

ROBERT BURNS, REV. FREDDIE LEE
PHILLIPS

619.707
NUMBER _____ DOCKET: 27

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

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

STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW UNTO COURT come Plaintiffs, Robert Edwin Burns and Rev. Freddie Lee
Phillips, in proper person, who assert the following:

1.

That Petitioners are both of the full age of majority and both reside in the Parish
of East Baton Rouge, State of Louisiana.

2.

Made Defendants in this petition for damages are:

LOUISIANA AUCTIONEER'S LICENSING BOARD (LALB), an executive
agency of the State of Louisiana and a body corporate with the power to sue and
be sued whose office at all times pertinent herein is located in the Parish of East
Baton Rouge, State of Louisiana, and whose Chairman and representative for
Service of Process is Ms. Tessa Steinkamp, LALB Member and Chairman, 116
Rue Aries Road, Slidell, LA 70461-5226.

TESSA STEINKAMP, LALB Member and Chairman, a major resident and
domiciliary of the Parish of St. Tammany, State of Louisiana

JAMES M. SIMS, LALB Member and Vice Chairman, a major resident and
domiciliary of the Parish of Union, State of Louisiana.

GREGORY L. "GREG" BORDELON, LALB Member, a major resident and
domiciliary of the Parish of Jefferson Davis, State of Louisiana.

3.

The LALB held a regularly-scheduled meeting on January 8, 2013. The
agenda for the meeting is attached hereto and made a part hereof as Exhibit P-1.

CERTIFIED TRUE COPY

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DEPUTY CLERK OF COURT

4.

As clearly indicated on the agenda, after call to order and roll call, the second item on the agenda is “public comment on the following agenda items.”

5.

Petitioner Phillips sought to be recognized to speak on item III “approval of minutes from November 5, 2012.”

6.

Petitioner Phillips was informed by LALB Attorney Larry Bankston, expressing the desires of Defendants Sims, Bordelon, and Steinkamp, that he would not be permitted to comment on the content of the minutes of November 5, 2012.

7.

Petitioner Phillips wanted to state that the roll call of that meeting should be reflected in the minutes as verbatim responses. Specifically, he wanted the minutes to note the fact that Board Member and Vice Chairman James Sims responded by stating, “I’s here,” and that Consumer Member Greg Bordelon responded, “I’s here too.”

8.

Mr. Bankston informed Rev. Phillips that no discussion of the prior meetings’ minutes would be permitted notwithstanding the fact that approval of those minutes was the first item of business for the January 8, 2013 LALB meeting. Instead, Mr. Bankston stated that discussion of those minutes would be permitted only at the March 5, 2013 meeting upon the minutes’ approval by the LALB at the January 8, 2013 meeting.

9.

The responses of the two LALB members subsequently became the subject of a complaint by Petitioner Phillips to Louisiana Governor Bobby Jindal’s Office. The incident was also the subject of an article in The Advocate published on Saturday, December 22, 2012. The article is attached hereto and made a part hereof as Exhibit P-2.

10.

Petitioner Robert Burns sent an email to LALB Counsel Larry Bankston the day after the meeting, Wednesday, January 9, 2013. In that email, Petitioner Burns informed Mr. Bankston that his on-the-fly mandate, being made on behalf of the personally-named Defendants of his client LALB, of declaring the minutes from the preceding meeting to

be “off limits” for public comment was: #1) absurd, #2) an intentional effort on certain Board Members’ part, most notably Defendants Steinkamp, Sims, and Bordelon, to deny the public the right to speak on agenda items prior to a vote, and #3) inconsistent with past LALB practice. Petitioner Burns further relayed that the named Defendant Board Members’ action of denying such speech to audience members was in direct violation of LA R. S. 42:14(D). To buttress Petitioner Burns’ argument regarding past LALB practice, Petitioner Burns referenced the March 19, 2012 LALB meeting. At that meeting, Petitioner Phillips sought to clarify the record regarding the reason that the LALB entered into Executive Session at its January 23, 2012 meeting. As a result of Petitioner Phillips’ alerting the LALB to its error regarding that rationale, the LALB deferred approval of those January 23, 2012 minutes until May 21, 2012, which was a meeting at which Mr. Bankston was even present to observe. To evidence same, Petitioners provide Exhibit P-3, which is attached hereto and made a part hereof, a copy of the agenda for the May 21, 2012 LALB meeting. Exhibit P-3 clearly depicts approval of both the March 19, 2012 minutes (the prior meeting), as well as the January 23, 2012 minutes (upon Petitioner Phillips having pointed out what they should contain).

