

ROBERT BURNS

NUMBER 602.922 DOCKET: 25

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

SANDY EDMONDS

STATE OF LOUISIANA

\*\*\*\*\*

**MEMORANDUM**

NOW UNTO COURT comes Plaintiff, Robert Edwin Burns, in proper person, who submits to this Honorable Court this Memorandum in order to enter into the official court record Exhibit P-47, which is attached hereto and made a part hereof, a copy of a Legislative Auditor Report regarding compliance audits of the Louisiana Auctioneer's Licensing Board and the State Board of Examiners of Interior Designers which was made available on the Legislative Auditor's website on Monday, March 5, 2012. Also being entered into the official court record is Exhibit P-48, which is attached hereto and made a part hereof, a copy of the reports compiled by the Louisiana State Police subsequent to that Agency's visit to Petitioner's home on Tuesday, April 12, 2011.

CERTIFICATE COPY  
 62305  
 DEPUTY CLERK OF COURT

19<sup>TH</sup> JUDICIAL DISTRICT  
 EAST BATON ROUGE, PARISH, LA  
 FILED  
 2012 MAR 12 PM 1:59  
 DEPUTY CLERK & RECORDER FOR  
 DOUG WELBORN  
 CLERK OF COURT FOR PARISH

Respectfully Submitted,

Robert Edwin Burns, in proper person  
 President, Auction Sells Fast, LLC  
 4155 Essen Lane, Ste 228  
 Baton Rouge, LA 70809-2152  
 (225) 201-0390 (office) (225) 235-4346  
 E-mail: [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com)

*Robert Edwin Burns*

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 12<sup>th</sup> day of March 2012.

*Robert Edwin Burns*

ROBERT BURNS

NUMBER 605.769 DOCKET: 25

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

ARTHRITIS ASSOCIATION OF LOUISIANA,  
KAREN KENNEDY, CAROLINE MESSENGER

STATE OF LOUISIANA

\*\*\*\*\*

**MEMORANDUM**

NOW UNTO COURT comes Plaintiff, Robert Edwin Burns, in proper person, who submits to this Honorable Court this Memorandum in order to enter into the official court record Exhibit P-23, which is attached hereto and made a part hereof, a copy of a Legislative Auditor Report regarding compliance audits of the Louisiana Auctioneer's Licensing Board and the State Board of Examiners of Interior Designers which was made available on the Legislative Auditor's website on Monday, March 5, 2012. Also being entered into the official court record is Exhibit P-24, which is attached hereto and made a part hereof, a copy of the reports compiled by the Louisiana State Police subsequent to that Agency's visit to Petitioner's home on Tuesday, April 12, 2011.

CERTIFIED TRUE COPY  
623052  
DEPUTY CLERK OF COURT

Respectfully Submitted,

Robert Edwin Burns, in proper person  
President, Auction Sells Fast, LLC  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (office) (225) 235-4346  
E-mail: [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com)

Robert Edwin Burns

19<sup>TH</sup> JUDICIAL DISTRICT  
EAST BATON ROUGE PARISH, LA  
FILED  
2012 MAR 12 PM 2:00  
DEPUTY CLERK & RECORDER FOR  
DOUG WELBORN  
CLERK OF COURT F.R.P. PARISH

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 12<sup>th</sup> day of March 2012.

Robert Edwin Burns

ROBERT BURNS

NUMBER 603.248 DOCKET: 24

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

ANNA DOW

STATE OF LOUISIANA

\*\*\*\*\*

**MEMORANDUM**

NOW UNTO COURT comes Plaintiff, Robert Edwin Burns, in proper person, who submits to this Honorable Court this Memorandum in order to enter into the official court record Exhibit P-36, which is attached hereto and made a part hereof, a copy of a Legislative Auditor Report regarding compliance audits of the Louisiana Auctioneer's Licensing Board and the State Board of Examiners of Interior Designers which was made available on the Legislative Auditor's website on Monday, March 5, 2012. Also being entered into the official court record is Exhibit P-37, which is attached hereto and made a part hereof, a copy of the reports compiled by the Louisiana State Police subsequent to that Agency's visit to Petitioner's home on Tuesday, April 12, 2011.

