

FREDDIE PHILLIPS

NUMBER 593366 SECTION: 24

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BOARD, and
JAMES KENNETH COMER, JR., Chairman & Custodian of
Records, Louisiana Auctioneer's Licensing Board

STATE OF LOUISIANA

ORDER FOR STATUS CONFERENCE

Considering the Memorandum accompanying this Order for Status Conference

filed by Petitioner, Freddie Phillips, in proper person,

IT IS ORDERED that Status Conference is scheduled on the ____ day of _____, 2011.

Signed at Baton Rouge, Louisiana, this _____ day of _____, 2011.

DISTRICT JUDGE

Respectfully Submitted,

Freddie Phillips, in proper person
Member, LA Auctioneer's Licensing Board
8055 Hanks Drive
Baton Rouge, LA 70812
(225) 229-3341 (cell)
E-mail: freddiephillips@bellsouth.net



Certificate of Service:

I certify that a copy of the foregoing has been served upon counsel for all parties to this proceeding by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 19th day of April, 2011.

CERTIFIED TRUE COPY
018909
DEPUTY CLERK OF COURT
19th JUDICIAL DISTRICT COURT
EAST BATON ROUGE, LOUISIANA
FILED
2011 APR 19 PM 2:04
DEPUTY CLERK OF COURT

FREDDIE PHILLIPS

NUMBER 593366 SECTION: 24

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BOARD, and
JAMES KENNETH COMER, JR., Chairman & Custodian of
Records, Louisiana Auctioneer's Licensing Board

STATE OF LOUISIANA

**MEMORANDUM IN SUPPORT OF PETITIONER'S MOTION FOR STATUS
CONFERENCE**

MAY IT PLEASE THE COURT:

NOW UNTO COURT comes Petitioner, in proper person, who asserts to this
Honorable Court that he desires a status conference regarding the above entitled case.

1.

Petitioner filed this petition on August 9, 2010 seeking a court-ordered Writ of
Mandamus commanding Defendant to generate a report entailing past travel records of
members of the Louisiana Auctioneer's Licensing Board (LALB).

2.

An initial status conference was held in this matter on November 24, 2010.
During that status conference, this Honorable Court indicated a deadline of Friday,
December 10, 2010 for Defendant to generate a report satisfactory to Petitioner. In the
event Defendant failed to do so, Petitioner was instructed by this Honorable Court to
draft a mere letter seeking an order to set a hearing date for oral arguments regarding the
issuance of a Writ of Mandamus.

3.

On or about December 7, 2010, Defendant, through its counsel of record, Anna
Dow, sent a letter to this Honorable Court requesting that a hearing date be set. Petitioner
received a copy of the letter on or about December 9, 2010, but waited until Monday,
December 13, 2010, after the expiration of the court-imposed deadline, to send his own
letter requesting a hearing date as instructed by this Honorable Court.

4.

On or about Thursday, January 6, 2011, Petitioner became aware of an agenda
item scheduled to be deliberated at the LALB meeting of Monday, January 10, 2011.
That agenda item is identified as item number five (5) as outlined on the official LALB

agenda under “NEW BUSINESS” as “Records Retention Policy / Destruction of Records.” The agenda for the January 10, 2011 LALB meeting has previously been provided as part of Petitioner’s filing of a Temporary Restraining Order on or about January 18, 2011 and is attached to that motion and identified as Exhibit P-6 in that filing.

5.

The agenda item was approved, with Petitioner being the only member to vote in opposition to the item at the January 10, 2011 LALB meeting.

6.

On or about January 28, 2011, Defense Counsel Dow filed a Motion for Summary Judgment.

7.

As of the date of the filing of this Motion for Status Conference, both the Temporary Restraining Order and the Motion for Summary Judgment remain under review by this Honorable Court.

8.

On March 21, 2011, a meeting of the Louisiana Auctioneer’s Licensing Board (LALB) transpired. News reporters David Spunt and Paul Gates of WAFB Channel 9 attended that meeting and asked Defendant Counsel Dow various questions pertaining to this petition.

9.

On Thursday, April 7, 2011, Robert Burns, a former LALB member and auctioneer (whom Defendant LALB’s Executive Assistant, Sandy Edmonds, referred to as Petitioner’s “friend in crime” at the January 10, 2011 LALB meeting regarding his efforts to obtain public records), visited the LALB Office and reviewed the minutes and travel vouchers applicable for the period Petitioner requested. From his examination thereof, Mr. Burns prepared a spreadsheet of the EXACT nature and detail Petitioner sought at the outset via his certified letter to Defendant’s Counsel Anna Dow of May 28, 2011.

10.

At the insistence of Defendant LALB, Mr. Burns' office visit of April 7, 2011 was overseen by Attorney General Paralegal Cheryl Harrison. Mr. Burns had Ms. Harrison make note of the time he began the exercise, which was 10:10 a.m. Mr. Burns also requested Ms. Harrison make note of the time he completed his manual spreadsheet, which was 12:14 p.m. Mr. Burns therefore analyzed the records I'd requested and generated a report of the exact nature I requested in two (2) hours and four (4) minutes.

11.

Mr. Burns then returned to his residence, converted the manual spreadsheet to an electronic spreadsheet, and executed a Sworn Affidavit regarding the day's events dated the same day, Thursday, April 7, 2011. He then provided all of this material, along with an email expressing his frustration that the LALB had expended significant funds and had forced Petitioner to also expend funds now exceeding \$1,000 in court costs when merely complying with Petitioner's original letter dated May 28, 2010 should have taken approximately three (3) hours of secretarial-level time, for which the cost should not have exceeded \$100.