11.

Subsequent to the newspaper article referenced in paragraph nine (9) above, the Louisiana Office of Inspector General, at the request of Governor Jindal’s Office, issued a report dated February 20, 2013 on the “I’s here” roll call responses. That response is attached hereto and made a part hereof as Exhibit P-4.

12.

In the report, Exhibit P-4, Defendant Sims indicates that his “diabetes and dentures sometimes cause things to come out wrong.” Petitioner Phillips asserts that Defendant Sims’ “diabetes and dentures” never seemed to inhibit his roll-call response at any of the previous approximate seven (7) meetings he’d attended since becoming an LALB Member in mid-2011, all of which Petitioner Phillips attended. Petitioner Phillips also avers that the November 5, 2012 meeting was the only one he has failed to attend in over four years. Petitioner Phillips also assesses Defendant Sims’ assertion that, because of his seating position at the Board table, he “therefore did not know whether Rev. Phillips was at the meeting” as patently absurd, particularly given that other Board

Members stated, as reflected in Exhibit P-4, “the meeting was loose and relaxed because no members of the public were in attendance.”

13.

Defendant Bordelon stated in his response to the Inspector General’s investigation that his roll call response of “I’s here, too,” which he initially denied making as evidenced by Exhibit P-2, was “in response to Mr. Sims.” Mr. Bordelon further stated that “Sims is a North Louisiana redneck” and that his response was to “mock” Sims.

14.

Petitioner Phillips intended to seek an expansion of the November 5, 2012 minutes because, with the exception of one meeting, the LALB has never expanded minutes to include verbatim statements. That one exception was the August 2, 2010 LALB meeting during which the LALB was lamenting the fact that Petitioner Burns continued to be an LALB member rather than resigning as Burns had indicated that he would after his third LALB meeting of January 26, 2009. Petitioner Phillips readily stated at that August 2, 2010 meeting, as captured on audio tape, that he had pleaded with Petitioner Burns not to resign, to which then-Chairman James Kenneth Comer responded, “That’s your right, Freddie.” Petitioner Phillips then made a tongue-and-cheek comment insinuating that “he was the problem” on the LALB for having pleaded with Petitioner Burns not to resign.

15.

At the outset of the August 2, 2010 LALB meeting, Petitioner Burns made a motion that the minutes be expanded beyond the Executive Director’s practice of merely notating motions, seconds, and votes. The motion was seconded by Petitioner Phillips. The motion failed by a vote of 4-2.

16.

Notwithstanding the vote referenced in Paragraph 15 above, the LALB-approved minutes for that August 2, 2010 LALB meeting, which are attached hereto and made a part hereof as Exhibit P-5, arbitrarily expanded item number five (5) under “New Business,” namely, “Complaint against Board regarding Robert Burns” to reflect verbatim commentary of Petitioner Phillips. Notwithstanding that there was not even a

motion made regarding the item, Exhibit P-5 reflects the following verbatim quote of Petitioner Phillips:

“I’ll take the initiative. I’ll step down since I’m the problem. I’ll step down then that will be that. At least I’ll have some peace at the end of the day and know what time it is.”

17.

Petitioner Phillips wished to assert at the January 8, 2013 meeting that, if the LALB could expand its minutes on August 2, 2010 (despite having voted at the very same meeting not to expand them), and quote Petitioner Phillips totally out-of-context (excluding his commentary leading up to the quote which entailed Petitioner Phillips’ plea for Petitioner Burns not to resign), then the LALB could certainly expand the November 5, 2012 minutes to reflect the roll-call responses of Defendants Sims and Bordelon. Nevertheless, the individual named Defendants, James Sims, Greg Bordelon, and Tessa Steinkamp, knowingly and willfully denied him the right to voice his sentiments regarding those November 5, 2012 minutes at its regularly-scheduled January 8, 2013 meeting.

18.

Petitioner Robert Edwin Burns sought to speak on the topic of per diem payments, a line-item category of the LALB financials being discussed and voted upon as Item Number 1 under “New Business.” Petitioner Burns made known his request to speak on per diem payments, only to be told by LALB Attorney Bankston, voicing the sentiments of certain of his client LALB’s membership, namely Defendants Sims, Bordelon, and Steinkamp, that, “Per diem payments are not on the agenda.”

19.