CERTIFIED TRUE COPY  
623055  
DEPUTY CLERK OF COURT

Respectfully Submitted,

Robert Edwin Burns, in proper person  
President, Auction Sells Fast, LLC  
4155 Essen Lane, Ste 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (office) (225) 235-4346  
E-mail: [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com)

Robert Edwin Burns

19<sup>TH</sup> JUDICIAL DISTRICT  
EAST BATON ROUGE PARISH, LA  
FILED  
2012 MAR 12 PM 2:01  
DEPUTY CLERK & RECORDER PUA  
DOUG WELBORN  
CLERK OF COURT FOR PARISH

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 12<sup>th</sup> day of March 2012.

Robert Edwin Burns



LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

February 29, 2012

**MS. DEBORAH STEINMETZ, CHAIRMAN,  
AND BOARD MEMBERS OF LOUISIANA  
STATE BOARD OF INTERIOR DESIGNERS**

AND

**MS. TESSA STEINKAMP, CHAIRMAN,  
AND BOARD MEMBERS OF LOUISIANA  
AUCTIONEERS LICENSING BOARD**

Baton Rouge, Louisiana

Dear Ms. Steinmetz and Ms. Steinkamp:

We have audited certain transactions of the Louisiana State Board of Interior Designers (LSBID) and the Louisiana Auctioneers Licensing Board (LALB) for the period February 8, 2007, to December 2, 2011. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the propriety of certain allegations.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required of an audit by *Government Auditing Standards*; therefore, we are not offering an opinion on either board's financial statements or system of internal control, nor assurance as to compliance with laws and regulations.

The following are the findings and recommendations resulting from our audit and management's responses are attached.

### **Improper Leave Accruals and Payments to Part-time Employees**

The LSBID and LALB improperly allowed part-time employees to earn and use annual, sick, and compensatory leave. By allowing part-time employees to earn leave, both boards appear to have violated Executive Order BJ 2008-64, which prohibits part-time employees from earning leave. Furthermore, the LSBID's and LALB's practice of allowing part-time employees to earn leave may violate the Louisiana Constitution because neither board had the legal authority to incur expenditures for accrued leave and did not receive anything of equivalent value in exchange for the expenditures.<sup>1</sup>

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<sup>1</sup> **Article 7, Section 14 of the Louisiana Constitution** provides, in part, "That except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private."

P-47 (SE), P-23 (AA), P-86 (AD)

Our audit revealed:

- From February 8, 2007, through July 18, 2011, Ms. Sandy Edmonds, current unclassified part-time executive assistant for both boards, recorded a total of 830 hours of leave earned and received payments totaling \$5,996 for 279 hours of leave used.
- From March 7, 2007, through August 14, 2009, one previous part-time employee of the LSBID was paid \$1,877 and two previous part-time employees of the LALB were paid \$6,831 for accrued leave upon separation from the boards.

Both the LSBID and the LALB were created by law under the Office of the Governor and are composed of members appointed by the governor. Leave policies and rules for unclassified employees under the Office of the Governor are established by Executive Order BJ 2008-64 (previously KBB 2006-30), Rules and Policies on Leave for Unclassified Service. According to these rules, a part-time employee is an employee with a work week of less than 40 hours per week. These rules establish that part-time employees of the executive department, Office of the Governor shall not earn annual, sick, and compensatory leave. However, both boards have allowed part-time employees to earn leave.

Ms. Sandy Edmonds

Ms. Edmonds works part-time for two separate state boards. On February 8, 2007, Ms. Edmonds began working 20 hours per week (increased to 25 hours on June 1, 2008) as the executive assistant for the LSBID. On August 10, 2009, Ms. Edmonds also began working approximately 15 hours per week as the executive assistant for the LALB. Although her combined work hours are 40 hours per week, you cannot take part-time positions with two separate state boards and combine them to make one full-time position.

According to her written agreements, with both boards, Ms. Edmonds works flexible hours from home, as well as the office (both boards share the same office), and does not maintain office hours or keep time and attendance records. As a part-time, unclassified employee of these boards, Ms. Edmonds' employment is governed by executive orders, not State Civil Service rules.

