarter is Fidelity's ongoing saga with Marge Mackey. In addition to the property behind Arzi's on Jones Creek that we talked about last time (see below), they have now foreclosed on the S/D in which she's principal in Ascension (Eagles Landing). Also, three of her unsecured creditors (Water and Wastewater Utilities, Scott, LA, \$334K; LA Testing & Inspection, Scott, LA, \$18K; and Vince Diez, Gonzales, LA, \$4K) got together and forced her LLC (Eagle's Landing) into involuntary bankruptcy. If you look at the attached bankruptcy filing, the Fidelity loan is listed at \$7.2 million, with the underlying collateral valued at \$4.38 million. Accordingly, the bank commenced foreclosure proceedings against her main office on Sherwood to cover the \$2.8 million deficiency (see foreclosure attachment and 3/23/10 judgment).

I figured I'd also include those documents so that, if you want to call and talk with Robert Smith in concert with the property behind Arzi's, maybe we can wrap everything they have from the Mackey fiasco into one big auction (or a series of separate ones).

I drove by the property behind Arzi's the other day, and I see where it's now listed with Maestri—Murrell, and I see it on their website listed at \$675K, so it appears the bank is now more realistic on what the property is likely to bring (as you said, less than half the mortgage balance). Also, if you look on the bank spreadsheet, you'll see their ORE balance at 3/31/10 is \$870K, and I'm certain that's the only property they have (because I look it up quarterly and they've not had to take anything else in for the last several years), so they know they're looking at another \$250K+ writedown (after commission), so at this point (ESPECIALLY with the other problems looming!!), they may be ready to just sell it absolute. A smart banker like J. B. Falgoust (First American) would, but others, who knows?

Lastly, I just spoke with Elizabeth and she inquired how we proceeded on with analyzing auction. The last attachment of this email is the most critical document in all of my auction files. It's the seller qualification file. It has all the critical questions for us to gradually obtain from a prospective client. It's the exact form Dave uses for screening his prospects, and I've found it to be absolutely invaluable. It should be a huge help to know what critical questions to get answered to know if a prospect is viable or not. I know using it has saved me TONS of wasted effort on pursuing properties which had little or no chance of selling at auction.

Thanks, Beau, and I'll be in touch again soon. I have to leave in a bit for the Auctioneer's Licensing Board meeting at noon. I look forward to our meeting Wednesday at 3 p.m., and I hope the attached documents can help in that regard.



Robert Edwin Burns

P-41

**Contact: Trish Dry, The Cat's Back Advertising**  
**4344 Church Street, Zachary, LA 70791**  
**225.937.7277**

**May 2010**  
**FOR IMMEDIATE RELEASE**

**COMMERCIAL REAL ESTATE FIRM PROMOTES AUCTIONS IN**  
**SOUTHEAST LOUISIANA**

Baton Rouge, LA ~ Beau Box, owner and founder of one of Louisiana's most successful commercial real estate firms, Beau Box Commercial Real Estate, has recently joined with a leading auction company to promote and conduct commercial real estate auctions in Southeast Louisiana.

With Beau Box Commercial Real Estate's national marketing reach and experience, the partnership with Robert Burns, founder of Auction Sells Fast, will provide a venue for those seeking quick, profitable property sales throughout the region. Burns, an inactive CPA and member of the Louisiana Auctioneer's Licensing Board has been looking forward to pairing with a commercial real estate company for years. Beau Box and his team of award-winning real estate agents and brokers have marketed commercial real estate throughout Southeast Louisiana for nearly two decades. Beau Box Commercial Real Estate has in fact brokered some of the largest commercial real estate transactions in recent years in South Louisiana.

Together, Beau Box Commercial Real Estate and Auction Sells Fast, LLC will afford the opportunity to maximize sales prices attained via competitive bidding environments while minimizing holding costs such as insurance, taxes, repairs, etc. For more information regarding upcoming auctions and available properties, contact Beau Box Commercial Real Estate at 225-237-3343 or email [BBBox@BeauBox.com](mailto:BBBox@BeauBox.com). Additional information is also available on the web at [beaubox.com](http://beaubox.com).





### **What am I bid for this property?**

Robert Burns is a real estate broker and an auctioneer. If you have a property you want to sell as quickly as possible, you might call him.

Quite a few people have been recently calling Burns. He estimates he's had more calls in the past six months from people looking to unload properties than in the previous five years. But he hasn't done many auctions over the past 15 months, when he used to do seven to 10 per year.

"Everybody thinks when times go bad, auctions flourish," he says.

But like a typical agent, he does better when things are blowing and going. He recalls more than 30 properties selling in one night at an auction he worked in September 2006.

"Back then, if you could fog a mirror, you could get a loan," Burns says. "Today, if we had those same 36 properties lined up for auction, I wouldn't expect to sell any."

Burns' firm, Auction Sells Fast, received a big visibility bump earlier this year with the announcement of its joint venture with Beau Box Commercial Real Estate, a firm with name recognition in the Capital Region.

The agreement gives Box a way to move foreclosed properties quickly, and gives Burns a source of properties to sell. The firms can combine their mailing lists and marketing efforts.

Box couldn't be reached for comment. But in an interview with *Daily Report* earlier this year, he said several hundred million dollars' worth of distressed real estate was expected to hit the market over the next two years, and an auction was a good way to approach that market.

Auctions aren't exclusively made up of properties in danger of foreclosure. Auctioneers sometimes say their industry is driven by the three Ds: debt, death and divorce. An accumulation of the first D, combined with difficulties obtaining refinancing, has led experts to predict a coming wave of commercial foreclosures to rival the housing crisis seen in some markets.

That wave might still be coming, but it hasn't crashed ashore, which Brian Andrews of Andrews Commercial Mortgage finds surprising but not shocking.

Andrews says he would have expected lenders by now to have been under pressure from regulators and stockholders to show some activity and prove they were concerned about their credit quality. Instead, he says, banks seem to be taking what he considers to be a more prudent approach.

"The banks are just saying, 'We're going to continue to work with the customers as long as the customers are continuing to work with us,'" he says.

At the moment, Andrews says, the few potential buyers are looking for "trophies" or "train wrecks." Baton Rouge doesn't have any properties that are trophies on the national level, he says, and people here aren't desperate enough to sell for pennies on the dollar.

He says banks might still have one more year of low expectations, when they can let people slide. But he suspects owners and stockholders might want to see cleaner balance sheets after 2011.

"My sense is, in 2011, that's when the banks are going to start saying, 'You've either got to fix this or I'm taking it back, I'm selling it for what I can and I'm just going to get the deficiency out of your hide,'" he says.

Dave Gilmore of Gilmore Auction & Realty is starting to see more commercial properties in the pipeline. Owners who bought at the top of the market might be able to refinance, he says, but they might have to come up with 30% of the value. He doesn't expect a sudden flood of foreclosures.

"They're doing the 'extend and pretend,'" he says; in other words, lengthening the term of the note and hoping economic conditions improve.

The majority of calls to people like Burns and Gilmore are about residential properties. Even then, the owners don't seem all that desperate, and Burns often doesn't try to set up an auction because he's not confident of a sale. Auctions are unconditional sales, and they work best when there's a highly motivated seller.

"What auction does, it stops the bleeding," he says. "The old saying is, 'I'm no longer after the cheese, just get me out of the trap.'"—**D.J.**