Petitioner Burns stated that per diem payments constitute a line item within the financials, a fact readily demonstrated by a copy of those financials, which is attached hereto and made a part hereof as Exhibit P-6. Nevertheless, Defendants Sims, Bordelon, and Steinkamp, operating through the LALB’s Legal Counsel, Larry Bankston, denied Petitioner Burns an opportunity to express his sentiments regarding the per diem payments. Petitioner Burns intended to relay the fact that the per diem payments for September 17, 2012 were unauthorized and a violation of Governor Jindal’s Executive Order (specifically Executive Order BJ 12-09). Though Petitioner Burns emailed LALB

Counsel Bankston both before and after the January 8, 2013 LALB meeting, and included Ms. Kendal Miley, Head of Louisiana Boards and Commissions, on those emails, indicating that the unauthorized per diem payments should have been recovered via reductions in the November 2012 vouchers and that, upon confirming that they were not, they should have been recovered via reductions in the January 2013 vouchers. Petitioner Burns ascertained days after the January 8, 2013 LALB meeting that the funds were not in fact recovered via reductions to the January 2013 vouchers. Accordingly, Petitioner Burns contacted Ms. Kendal Miley, Head of Louisiana Boards and Commissions, by telephone on or about February 27, 2013 and inquired about the per diem recovery. Ms. Miley informed Petitioner Burns that her office appreciated the monitoring, relayed that “we too have been monitoring that situation” and further relayed that her office had notified the LALB that the payments were unauthorized and would have to be reimbursed via personal checks from Board Members. Ms. Miley further indicated that such payments had been received from all LALB members attending that September 17, 2012 LALB meeting.

20.

By knowingly and willingly denying Petitioners Burns and Phillips the right to speak on agenda items at the January 8, 2013 LALB meeting, Defendants Bordelon, Sims, and Steinkamp did knowingly and willfully violate LA R. S. 42:14(D), which states: “Except school boards, which shall be subject to R.S. 42:15, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:19(A) shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding such comment period.”

21.

By their knowing and willful violations of LA R. S. 42:14(D) and pursuant to LA R. S. 42:28, each LALB Member named Defendant is **personally** liable unto Petitioners for the amount of \$100 each to each Plaintiff, or \$200 total from each named LALB defendant. Further, Pursuant to R. S. 42:26(C), upon successful awarding of a Judgment of this Honorable Court in which such \$100 civil penalty is assessed

against each Member and awarded to each Petitioner, Petitioners are also entitled to reasonable attorney fees and the costs of this Petition.

22.

Although in attendance at the January 8, 2013 LALB meeting, Board Member Darlene Jacobs-Levy is not named as a Defendant because, during the denial of Petitioner Phillips' attempt to address the Board regarding the issue of the minutes, Board Member Jacobs-Levy is clearly heard saying, "I have no objection to them speaking." Defendant Steinkamp, however, with a considerably elevated voice, informed Board Member Jacobs-Levy, an attorney with 43 years of practicing law in Louisiana, that, "No, they will not be permitted to speak."

23.

Although in attendance at the January 8, 2013 LALB meeting, Board Member Charles "Hal" McMillin is not named as a Defendant because he has consistently opposed the LALB's public comment policy, and he was even the sole dissenting vote upon its adoption at the March 19, 2012 LALB meeting.

24.

Pursuant to Case # 2008-CA-0952, Philip Courville and LA Recreational Vehicle Dealers Association, Inc. v. LA Recreational and Used Motor Vehicle Commission et. al., for which the First Circuit Court of Appeals overturned the civil penalties awarded by the 19th Judicial District Court imposed by Judge Morvant against that Commission's Members as a result of the Plaintiff's failure to name the Members of the Board individually as Defendants, Petitioners have named each of the three (3) Members of the LALB who knowingly and willfully violated LA R. S. 42:14(D) in denying Petitioners' right to speak on agenda items prior to votes on those items. Further, this Petition has been filed within the 60-day timeframe permitted by LA R. S. 42:28 for the imposition of Civil Penalties against the three (3) named Defendant Members of the LALB.