According to the executive order, Ms. Edmonds, as a part-time, unclassified employee, is not eligible to earn annual, sick, or compensatory leave. However, Ms. Edmonds has recorded leave earned, based on state government rates, and used leave from both boards. The following table summarizes the leave accrued by Ms. Edmonds for each board.

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**Attorney General Opinion 10-0171** states, in part, "It has been the consistent opinion of this office that in order for an expenditure of public funds to be permissible under the Louisiana Constitution 14(A), the public entity must have the legal authority to make the expenditures and must show: (i) a public purpose for the expenditure or transfer that comports with the governmental purpose for which the public entity has legal authority to pursue; (ii) that the expenditure or transfer, taken as whole, does not appear to be gratuitous; and (iii) that the entity has a demonstrable, objective, and reasonable expectation of receiving at least equivalent value in exchange for the expenditure or transfer of public funds."

Leave Recorded and Used by Sandy Edmonds As of July 18, 2011 (in hours)			
	LSBID	LALB	TOTAL
Annual Leave Balance	199	52	251
Annual Leave Used	65	27	92
<b>Total Annual Leave</b>	<b>264</b>	<b>79</b>	<b>343</b>
Sick Leave Balance	203	80	283
Sick Leave Used	61	0	61
<b>Total Sick Leave</b>	<b>264</b>	<b>80</b>	<b>344</b>
Compensatory Leave Balance	17	0	17
Compensatory Leave Used	126	0	126
<b>Total Compensatory Leave</b>	<b>143</b>	<b>0</b>	<b>143</b>
<b>Total All Leave</b>	<b>671</b>	<b>159</b>	<b>830</b>
<b>Total Leave Hours Paid</b>	<b>252</b>	<b>27</b>	<b>279</b>
<b>Overpayment - Use of Leave</b>	<b>\$5,265</b>	<b>\$731</b>	<b>\$5,996</b>

It should be noted that Ms. Edmonds provided e-mails between herself and a representative of the Department of State Civil Service (DSCS) during which Ms. Edmonds questioned whether Executive Order BJ 2008-64 applied to her. On February 22, 2011, DSCS informed Ms. Edmonds via e-mail that the executive order did not apply to her position. However, during our audit, DSCS representatives informed us that Ms. Edmonds was misinformed and that the LSBID and LALB are subject to the executive order and do not fall under civil service rules. According to DSCS representatives, both boards are under the Office of the Governor and need to follow the rules set forth in Executive Order BJ 2008-64.

#### Other Part-Time Employees

According to Ms. Edmonds and the boards' attorney, Ms. Anna E. Dow, it has always been the practice of both boards to allow part-time employees to earn leave. Ms. Edmonds and Ms. Dow informed auditors that previous part-time employees were paid for accumulated leave upon separation from the boards. From March 7, 2007, through August 14, 2009, one previous part-time employee of the LSBID was paid \$1,877 and two previous part-time employees of the LALB were paid \$6,831 for accrued leave upon separation from the boards.

#### **Improper Merit Pay Increases**

Contrary to Executive Orders BJ 2010-05 and BJ 2011-09, Merit Increase Freezes, the LSBID and LALB gave pay increases totaling \$11,059 to Ms. Edmonds during the period from July 1, 2010, through December 2, 2011. These executive orders, effective from March 19, 2010, through June 30, 2012, froze the boards' authority to award merit increases to all unclassified employees. Also, both boards may have violated the Louisiana Constitution because neither board had the legal authority to provide merit increases.<sup>1</sup>

The following table summarizes the pay increases received by Ms. Edmonds during the pay freeze.