12.

Mr. Burns' spreadsheet is attached hereto and made a part hereof this Memorandum as Exhibit P-11. Mr. Burns' sworn affidavit regarding the production of the spreadsheet is attached hereto and made a part hereof this Memorandum as Exhibit P-12. Mr. Burns' email to Petitioner and Defense Counsel regarding his frustration over this matter is attached hereto and made a part hereof this Memorandum as Exhibit P-13. A spreadsheet outlining the LALB's costs pertaining to this litigation (excluding court costs) through February 28, 2011 is attached hereto and made a part hereof this Memorandum as Exhibit P-14. Petitioner also asserts that these costs are likely significantly higher than outlined in the spreadsheet as Defense Counsel Dow has billed the LALB for numerous high-dollar charges for "telephone conference with Chairman Comer," and "telephone conference with Sandy," and common-sense logic dictates that a significant portion of those conferences likely entailed discussion of Petitioner's suit. Nevertheless, since Defense Counsel Dow does not identify the nature(s) of those

numerous telephone conference charges, Petitioner has included none of them in Exhibit P-14.

13.

As indicated to be anticipated in previous filings, Petitioner's request entailed a grand total of fifteen (15) travel vouchers. This number is actually below Petitioner's estimate of 17-20. Although Petitioner is hesitant to speculate on why Defendant was so defiant in denying access to records or generating the requested report, Petitioner will merely point out that, at the March 26, 2002 LALB meeting, extensive notation was made of the fact that the Louisiana Legislative Auditor emphasized that only officers of the LALB could be reimbursed for NALLOA Convention travel. Nevertheless, the LALB blatantly ignored that Legislative Auditor directive in voting to send the entire Board in 2005 as well as consumer members who aren't officers in other years. The except from those minutes is attached hereto and made a part hereof as Exhibit P-15. Finally, on September 20, 2010, LALB Executive Assistant handed Petitioner a, being generous, half-hearted attempt at fulfilling Petitioner's request by handing him a report of "out-of-state" travel. The report was nothing short of pathetic! It had amounts redacted and names redacted and contained nothing but line computer entries. Petitioner responded with a certified letter to Defense Counsel Dow the next day relaying the document was totally unacceptable. A copy of that letter is attached hereto and made a part hereof as Exhibit P-16. Accordingly, Defendant LALB attempted to strengthen its response by providing a report dated October 21, 2010. That report, which was almost as bad as the first report, is attached hereto and made a part herewith and labeled as Exhibit P-17. The report speaks for itself, and Ms. Edmonds even relayed sentiments bordering on being apologetic in an email to Mr. Burns of April 4, 2011 prior to his office visit of April 7, 2011 to examine the records. Ms. Edmonds stated in that email: **"Although Ms. Dow did state her contention is that the Board is under no obligation to generate a report for Mr. Phillips, one was generated by myself on October 21, 2010 and forwarded to Ms. Dow to send to Mr. Phillips. However, a report only generates what is entered into the system and unfortunately there are times that travel was paid and descriptions not listed. Therefore, the report is not, in my view, a complete picture of what occurred."** What Ms. Edmonds is attesting to in the bold-faced quote,

as well as the report she provided on September 20, 2010 immediately after an LALB meeting is that she expended a bare minimum of time to generate something for Petitioner. The collective time she spent generating those two computer printouts, with the September 20, 2010 report being laughable compared to what Petitioner requested, likely did not exceed 2.5 minutes (150 seconds).

14.

Again referencing Exhibit P-15, Petitioner uncovered the fact that Defense Counsel Dow attended the 2010 NALLOA Conference and billed the LALB for attendance at meetings totaling \$450. Even before being made aware of the Legislative Auditor's directive, Petitioner questioned Ms. Dow's billing, which was not approved by the Board and was Ms. Dow's only invoice to contain a signature (that of Chairman Comer with that signature undated). When Petitioner openly questioned the billing as a potential misappropriation of funds, Defense Counsel Dow, on video, shot back with several outright threats of litigation. She also openly encouraged LALB Chairman Ken Comer to sue petitioner as well. She further followed that verbal threat up with a letter to Petitioner dated January 26, 2011. A copy of Ms. Dow's letter is attached hereto and made a part hereof as Exhibit P-18. Petitioner responded with a letter dated February 16, 2011 indicating an intention to retract none of his remarks and questions of the expenditure which he continues to believe is a blatant misappropriation of funds, a contention which is significantly buttressed by the Legislative Auditor's directive. A copy of petitioner's letter is attached hereto and made a part hereof as Exhibit P-19.

14.

Through no act on the part of Defendant LALB, Petitioner now has the original report he sought through his May 28, 2010 certified letter to Defendant Counsel Dow. Therefore, Petitioner's request of this Honorable Court to issue a Writ of Mandamus is now unnecessary. Nevertheless, Petitioner seeks a Status Conference regarding the establishment of a court date at which oral arguments regarding damages incurred by Petitioner by this extended and arbitrary delay on the part of Defendant wherein Petitioner incurred the following sequence of events pertaining to his simple request:

05/28/10 Drafted letter to LALB Attorney Anna Dow requesting information.