WHEREFORE, petitioners, ROBERT EDWIN BURNS and REV. FREDDIE LEE PHILLIPS, pray that Defendants, LOUISIANA AUCTIONEER'S LICENSING BOARD, JAMES M. SIMS, GREGORY L. "GREG" BORDELON, and TESSA STEINKAMP be duly served with a copy of this petition, and cited to appear and answer

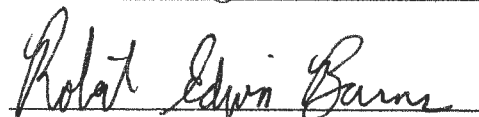
same and, after all legal delays and due proceedings had, there be a judgment herein in favor of petitioners, ROBERT EDWIN BURNS and REV. FREDDIE LEE PHILLIPS, and against defendants, LOUISIANA AUCTIONEER'S LICENSING BOARD, JAMES M. SIMS, TESSA STEINKAMP, and GREGORY L. "GREG" BORDELON awarding \$100 to each Petitioner (\$200 total from each individually-named Defendant) in Civil Penalties (except the LALB itself as the civil penalty is a personal liability) pursuant to LA R. S. 42:28 along with each named personal Defendant being assessed a 33.33% (one-third) share of Defendants' court costs in initiating this Petition as provided for under LA R. S. 42:26(C).

Respectfully Submitted,

Rev. Freddie Lee Phillips, in proper person
8055 Hanks Drive
Baton Rouge, LA 70812-4122
(225) 358-4463 (home)
(225) 229-3341 (cell)
E-mail: freddiephillips@bellsouth.net



Robert Edwin Burns, in proper person
4155 Essen Lane, Ste 228
Baton Rouge, LA 70809-2152
(225) 201-0390 (home) (225) 235-4346
E-mail: Robert@AuctionSellsFast.com



PLEASE SERVE:

LOUISIANA AUCTIONEERS LICENSING BOARD
James D. "Buddy" Caldwell, Attorney General, State of Louisiana
1885 N Third St
Baton Rouge LA 70802

JAMES M. SIMS
Member & Vice Chairman, LALB
341 Wildwood Acres Dr
Farmerville LA 71241-5177

GREGORY L. "GREG" BORDELON
Member, LALB
6173 Morgan Shores Rd
Lake Arthur, LA 70549-5314

TESSA STEINKAMP
Chairman and Member, LALB
116 Rue Aries Road
Slidell, LA 70461-5226



Louisiana
Office of the Governor
Auctioneers Licensing Board

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

Telephone 225.295.8420 Fax 225.372.8584
Website: www.laib.org Email: admin@laib.org

BOARD MEETING AGENDA

Date: **Tuesday, January 8, 2013** Time: **11:00 am**
Place: Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, LA 70802

- I. CALL TO ORDER AND ROLL CALL
- II. PUBLIC COMMENT on the following agenda items
- III. APPROVAL OF MINUTES from November 5, 2012
- IV. OLD BUSINESS
 1. Approval of Tested Auctioneer Applicants:
 1. Marissa Lederman (Brooklyn, NY)
 2. Melissa Karstedt (Wolfeboro, NH)
 2. Approval of Auction Business Applicants:
 1. The Treasure Chest Auction House (Independence, LA)
 2. ABC Baton Rouge, LLC (Indianapolis, IN main office)
 3. Approval of Reciprocal Auctioneer:
 1. Scott Foster (Pennsylvania)
 4. Approval of Reciprocal Auction Business applicant:
 1. Hunt Auctions (Pennsylvania)
 5. Approval of Apprentice Applicant:
 1. Aaron Bruce (Red River, LA; supervisor- Belinda Rhodes)
- V. NEW BUSINESS
 1. Approval of Financials
 2. Election of Secretary/Treasurer
 3. Attorney Report/Investigative Report
 4. Approve Auctioneer Schools for 2013(no curriculum changes reported)
 1. Burk Baker School
 2. Eastern School
 3. Florida Auctioneer Academy
 4. Mendenhall School of Auctioneering
 5. Nashville Auction School
 6. Reppert Auction School
 7. Texas Auction Academy
 8. Troy University, Dothan Campus, Continuing Education Center
 9. World Wide College of Auctioneering
 5. A discussion of the recent lawsuit filed by Robert Burns.
This may be handled in executive session Pursuant to LA RS 42:17 (2)
- VI. NEXT MEETING DATE – March 5, 2013
- VII. ADJOURN to hearing

Hearing Docket

Robert Burns

P-1

State inspector general asked to review roll call complaint

BY TED GRIGGS

Advocate business writer

The state inspector general is being asked to look into a complaint that two members of the Louisiana Auctioneers Licensing Board responded to a Nov. 5 meeting roll call by saying "I's here" and "I's here, too."