Sandy Edmonds' Pay Increases (As of December 2, 2011)				
Board	Effective Date	Pay Rate/Hour	New Pay Rate/Hour	Total Increase in Pay
LSBID	7/1/10	\$20.00	\$25.00	\$9,267.86
LALB	1/10/11	\$25.64	\$28.21	\$1,791.21
LALB	11/15/11	\$28.21	\$31.41	\$0.00**
<b>Total</b>				<b>\$11,059.07</b>

*\*\*Has not been implemented.*

Recommendation

The boards should adopt policies and procedures to ensure that employee payments and leave accruals are in strict accordance with state law and applicable executive orders. These policies should require the following:

1. Executive orders are reviewed prior to any employment actions taken by either board.
2. Only eligible employees are allowed to accrue and use leave time.
3. Employees maintain records of time and attendance.
4. Supervisors review and approve employee attendance and leave records.
5. The boards seek repayment for amounts paid which may have violated state law and/or executive orders.

This correspondence is intended primarily for the information and use of management of the boards. I trust this information will assist you in your efforts to comply with Louisiana laws, including the Louisiana Constitution and executive orders. Should you have any questions, please contact me at (225) 339-3839 or Mr. Eric Sloan, Director of Compliance Audit and Advisory Services, at (225) 339-3850.

Sincerely,



Daryl G. Purpera, CPA, CFE  
Legislative Auditor

DGP:ES:GC:dl

**BOBBY JINDAL**  
GOVERNOR



**MICHAEL D. EDMONSON, COLONEL**  
DEPUTY SECRETARY

**State of Louisiana**  
*Department of Public Safety and Corrections*  
*Public Safety Services*

March 6, 2012  
0140/0501/AAM/12-10392

Mr. Robert Edwin Burns  
Auction Sells Fast, LLC  
4155 Essen Lane, Suite 228  
Baton Rouge, LA 70809-2152


RE: Public Records Request  
LSP/OLA File No. 31220

Dear Mr. Burns:

Your public records request dated February 17, 2012 and addressed to Lt. Rock Schexnayder of the Investigative Support Section of the Louisiana State Police (LSP) was received via fax and US mail and was forwarded to me for consideration and response. In response to this request, please find enclosed two incident reports, numbers 11-2357 and 11-2395. LSP does not maintain any other written notations, recorded statements or other requested items. Please contact Captain Doug Cain of LSP Public Affairs at (225) 925-6202 or via email at [doug.cain@dps.la.gov](mailto:doug.cain@dps.la.gov) for Dept. comment or with additional questions. You may also contact me via email at [allison.mcleary@dps.la.gov](mailto:allison.mcleary@dps.la.gov) or at (225) 925-6103.

With kindest professional regards,

Sincerely,

  
Allison McLeary  
Attorney, Louisiana State Police

Cc: Captain Doug Cain, LSP Public Affairs (via email)  
Lt. Rock Schexnayder, Investigative Support (via email)

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*"An Equal Opportunity Employer"*  
P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

P-48 (SE), P-24 (AA), P-37 (AD)





Louisiana Department of Public Safety & Corrections  
Office of State Police  
Incident



Bobby Jindal  
Governor

Michael D. Edmonson, Colonel  
Superintendent

**CASE HISTORY**

**Case Number:** 11-2395  
**Case Date:** April 12, 2011  
**Offense:** Suspicious Activity  
**Offense Date:** April 08, 2011  
**Offense Time:** 12:00 AM  
**Investigation Officer:** Investigator Bart Morris

**LOCATION**

**Address:** 5222 Summa Court  
Baton Rouge, Louisiana 70809  
**Parish:** East Baton Rouge Parish  
**Country:** United States  
**Type:** Business  
**Description:** Louisiana Auctioneers Licensing Board

**SUBJECT**

**Name:** Robert E. Burns



**Photo(s):**

**Birth Date:** September 10, 1963  
**Birth Country:** United States  
**Birth State:** Louisiana  
**Nationality:** United States  
**Gender:** Male  
**Race:** White  
**Hair Color:** Brown

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<b>Case Number:</b>	11-2395	<b>Offense:</b>	Suspicious Activity
<b>Case Date:</b>	April 12, 2011	<b>Offense Date:</b>	April 08, 2011
<b>Investigation Officer:</b>	Investigator Bart Morris	<b>Offense Time:</b>	12:00 AM

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**Height:** 5'9  
**Weight:** 205 lbs  
**Address:** 4155 Essen Lane Apt. 228  
Baton Rouge, Louisiana 70809  
**ID List:** 1. DL Number [REDACTED] Louisiana  
2. SSN [REDACTED]  
**Reliability:** Completely Reliable  
**Validity:** Confirmed by other sources

#### CASE DETAILS

**Source:** Law Enforcement  
**Validity:** Confirmed by other sources  
**Reliability:** Completely Reliable  
**Assist:** No  
**Priority:** Medium  
**Significant:** No

#### SYNOPSIS

LSP / CIU Investigators were advised that someone had possibly entered the Louisiana Auctioneers Licensing Board without proper authorization.