06/01/10 Ms. Dow drafts letter relaying "go through Chairman."

- 06/06/10 Chairman and Petitioner talk via phone with no progress.
- 06/18/10 Chairman drafts letter to entire Board saying all requests go through him.
- 07/22/10 Petitioner called the LALB Office to see if Ms. Dow had ever forwarded request. Ms. Edmonds sent the same email Ms. Dow already sent on June 1, 2010.
- 07/23/10 Contacted Ms. Emalie Boyce at the AG's Office, and she indicated that Ms. Dow was the appropriate party through whom to seek enforcement of the statute requiring that the information be provided. It was Ms. Boyce who alerted Petitioner of Louisiana's Constitution (Article 12 Section 3), and Ms. Boyce also referred Petitioner to the statute to seek enforcement (R. S. 44:35).
- 08/02/10 At the LALB meeting, Chairman Comer angrily stresses he's the "chain of command" for the LALB, and Ms. Dow and Ms. Edmonds both admit on tape that Petitioner's request had never even been forwarded to potentially start any possible fulfillment. So, 64 days after the request was initiated, it had not even been considered for processing.
- 08/09/10 Frustrated, Petitioner filed the subject Writ and petition for damages should the Court be so inclined under the provisions of R. S. 44:35(E)(1) to award such damages for the extended delay encountered in producing the LALB information.
- 09/20/10 After the LALB meeting, Ms. Edmonds presented to Petitioner a haphazardly-prepared report in a half-hearted attempt to provide him with the information. Even Ms. Dow relayed at status conference, "I admit the information was somewhat vague."
- 09/21/10 Petitioner drafted a certified letter to Ms. Dow relaying the report didn't remotely conform to what he requested.

Petitioner firmly believes that Defendant arbitrarily and unreasonable failed to respond to his request for records, and therefore seeks the imposition of civil penalties in accordance with RS 44:35E(1) which states: "....if the court finds that the custodian unreasonably or arbitrarily failed to respond to the request as required by R.S. 44:32 it may award the requester civil penalties not to exceed one hundred dollars per day, exclusive of Saturdays, Sundays, and legal public holidays for each such day of such failure to give notification."

15.

Petitioner has submitted a proposed order with this motion.

Therefore, Petitioner seeks a Status Conference for the consideration of establishing a date at which oral arguments may be heard regarding the imposition of civil penalties for Defendant's handling of Petitioner's simple request together with the awarding of court costs incurred by Petitioner made necessary by that handling.

Respectfully Submitted

Freddie Phillips, in proper person
Member, LA Auctioneer's Licensing Board
8055 Hanks Drive
Baton Rouge, LA 70812
(225) 229-3341 (cell)
E-mail: freddiephillips@bellsouth.net

A handwritten signature in blue ink, reading "Freddie Phillips", written over a horizontal line.

Certificate of Service:

I certify that a copy of the foregoing has been served upon counsel for all parties to this proceeding by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 19th day of April, 2011.

A handwritten signature in blue ink, reading "Freddie Phillips", written over a horizontal line.

Board Member and Title	LA Auctioneer's Licensing Board \$\$\$ Reimbursed By Board Member By Year of NAA/NALLOA Travel											
	Norfolk	Boise	Orlando	San	Madison	Pittsburg	Orlando	San Diego	Nashville	Overland	Greensboro	Orlando
	VA	ID	FL	Antonio	WI	PA	FL	CA	TN	Park	NC	FL
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Barbara Bonnette (Sec. Treas.)		1,368		1,507								
Kenny Chatman						889						
Brian Fourroux								1,582				
Delmar "Buster" Gay (Chairman)	2,280	1,583		1,447		1,473		1,299				
Allen Persick (Sec. Treasurer)						1,086	2,119	1,298				
Tessa Steinkamp (Vice Chairman)						841						
Fred Walker	1,910	1,863										
	4,190	4,814	0	2,954	0	4,289	2,119	4,179	0	0	0	0

(1) Minutes of 5/23/00 reflect Fred Walker, being approved to attend. Chairman Buster Gay also wanted surplus funds to be used to send other Board Members to attend. However, nothing indicates that suggestion went anywhere; furthermore, the minutes do not reflect formal Board approval for Chairman Gay to attend. Note: \$250 on Buster Gay's voucher indicated to cover Fred's registration fee, so that \$250 was subtracted from his voucher and added to Fred Walker's voucher.

(2) Minutes of 5/15/01 indicate Mr. Bobby Green, former auctioneer whose license lapsed and who nevertheless remained on the occupying an auctioneer position, motioned that parameters be implemented to enable any Board Member who wanted to attend be permitted to do so. The motion died for lack of a second. Thereafter, the following LALB affiliated were approved to attend the convention: Delmar "Buster" Gay (Chairman); Fred Walker; Barbara Bonnette (Secretary Treasurer), and Sherrie Wilks (Executive Director).