Former board member Freddie Phillips, who is black, said the comments were aimed at him. Phillips said he regularly attends meetings, and that the comments came at the first meeting he has missed in four years. Phillips later listened to a recording of the meeting sent to him by another former board member, who also forwarded it to the Jindal administration.

"We have asked the inspector general to investigate these claims," Shannon Bates, a spokeswoman for the Jindal administration, said in an email.

"I was shocked, stunned that board members would behave in such an unprofessional manner," Phillips said.

Phillips said one would think that things have changed, that people in Louisiana, and the rest of the country, would have moved past this sort of behavior. Listening to the recording of the meeting was almost like repeating "the torture" of the 1960s, Phillips said of hearing the roll call responses after the names of Auctioneers Licensing Board Vice Chairman James Sims and board member Greg Bordelon were called out.

Sims declined to comment for the story.

Bordelon denied making the remark.

"I know I never said that. I never heard nobody say it either," Bordelon said.

Bordelon said former board member Robert Burns is trying to stir up controversy in an effort to make the Auctioneers Board look bad.

Bordelon said Burns has been a thorn in the board's side ever since Gov. Bobby Jindal kicked Burns off a few years ago. Burns and Phillips have formed the

Louisiana Association of Professional Auctioneers as an alternative to the Louisiana Auctioneers Association.

Burns emailed a copy of the recording, which he obtained from the Auctioneers Board, to The Advocate. The Advocate also obtained a recording of the meeting from the Auctioneers Board. On both recordings, the responses after Sims' and Bordelon's names are called out are clear, and each is accompanied by a chuckle.

Burns also emailed the audio to the Jindal administration, at Phillips' request.

Of those present at the Nov. 5 meeting, Chairwoman Tessa Steinkamp and board members Charles Clayton Brister and Hal McMillin referred questions about the roll call to attorneys.

Attorney Larry Bankston said he has not spoken to State Inspector General Stephen Street Jr. but the board plans to cooperate fully with Street's office.

About the only thing the inspector general can do is make a report, Bankston said.

Bankston, who attended the Nov. 5 board meeting, said he didn't pay attention during roll call and didn't remember the remarks. But after listening to the recording, Bankston said he does not believe the board members' remarks were malicious.

Board member Darlene Jacobs Levy said she does not recall the other board members saying "I's here."

However, Jacobs equated saying "I's here" to New Orleans Saints fans' use of "Who Dat?"

"People use colloquy. White and black use 'I's here,' etc.," Jacobs said. "People use that. A lot of the white people imitate African-Americans."

The Auctioneers Board consists of seven members: five licensed auctioneers and two non-licensed consumers. All are appointed by the governor and must be confirmed by the Senate.

Sims, a Farmerville resident, is an auctioneer. Bordelon, a Lake Arthur resident, is a consumer representative.

Jindal reappointed both men to the board in January.

Phillips was appointed by Jindal to the board and served during the governor's first term. Phillips said if the Jindal administration doesn't take action, this kind of behavior will continue.

"These are things that professional people shouldn't do I think the administration needs to screen the candidates it appoints for these kinds of positions," Phillips said.



BOARD MEETING AGENDA

Date: **Monday, May 21, 2012**

Time: **11:00 am**

Place: Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, LA 70802

- I. CALL TO ORDER AND ROLL CALL
- II. PUBLIC COMMENT
- III. APPROVAL OF MINUTES from March 19, 2012
APPROVAL OF MINUTES from January 23, 2012
- IV. OLD BUSINESS
 1. Approval of Reciprocal Applicants:
 1. John Nicholls (Virginia)
 2. Kevin Perry (Tennessee)
 3. Bryan Hammock (Virginia)
 4. James Valentine (Tennessee)
 5. Frederick Vilsmeier (Pennsylvania)
 6. Jason Brooks (Georgia)
 7. Nicholas Clark (Mississippi)
 2. Approval of Reinstated Applicants:
 1. Louis Adams (previously licensed 1992-2002)
 3. Approval of Auction Business Applicants:
 1. Metairie Auctions (owned by Bryan Hammock)
 2. Clark Auctions (owned by Nicholas Clark)
 3. Thomas Grocery dba Thomastown Auction (owned by Gary Martin)
 4. Approval of Apprentice Applicant:
 1. Verl Holland (supervisor- Joe Massey)
 5. Approval of Auction Business Applicants:
 1. New Orleans Auction Gallery
 - a. Cakebread Art Antiques Collectables, Inc. (Susan Krohn)
 - b. Aschaffenburg Assets, LLC (Eric Aschaffenburg)
 - c. M.S. Rau Antiques (J. Scott Ferguson)
 - d. unknown
- V. NEW BUSINESS
 1. Approval of Financials
 1. Current year budget review
 2. Beginning Fiscal budget for 2012-2013
 2. Attorney Report/Investigative Report
 1. Legislative report
 2. Questions re Board purchase of real estate.
 - a. Statutory authority must be given by legislature.
 3. Attorney contract renewal
 - a. Contract offer to be at same terms as in previous years. The new contract will change the dates of service only.



BOARD MEETING AGENDA Continued

4. Department of Justice contract renewal
 - a. Contract offer to be at same terms as in previous years. The new contract will change the dates of service only.
 5. Approval of 3rd party contract-
 - a. Proposal of Larry Bankston, attorney at law, to handle disciplinary matters when board attorney has conflict.
 6. Officer elections for 2012-2013
 - a. Vice-Chair
 - b. Secretary/Treasurer
 7. NAA convention attendance requests
 8. Lease report-
 - a. LSBID will not use the board room at 11736 Newcastle Avenue.
 9. Mr. Burns' request for reimbursement of legal fees in Ethics Board investigation- H. McMillin
- VI. NEXT MEETING DATE – July 16, 2012
- VII. ADJOURN

BOBBY JINDAL
GOVERNOR



STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

February 20, 2013

Honorable Bobby Jindal
Governor of the State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Re: Louisiana Auctioneers' Licensing Board

Dear Governor Jindal:

In response to a request from your office, we investigated a complaint concerning the manner in which two members of the Louisiana Auctioneers' Licensing Board (LALB) answered the roll during a public meeting on November 5, 2012. The complaint alleged that Vice Chairman James Sims and At Large Board Member Gregory Bordelon answered the roll with the intention to offend Reverend Freddie Phillips, a former LALB member who was not present at the meeting.

An audio recording of the meeting confirmed that when Mr. Sims' name was called for the roll, he replied, "I's here." When Mr. Bordelon's name was subsequently called, he replied, "I's here, too." Mr. Sims and Mr. Bordelon also each confirmed in interviews with our office that they answered the roll in this manner. However, our investigation found no evidence to support the allegation of malicious intent directed at Rev. Phillips or anyone else.

Mr. Sims stated to us that he is a "diabetic" and has "dentures" which sometimes cause him to speak unclearly. He stated, "Sometimes things come out wrong." He also stated that he had not listened to the recording of the November 5, 2012 meeting but, "What I's said, I said." It was noted that Mr. Sims stated "I's" during our interview and that it appeared to be an unintentional part of his dialect. Mr. Sims further referred to his use of "I's here" as "Southern slang." Mr. Sims also stated that from his seated position during board meetings, he cannot see the audience. He, therefore, did not know whether Rev. Phillips was at the meeting.

Mr. Bordelon stated to us that he intentionally answered "I's here, too" when his name was called for the roll because he was responding to Mr. Sims' reply to the roll call. Mr. Bordelon stated that Sims is a "north Louisiana redneck" with a north Louisiana accent. Mr. Bordelon also stated that he has heard Mr. Sims use similar slang in other situations and has mocked Mr. Sims in a friendly manner for the way he speaks. According to Mr. Bordelon, his reply of "I's here, too" was merely the same friendly mocking of Mr. Sims' speech.

Honorable Bobby Jindal
February 20, 2013
Page Two of Two

Additional interviews with other board members revealed that no one present found the comments offensive. According to those board members, they did not remember what was said during the roll call until after reviewing the audio recording. Members stated they remembered the meeting being loose and relaxed because no members of the public were in attendance, and that the laughter heard on the recording after Mr. Bordelon's response was a reaction to Mr. Bordelon's repeating Mr. Sims' response. All board members stated that the roll call replies were not the result of any conversations that had taken place before the recording began, nor were they intended to offend Rev. Phillips or anyone else.

Given the above, we are closing our file and taking no further action in this matter. Please also be aware that, upon your receipt of this letter, it will be considered a public document subject to disclosure pursuant to a proper public records request to this office.

If you or anyone on your staff have questions or wish to discuss the matter further, please feel free to call me at (225) 342-4262 or e-mail me at Stephen.street@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen B. Street, Jr.", written in a cursive style.