(3) Minutes of 3/26/02 indicate Mr. Green (see above) motioned that anyone wishing to attend be permitted to do so. Executive Director Wilks then relayed that she had, at the request of a Board Member, contacted the Legislative Auditor's Office and that Legislative Auditor informed her that sending just anyone to the convention would unequivocally be a misuse of funds. She indicated they also relayed that ONLY OFFICERS of the Board could be permitted to attend and that they MUST be acting in their capacity as officers to be reimbursed. Ms. Wilks also inquired that, if CE were offered at the convention, could that be used to justify a non-officer attending. She indicated the response was that any CE obtained should be considered "lagnaippe." Ms. Steinkamp inquired who wanted to attend, to which Executive Director Wilks, Chairman Gay, and Secretary-Treasurer Bonnette all answered affirmatively. Mr. Walker motioned the Board into Executive Session and, upon re-emerging from ES it was apparently decided decided nobody would go and the whole subject would be revisited at a later date.

(4) Minutes of 5/20/03 indicate two (2) unspecified Board Members are authorized to attend the convention.

(5) Minutes of 5/19/04 indicate Chairman Gay and Executive Director Wilks are authorized to attend; however, there is no evidence that either did so, and Ms. Wilks states that she did NOT attend.

(6) Minutes of 5/25/05 authorize ENTIRE BOARD to attend. Travel vouchers indicate, however, that only four (4) of the seven (7) members did so.

P-11

Note: Lodging, in the amount of \$461.70, was included in Buster Gay's voucher as being applicable for Kenny Chatman. Therefore, that \$461.70 was subtracted from Mr. Gay's voucher and added to Mr. Chatman's voucher.

(7) No indication in January, March, or May minutes of 2006 to indicate any Board Member was formally approved to attend the conference.

(8) Minutes indicate only three (3) member can attend. They make no mention of which three are permitted to attend.

(9) No indication of any discussion of NAA / NALLOA convention in 2008.

(10) No indication of any discussion of NAA / NALLOA convention in 2009.

(11) May 17, 2010 minutes indicate motion made by Buster Gay to send Executive Assistant and EITHER Chairman or Vice Chairman. A substitute motion was introduced by Board Member Robert Burns that, if neither the Chairman nor the Vice Chairman could attend, a replacement could be sent. Only Board Member Freddie Phillips (Secretary Treasurer) expressed any desire whatsoever to attend. Chairman Comer relayed Sandy, Executive Assistant, being approved since she's "new" to the industry. Board Member Gay states historically ONLY Chairman and Vice Chairman have been approved to attend. Substitute motion fails by a vote of 5-2. Main motion to send Ms. Edmonds and EITHER the Chair or Vice Chair passes unanimously; however, neither Chairman Comer nor Vice Chairman Steinkamp opted to attend.

IN MY EXAMINATION OF THE MINUTES FOR THE LAST 10 YEARS OF THE LALB, I FOUND NO INSTANCE OF ANY BOARD MEMBER EVER BEING DENIED ATTENDANCE AT A CONVENTION BY WAY OF A FORMAL VOTE.

Robert E. Burns 4/7/11 1:13 P.m.

AFFIDAVIT OF ROBERT EDIWN BURNS
APRIL 7, 2011

STATE OF LOUISIANA

PARISH OF East Baton Rouge

On this 7th day of April, 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:

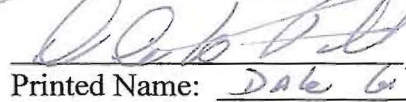
Robert Edwin Burns, whose official business
street address is declared to be 4155 Essen Lane, Apt. 228
 , which is located in the city or town of Baton Rouge in the
State of Louisiana, and for which the zip code is 70809-2152.


Who did state before me that he examined the records of the Louisiana Auctioneer's Licensing Board (LALB) on this date and that such examination was comprised of travel vouchers and Board minutes covering the period January 1, 2000 through the current date. He further stated that his intended purpose was to generate a spreadsheet outlining which past LALB members had been reimbursed for travel to the National Auctioneer's Association Convention and/or the National Auctioneer's Licensing Law Officials Agency (NAA & NALLOA) during that time frame. By executing this document, he attests that, to the **absolute** best of his knowledge and belief and upon his inspection of the aforementioned LALB records, the spreadsheet he has generated is accurate. He further states that this examination of LALB records required approximately two (2) hours and four (4) minutes (beginning at 10:10 a.m. and concluding at 12:14 p.m.) of his time and that he was accompanied by Ms. Cheryl Harrison, a paralegal employed by the Louisiana Attorney General's Office during the entire time of his records examination. He further relayed that he completed the aforementioned spreadsheet in less than an hour, making his total time required for the project approximately three (3) hours.

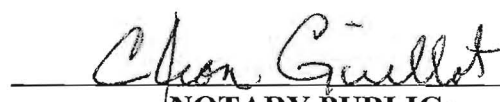
THUS DONE AND SIGNED by the parties on the date first written above, in the presence of me, Notary.

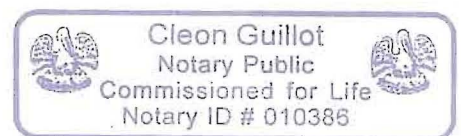
Witnesses:


Printed Name: James H. Crump, Sr.