Stephen B. Street, Jr.
Louisiana State Inspector General

cc: Tessa Steinkamp, LALB Chairperson



BOARD MEETING MINUTES FROM A REGULAR MEETING

Date: **Monday, August 2, 2010** Time: **12:00 pm**
Place: 5222 Summa Court, Board Room, Baton Rouge, LA 70809

- I. CALL TO ORDER- K. Comer ROLL CALL- S. Edmonds
Board Members present: Ken Comer, Tessa Steinkamp, Buster Gay, Freddie Phillips (left the meeting in progress), Robert Burns, Charles 'Clayton' Brister, Greg Bordelon
Others: Sandy Edmonds, Anna Dow, Rep. John E. Guinn, Rep. Regina Barrow
A quorum was declared.

MOTION AND SECOND to expand the recording of the minutes of today's meeting to include specifics not just motions: R. Burns, F. Phillips. Roll Call Vote: C. Brister- nay, G. Bordelon- nay, T. Steinkamp- nay, R. Burns- yea, F. Phillips-yea, B. Gay-nay. The motion failed.

- II. APPROVAL OF MINUTES from May 17, 2010
MOTION AND SECOND to approve minutes from May 17, 2010: B. Gay, T. Steinkamp. MOTION PASSED with Mr. Phillips in dissent.

III. OLD BUSINESS

1. Approval of Tested Applicants:

1. Ariel Mutz

MOTION AND SECOND to approve Ariel Mutz: T. Steinkamp, G. Bordelon. MOTION PASSED UNANIMOUSLY.

2. Michael Lynch

MOTION AND SECOND to approve Michael Lynch: T. Steinkamp, C. Brister. MOTION PASSED UNANIMOUSLY.

3. Jesse Bolin

MOTION AND SECOND to approve Jesse Bolin pending receipt of bond: T. Steinkamp, C. Brister. MOTION PASSED UNANIMOUSLY.

2. Approval of reciprocal applicant:

1. Jonathan 'Chad' Brantley

MOTION AND SECOND to approve Jonathan Brantley: T. Steinkamp, R. Burns. MOTION PASSED UNANIMOUSLY.

3. Approval of Apprentice applicant:

1. Kaysie Wilkinson- applicant respectfully withdrew application prior to start of board meeting.

MOTION AND SECOND to defer NALLOA conference report until future meeting so Mr. Phillips can receive the information he requested: F. Phillips, R. Burns. MOTION FAILED with C. Brister, G. Bordelon, T. Steinkamp, B. Gay in dissention.

IV. NEW BUSINESS

1. Attorney Report/Investigative Report

1. Legislative report

MOTION AND SECOND to approve attorney report: B. Gay, T. Steinkamp. MOTION PASSED UNANIMOUSLY.

2. Approval of Financials

MOTION AND SECOND to approve last fiscal year ending budget: G. Bordelon, R. Burns. MOTION PASSED UNANIMOUSLY.

MOTION AND SECOND to approve current fiscal year budget after adding a 'technology improvement' category for \$23,000: G. Bordelon, R. Burns. MOTION PASSED UNANIMOUSLY.

3. NALLOA Conference report

4. Update Travel policy- to continue mileage reimbursement instead of state fleet rental.

MOTION AND SECOND to exempt the Board, employees, and contract employees from PPM49 revision requiring use of a state fleet rental and to allow reimbursement of full actual mileage: T. Steinkamp, G. Bordelon. MOTION PASSED with F. Phillips in dissention.

5. Complaint against Board regarding Robert Burns

After lengthy discussion, at 2:16 pm Mr. Freddie Phillips stated 'I'll take the initiative. I'll step down since I'm the problem. I'll step down then that will be that. At least I'll have some peace at the end of the day and know what time it is.' Mr. Phillips then left the meeting.

6. Legal Counsel contract/job performance (as requested by Robert Burns)

MOTION to defer to the next meeting: R. Burns, no second

MOTION AND SECOND to deal with now or wait until next contract approval term: G. Bordelon, T. Steinkamp. MOTION PASSED.

R. Burns chose not to discuss the agenda item

At 2:22 pm Mr. Freddie Phillips reentered shortly to state 'I would like to recuse myself from the meeting.'

7. Professional services contracts

1. Private investigator

MOTION AND SECOND to approve contract for private investigator services by AW McDaniel for \$19.50 per hour plus travel expenses according to state travel regulations: G. Bordelon, T. Steinkamp. MOTION PASSED UNANIMOUSLY.

8. Out of state applicants taking test by proctor at out of state location
MOTION AND SECOND to approve out of state applicants to take the examination by proctor at either their state's licensing board office or an official testing agency at their own expense: R. Burns, G. Bordelon. MOTION PASSED UNANIMOUSLY.

9. Chairman's comments

IV. NEXT MEETING DATE – September 20, 2010

V. ADJOURN

MOTION AND SECOND to ADJOURN: B. Gay, R. Burns. MOTION PASSED UNANIMOUSLY.

SUBMITTED BY:

APPROVED BY:



Sandy Edmonds, Executive Assistant

Ken Comer, Chairman

	<u>Jul 1, '12 - Jan 6, 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
Enforcement Actions	575.00	0.00	575.00	100.0%
Auctioneer Fees	84,650.00	95,000.00	-10,350.00	89.11%
Other Fees	25.00	0.00	25.00	100.0%
Interest Income-Checking	76.12	0.00	76.12	100.0%
Interest Income-Recovery	97.73	0.00	97.73	100.0%
Total Income	85,423.85	95,000.00	-9,576.15	89.92%
Expense				
Payroll Expenses				
Salaries	12,249.90	24,500.00	-12,250.10	50.0%
Payroll Tax Expense				
Medicare Tax Expense	177.62	570.00	-392.38	31.16%
FICA Tax	759.49	1,500.00	-740.51	50.63%
Total Payroll Tax Expense	937.11	2,070.00	-1,132.89	45.27%
Total Payroll Expenses	13,187.01	26,570.00	-13,382.99	49.63%
Per Diem-Board	970.00	4,700.00	-3,730.00	20.64%
Operating Expenses:				
Travel				
Conf/Convent Exp	0.00	1,000.00	-1,000.00	0.0%
In State				
Mileage Reimbursement	2,022.84	4,600.00	-2,577.16	43.98%
Total In State	2,022.84	4,600.00	-2,577.16	43.98%
Out of State				
O.S. Travel & Lodging	0.00	1,800.00	-1,800.00	0.0%
O.S. Meals	0.00	300.00	-300.00	0.0%
Total Out of State	0.00	2,100.00	-2,100.00	0.0%
Total Travel	2,022.84	7,700.00	-5,677.16	26.27%
Operating Services				
Miscellaneous	167.91	300.00	-132.09	55.97%
Bank Service Charges	73.52	250.00	-176.48	29.41%
Postage and Delivery	254.92	2,000.00	-1,745.08	12.75%
Dues/Subscriptions	300.00	300.00	0.00	100.0%
Insurance-General	538.00	550.00	-12.00	97.82%
Internet	220.50	400.00	-179.50	55.13%
Maintenance & Repairs	0.00	800.00	-800.00	0.0%
Rent	4,620.00	7,920.00	-3,300.00	58.33%
Telephone	952.23	1,600.00	-647.77	59.51%
Total Operating Services	7,127.08	14,120.00	-6,992.92	50.48%

Supplies				
Board meeting expense	321.44	800.00	-478.56	40.18%
Office Supplies	<u>1,407.60</u>	<u>2,000.00</u>	<u>-592.40</u>	<u>70.38%</u>
Total Supplies	1,729.04	2,800.00	-1,070.96	61.75%
Capital Outlay	<u>0.00</u>	<u>13,610.00</u>	<u>-13,610.00</u>	<u>0.0%</u>
Total Operating Expenses	10,878.96	38,230.00	-27,351.04	28.46%
Professional Services				
Investigative	0.00	10,000.00	-10,000.00	0.0%
Accounting	1,150.00	1,500.00	-350.00	76.67%
Legal Fees	14,549.59	30,000.00	-15,450.41	48.5%
Other	<u>3,203.00</u>	<u>10,000.00</u>	<u>-6,797.00</u>	<u>32.03%</u>
Total Professional Services	18,902.59	51,500.00	-32,597.41	36.7%
Total Expense	43,938.56	121,000.00	-77,061.44	36.31%
Net Income	<u>41,485.29</u>	<u>-26,000.00</u>	<u>67,485.29</u>	<u>-159.56%</u>

Jan 6, 13

ASSETS

Current Assets

Checking/Savings 244,669.70

Total Current Assets 244,669.70

TOTAL ASSETS 244,669.70

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities 2,466.79

Total Current Liabilities 2,466.79

Long Term Liabilities 1,244.50

Total Liabilities 3,711.29

Equity 240,958.41

TOTAL LIABILITIES & EQUITY 244,669.70