Printed Name: Dale G. Talbot


Robert Edwin Burns


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



Robert Burns

From: Robert Burns <Robert@AuctionSellsFast.com>
Sent: Thursday, April 07, 2011 4:23 PM
To: Freddie Phillips (freddiephillips@bellsouth.net)
Cc: Sandy Edmonds (admin@lalb.org); Anna Dow (annadow@bellsouth.net); Anna Dow (anna.dow@gmail.com)
Subject: Spreadsheet of LALB-Reimbursed NAA / NALLOA Travel from 2000 - 2010
Attachments: Affidavit of Robert Edwin Burns 04.07.11.pdf; Shreadsheet of NALLOA Travel 04.07.11.pdf

Freddie:

At your request, I have this date examined the LALB records and now provide you with the attached spreadsheet regarding past LALB-reimbursed NAA / NALLOA travel. I also have executed a sworn affidavit this same date attesting to the fact that, to my absolute best knowledge and belief and, based upon the records with which I was provided, it is accurate. I believe I have provided a report which corresponds literally exactly to the specifications you outlined in your letter of May 28, 2010 (which seemed awfully clear and unambiguous to me). Since this is material which pertains to an outstanding lawsuit which you have the against the LALB, in the interest of fairness, I am copying Ms. Sandy Edmonds, Executive Assistant, and Ms. Anna Dow, Legal Counsel, with this email.

The documents are self-explanatory; however, I'll make a few points:

- It took two hours and four minutes (2:04) to examine the documents and prepare a manual spreadsheet. It took less than an hour to then formalize the manual spreadsheet into an Excel spreadsheet, so all told this took just over three (3) hours.
- As a licensee of this State and as a member of the public, I am deeply offended that our licensee resources have been, at least in my firm opinion, wasted on thousands of dollars in legal expenses and countless hours of quibbling about what all is entailed to produce the attached report. At most (including pulling the relevant records), it should have taken four (4) hours of time. At \$27.50/hour, which I understand Ms. Edmonds' current rate of pay to be, I am appalled and take offense to the fact that this report could have been provided to you at an approximate cost of around \$100, yet the LALB has now spent over \$2,000 in defending a suit brought about entailing the mere production of this spreadsheet. In short, it took more time to draft the 13 interrogatories and 10 requests for admissions of fact which the LALB, through legal counsel Anna Dow, presented to you than would have been required to produce the report you requested. This is to say nothing of all the billed charges for computer research pertaining to your case.
- As a result of this, I want this matter placed on the May 16, 2011 LALB agenda and some explanation provided as to why the LALB has chosen to waste not only my license fees, but that of many other auctioneers, when it was so simple to fulfill your request. I ask that you formally make request to the Board to place that item on the agenda for discussion.
- I want to draw your attention to the year 2002 on the attached spreadsheet. The footnotes at the bottom are quite revealing pertaining to that year. I copied the actual minutes for that year (along with 2000 and 2001) due to the incredible detail which Ms. Wilks provided and the fact that the detail she provided with regard to what the Legislative Auditor's Office had advised was apparently blatantly either ignored or forgotten by the two veteran Board Members who served during that timeframe and remained on the Board in 2005 (Chairman Gay and Vice Chairman Steinkamp). I find it particularly galling that Ms. Steinkamp's memory apparently faded her given how emphatic she was at the August 2, 2010 LALB meeting that, "I do recall this VERY CLEARLY, and I think you two are quite confused." Here's the link for that quote: [Steinkamp: "Freddie, I wouldn't want you to represent this Board!"](#) (the quote I reference is at the **1:18 mark**).

➤ Freddie, I know you requested that I get an audio duplication of the August 17, 2009 LALB meeting entailing Sandy's employment arrangement. Here are the facts pertaining to that situation:

1. It was initially said around March 30, 2010 that the tape could not be located.
2. It was revealed yesterday that the tape had been located.
3. I advanced the tape to the end (and then flipped it to the other side). I then advanced it again to right near the end, and the tape ends with a discussion of Out-of-State Co-op agreements (an item I requested to be placed on the agenda). Items on the agenda that would have been discussed past that point include the LAA Convention Report by Nell Stuard and Sandy's employment agreement.
4. I asked Sandy if there was another tape of that meeting (most meetings have multiple tapes).
5. Sandy indicated, "No, it was a short meeting."
6. I relayed the material for which I sought was not on the tape.
7. Sandy indicated she never recalled placing a 2nd tape into the recorder.
8. I merely relayed that the one tape we have concludes where I referenced it did in # 3 above.
9. Sandy got quite emotional and relayed she knew she would be blamed.
10. I merely relayed that my concern is merely does a tape exist with that material on it or does it not. It appears that it does not; however, I will defer to the LALB to update you regarding any subsequent discovery of that tape's whereabouts if it ever existed in the first place (it's always possible the tape did just end without Ms. Edmonds realizing it and she therefore didn't place a 2nd tape in to continue the recording). I'm just relaying the facts as I have observed them.

I will provide you with the originals of these documents, and I hope what I have provided is substantially in conformity with your original request.

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

Anna Dow
Cost Breakdown of Freddie Phillips v. LALB
April 18, 2011

Description	Date	Hourly	Computer
		Billing	Research
Draft Answer/Pleadings to Phillips Petition	09/02/10	150.00	
Review Corresondece to Phillips	09/19/10	15.00	
Computer Research / Phillips Lawsuit	10/01/10		15.94
Computer Research / Phillips Lawsuit	10/11/10		138.75
Draft Letter to Freddie Phillips	10/25/10	45.00	
Draft Pleading/Discover to Phillips	11/16/10	75.00	
Computer Research / Phillips Lawsuit	11/23/10		41.31
Status Confrence / Phillips	11/24/10	75.00	
Draft Letter to Phillips Post Stat. Conf.	11/29/10	30.00	
Draft Letter Agenda Burns/Phillips (1/2)	11/29/10	22.50	
Computer Research / Phillips Lawsuit	12/02/10		33.58
Computer Research / Phillips Lawsuit	12/07/10		15.80
Draft Letter to Judge / Phillips Litigation	12/08/10	30.00	
Computer Research / Phillips Lawsuit	01/06/11		53.84
Computer Research / Phillips Lawsuit	01/17/11		50.56
Computer Research / Phillips Lawsuit	01/18/11		116.55
Research / Draft Pleasing Phillips MfSJ	01/18/11	450.00	
Review Correspondece from Phillips	02/17/11	15.00	
TOTALS		907.50	466.33
GRAND TOTAL			1,373.83

P-14

Mr. Walker made a motion to approve the business applicants. Ms. Steinkamp seconded the motion and it passed unopposed.

5. Request for reinstatement through testing
Addressed in item 2.
6. Attorney's Report:
Ms. Dow deferred her report until later in the meeting and will report on agenda items as they come up.

NEW BUSINESS:

1. Approval of the financials:

Mr. Green made a motion to approve the financials as presented. Mr. Walker seconded the motion and it passed unopposed.

2. Election of Officers:

Mr. Gay pointed out that Mr. Shirley had been appointed temporary Vice Chairman, and there was a full board present and we could now hold an election for Vice Chairman.

Mr. Gay then opened the floor for nominations for Vice Chairman. Ms. Steinkamp nominated Ms. Bonnette for Vice Chairman. There were no other nominations. Mr. Green made a motion to close nominations. Mr. Walker seconded the motion and it passed unopposed. Ms. Bonnette, as the only nominee, won the election for Vice Chairman.

3. National Convention and Change of July Meeting Date:

Ms. Bonnette made a motion to change the July meeting date to July 26, 2002 due to the dates of the National Convention. Ms. Steinkamp seconded the motion and it passed unopposed. Mr. Green made a motion that any one wishing to attend the convention could do so. Ms. Wilks informed the Board that at the request of a Board member she had looked into the matter of whether the Board could allow any member wishing to go, to attend at the Board's expense. After speaking with the Legislative Auditors office, she was informed that to send anyone wishing to go would be a misuse of funds. Board members or staff sent to a National Convention are being sent there in the capacity of their office or position, to attend meetings, learn from and network with others holding similar offices or positions from other states. Ms. Wilks also asked if this could be considered an educational expense. The answer was that this is not an educational expense, and that any CE's received at a convention are purely lagniappe. Ms. Steinkamp asked who wished to attend. Mr. Gay, Ms. Bonnette, and Ms. Wilks answered affirmatively. Mr. Walker made a motion to enter into executive session. Ms. Steinkamp seconded the motion and it passed unopposed. Ms. Steinkamp made a motion to return to regular session. Mr. Shirley seconded the motion and it passed unopposed. It was decided that the subject of who could attend the convention would be revisited later.

Freddie Phillips
8055 Hanks Drive
Baton Rouge, LA 70812-4122

DELIVERED VIA CERTIFIED MAIL: ARTICLE # 7005 2570 0000 1067 4194
DUPLICATE SENT VIA REGULAR MAIL

September 21, 2010

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

Dear Ms. Dow:

This letter will acknowledge that LALB Executive Assistant Sandy Edmonds provided me with a computer-generated printout of past out-of-state travel expenses relating to the LALB. That report, however, is **substantially deficient** from the itemization I requested in my letter to you dated May 28, 2010.

Specifically, there are amounts to payees which are removed from the report. Further, there are check amounts which are clearly applicable for NAA / NAALOA travel for which the payee is not indicated on the report. Additionally, the report failed to specify whether any names (removed or otherwise) held a title with the Board at the time of their travel. Further, the report provides nothing whatsoever pertaining to my request that I be provided with any documented evidence of a Board Member being denied approval to a NAA / NAALOA conference prior to May 17, 2010.

This letter documents the fact that the report is **grossly** deficient and appears to have been a mere computer query generated in a matter of seconds.

In order to properly obtain the information I have requested, Ms. Edmonds will have to run specific Quickbook inquiries for checks issued from May – July of each calendar year. Those checks for amounts exceeding \$500 are likely suspects to be NAA / NAALOA reimbursement checks. From those queries each year (2000 – present), Ms. Edmonds can readily generate an Excel spreadsheet (or word file) with the information I have requested. In terms of reviewing minutes, Ms. Edmonds can merely run word searches for the words “NAA,” or “NALLOA,” or “convention,” or “conference” on each set of March and May minutes for each year. If there is any evidence of a vote to deny a Board Member the opportunity to attend an NAA / NALLOA Conference, that fact will easily be found through that process. All told, it should take approximately two hours for Ms. Edmonds to produce the reports I have requested using the process I have outlined in this letter. Ms. Edmonds is the only qualified person to make the computer searches as it would be inappropriate for any Board Member to be accessing the Quickbooks files of the LALB. Further, the required two hours to produce the report represents a small

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fraction of the time Ms. Edmonds spent at the 2010 Conference subsequent to my denial of the privilege to attend same.

I respectfully request that the reports I sought in my original certified letter to you of May 28, 2010 be provided at the earliest possible date and again I reiterate that the report generated by Ms. Edmonds and provided to me on September 20, 2010 falls woefully short of fulfilling my request and, in fact, in no way whatsoever conforms to my request.

Sincerely,

Freddie Phillips
Freddie Phillips

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Total Postage & Fees	\$	\$5.54
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Sent To: <i>Angela D. ... LAED Legal Counsel</i>		
Street, Apt. 1, or PO Box No. <i>1434 N. ... St. 11</i>		
City, State, ZIP+4 [®] <i>Gonzales LA 70737-2165</i>		

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Sales Receipt			
Product Description	Sale Unit Qty	Price	Final Price

GONZALES LA 70737			\$0.44
Zone-1 First-Class Letter			
0.50 oz.			
Expected Delivery: Thu 09/23/10			
Return Rcpt (Green Card)			\$2.30
Certified			\$2.80
Label #:	70052570000010674194		
Issue PVI:			\$5.54

Total: \$5.54

Paid by:
Discover \$5.54
Account #: XXXXXXXXXXXX0674
Approval #: 02266B
Transaction #: 445
239032711611602870527

Louisiana Auctioneers Licensing Board
Transaction Detail by Account

Type	Date	Num	All Transactions		Amount	Balance
			Name	Memo		
Paycheck	07/26/2005	5505	Tessa S Steinkamp		307.80	14,870.07
Check	01/28/2006	5678	Bank of America	air fare	162.90	15,032.97
Check	02/03/2006	5685	Veranda House	Jim in Nashville	444.60	15,477.57
Paycheck	02/17/2006	5694	James E Steele		385.13	15,862.70
Check	02/17/2006	5696	Bank of America	air fare	200.70	16,063.40
Check	07/17/2006	5821	Bank of America	07/06 conf airfare	303.10	16,366.50
Check	07/17/2006	5829	Sherrie M Wilks	101.6 mi. - seminar related	431.52	16,798.02
Check	07/18/2006	5839	Allen Persick .		863.04	17,661.06
Check	07/18/2006	5839	Allen Persick .	taxi	90.00	17,751.06
Check	07/18/2006	5840	Anna Dow	lodging	719.20	18,470.26
Check	10/11/2006	5913	James E. Steele	Parking in N.O.	10.00	18,480.26
Check	02/21/2007	6022	Sherrie M Wilks	lodging	226.10	18,706.36
Check	03/16/2007	6042	Bank of America	conf. airfare	604.60	19,310.96
Check	07/18/2007	6158	Bank of America	Air Fare	588.60	19,899.56
Check	07/31/2007	6178	Buster Gay	3 nites	417.70	20,317.26
Check	07/31/2007	6178	Buster Gay	misc ground travel	77.50	20,394.76
Check	08/13/2007	6193	Allen Persick .	mtng	605.56	21,000.32
Check	09/28/2007	6233	Brian Fourroux .	mtng	605.56	21,605.88
Check	09/28/2007	6233	Brian Fourroux .	grnd transp	48.60	21,654.48
Check	10/01/2007	6236	Allen Persick .	mtng	114.50	21,768.98
Check	10/01/2007	6239	Allen Persick .			21,768.98
Check	12/04/2007	6285	Allen Persick .			21,768.98
Check	01/15/2008	6322	Allen Persick .			21,768.98
General Journal	06/30/2008	cpa803			1,056.20	22,825.18
Check	05/24/2010	6834	Worldtek Travel	employee conference hotel registration	0.00	22,825.18
Check	07/19/2010	6862	Sandy F. Edmonds	hotel for NAA convention 07/13/10-7/16/10	514.97	23,340.15
Check	07/19/2010	6862	Sandy F. Edmonds	taxi transportation to/from NAA convention hotel	32.00	23,372.15
Check	07/19/2010	6864	Bank of America	airfare to NAA for S. Edmonds	275.95	23,648.10
Total O.S. Travel & Lodging					23,648.10	23,648.10
O.S. Meals						
Check	07/31/1997	3338	Bobby Green		91.16	91.16
Check	04/16/1998	3502	Bobby Green		90.00	181.16

Louisiana Auctioneers Licensing Board
Transaction Detail by Account

Type	Date	Num	All Transactions		Amount	Balance
			Name	Memo		
Check	07/21/1998	3585	Buster Gay		67.52	248.68
Check	08/18/1999	3886	Buster Gay		135.75	384.43
Paycheck	07/28/2000	4147	Delmar E Gay		167.08	551.51
Paycheck	07/28/2000	4148	Fred T. Walker		178.07	729.58
Check	09/18/2000	4173	Buster Gay	NAA Convention	36.00	765.58
Paycheck	02/16/2001	4287	Fred T. Walker	Seminar LC	16.50	782.08
Paycheck	04/17/2001	1032	Fred T. Walker	P/D, Mi, Meals, - Slidell	27.54	809.62
Deposit	06/06/2001		Buster Gay	reimbursement for NAA Conv	-4.00	805.62
Check	07/24/2001	4402	Sherrie M Wilks	NAA Conv	131.00	936.62
Paycheck	07/24/2001	4403	Delmar E Gay		94.16	1,030.78
Check	09/21/2001	4435	Sherrie M Wilks	NAA Conv	0.00	1,030.78
Check	12/04/2001	4482	Barbara Bonnette	Meals	111.46	1,142.24
Check	01/15/2002	4514	Barbara Bonnette	Meals	0.00	1,142.24
Check	07/22/2002	4648	Sherrie M Wilks		132.00	1,274.24
Paycheck	07/26/2002	4661	Barbara R Bonnette	NAA Conv	49.23	1,323.47
Paycheck	07/28/2003	4930	Delmar E Gay		129.26	1,452.73
Paycheck	10/31/2003	4997	Terry Shirley.		19.60	1,472.33
Paycheck	01/30/2004	5069	Allen Persick {Bd Mbr}		53.23	1,525.56
Paycheck	07/18/2004	5231	Delmar E Gay		79.79	1,605.35
Paycheck	12/02/2004	5324	Delmar E Gay		62.64	1,667.99
Paycheck	07/26/2005	5499	Allen Persick	NAA Conf	136.21	1,804.20
Paycheck	07/26/2005	5504	Delmar E Gay		231.08	2,035.28
Paycheck	07/26/2005	5514	J. R. Chatman		16.54	2,051.82
Paycheck	07/26/2005	5505	Tessa S Steinkamp		198.02	2,249.84
Check	02/03/2006	5686	James E. Steele	Travel Advance	310.00	2,559.84
Check	07/17/2006	5829	Sherrie M Wilks	101.6 mi. - seminar related	114.00	2,673.84
Check	07/18/2006	5839	Allen Persick .		55.00	2,728.84
Check	07/18/2006	5840	Anna Dow	meals	92.95	2,821.79
Check	02/21/2007	6022	Sherrie M Wilks		104.00	2,925.79
Check	07/31/2007	6178	Buster Gay	1meal	31.12	2,956.91
Check	08/13/2007	6193	Allen Persick .	mtng	207.07	3,163.98
Check	09/28/2007	6233	Brian Fourroux .	mtng	104.76	3,268.74
Check	07/08/2010	6859	Sandy F. Edmonds	meal allowance for NAA convention 07/13/10-7/16/	168.00	3,436.74

Louisiana Auctioneers Licensing Board
Transaction Detail by Account

	All Transactions					Amount	Balance
	Type	Date	Num	Name	Memo		
Total O.S. Meals						3,436.74	3,436.74
Out of State - Other							
	General Journal	06/30/1997	Balances		Opening	1,285.00	1,285.00
	Check	02/21/2007	6022	Sherrie M Wilks	Parking & Tips	26.00	1,311.00
Total Out of State - Other						1,311.00	1,311.00
Total Out of State						28,395.84	28,395.84
Total Travel						28,395.84	28,395.84
Total Operating Expenses						28,395.84	28,395.84
TOTAL						28,395.84	28,395.84

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Alissa Phillips Realty LL

225 358 4663

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ANNA E. DOW
ATTORNEY AT LAW

1434 N. BURNSIDE AVENUE, SUITE 14
GONZALES, LOUISIANA 70737
225- 644-1865
225-644-1860 (FACSIMILE)
E-MAIL: ANNADOW@BELLSOUTH.NET

January 26, 2011

FREDDIE L. PHILLIPS
8055 Hanks Drive
Baton Rouge, Louisiana 70812

Re: Slander and Invasion of Privacy demand

Dear Mr. Phillips:

At the meeting of the Louisiana Auctioneers Licensing Board, you spoke with regard to invoices submitted by my office to the Board, which are public record. At that time, you made reference to "misappropriation of funds" when referring to those invoices. When asked if you were accusing me of misappropriation of funds, then you said no, and indicated that Mr. Comer was the subject of your statement.

In either case, you have accused both Mr. Comer, the Chairman, and myself of misappropriation of funds. Misappropriation of funds, as defined by Section 67 of Title 14 of the Louisiana Revised Statutes, means the taking of funds, or theft. By calling Mr. Comer and myself thieves, you have accused us without basis in law or in fact. I do not believe that you meant to call any member of the board or employee of the board a thief. Therefore, I would ask that you retract that statement. If you do not do so, then Mr. Comer and I reserve the right to file suit against you for slander and invasion of privacy.

Please retract your statement within ten days of the receipt of this letter.

Sincerely,


Anna E. Dow

pc: Ken Comer

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Freddie Phillips
8055 Hanks Drive
Baton Rouge, LA 70812-4122

DELIVERED VIA CERTIFIED MAIL: ARTICLE # 7010 0780 0001 1264 7983
DUPLICATE SENT VIA REGULAR MAIL

February 16, 2011

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

Dear Ms. Dow:

I respond to your letter of January 26, 2011 as follows:

- I retract **nothing** from **any** segment of my observations, remarks, and request for inquiries pertaining to the January 10, 2011 LALB meeting,
- With regard to your statement that you and Chairman Comer “reserve the right to file suit against me,” you may serve me with such suit at the address listed at the top of this letter. To assist the EBRP Sheriff in such an endeavor, let me provide directions coming from I-12:

Take the Airline Highway (U. S. 61) Exit North 6.1 miles to RIGHT on Hanks. Go 1.2 miles to my house on the LEFT.

- I respectfully request that this matter be placed on the LALB agenda for discussion at the March 21, 2011 LALB meeting.
- I respectfully inquire of you where your concerns regarding my character were at the meeting of August 2, 2010 when Board Member Buster Gay commenced with an approximate 2-minute diatribe regarding how I may be an “embarrassment” at the NALLOA Conference held the previous month and his statement that “somebody hypnotized you and had you withdraw \$7,000 for your church’s account and give it to them.”

Cc: LA Attorney General’s Office,
LA Office of Risk Management

Sincerely,



Freddie Phillips

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