#### NARRATIVE

Investigators of the Louisiana State Police Criminal Intelligence Unit received information relative to an individual who may have entered the Louisiana Auctioneering Licensing Board (LALB) without proper authorization. Robert Burns, a former LALB Board Member, was recently removed from the Board by the Governor's Office. An LALB employee notified the East Baton Rouge Parish Sheriff's Department that Burns had entered the LALB Meeting Room with audio recording equipment and that he may have made a video recording while inside of the room. The Sheriff's Department responded to complaint at LALB and a report was filed by the responding Deputy.

TFC Watson and I interviewed Burns at his residence on Essen Lane in Baton Rouge. Burns stated that he received permission from Karen Kennedy of the Arthritis Association of Louisiana (AAL) to use the meeting room to record a video for his upcoming 30th high school class reunion. The AAL is located in the same building as the LALB at 5222 Summa Court, Baton Rouge, Louisiana. Burns said that he wanted to use the meeting room because it would make it appear that his video was recorded in a professional business setting. TFC Watson and I watched the video and the only thing capture on the video was Burns standing in front of the camera. The video can be seen at [www.members.cox.net/GOHS1981](http://www.members.cox.net/GOHS1981).

We asked Burns if he was upset with the Governor or State Government because of his recent removal from

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<b>Case Number:</b>	<b>11-2395</b>	<b>Offense:</b>	<b>Suspicious Activity</b>
<b>Case Date:</b>	<b>April 12, 2011</b>	<b>Offense Date:</b>	<b>April 08, 2011</b>
<b>Investigation Officer:</b>	<b>Investigator Bart Morris</b>	<b>Offense Time:</b>	<b>12:00 AM</b>

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the LALB. Burns said that he did not have any issues with anyone and that he is not a threat to the Governor, Louisiana Auctioneers Licensing Board, Board Members, or Board Employees.

Burns was told that he is not to return to the LALB unless he is there on legitimate business.

**INVESTIGATION OFFICER**

---

Investigator Bart Morris



Louisiana Department of Public Safety & Corrections  
Office of State Police  
Incident



Bobby Jindal  
Governor

Michael D. Edmonson, Colonel  
Superintendent

CASE HISTORY

**Case Number:** 11-2357  
**Case Date:** April 12, 2011  
**Offense:** RFI - Criminal  
**Offense Date:** Unknown  
**Offense Time:** Unknown  
**Investigation Officer:** Investigative Specialist Tina Rushing

SUBJECT

**Name:** Robert E Burns



**Photo(s):**

**Birth Date:** September 10, 1963  
**Gender:** Male  
**Race:** White  
**ID List:** 1. DL Number [REDACTED] Louisiana  
2. SSN [REDACTED]

LAW ENFORCEMENT WITNESS

**Name:** Inv. Bart Morris  
**Additional Information:** LSP CIU Baton Rouge

ATTACHMENT

- 1 LSP Request Form
- 2 Robert Burns Workup
- 3 Robert E. Burns CLEAR Report

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<b>Case Number:</b>	11-2357	<b>Offense:</b>	RFI - Criminal
<b>Case Date:</b>	April 12, 2011	<b>Offense Date:</b>	Unknown
<b>Investigation Officer:</b>	Investigative Specialist Tina Rushing	<b>Offense Time:</b>	Unknown

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#### **CASE DETAILS**

**Source:** Law Enforcement  
**Assist:** No  
**Priority:** Low  
**Significant:** No  
**Description:** Work-up Investigation

#### **SYNOPSIS**

Information received from Inv. Bart Morris, LSP, requesting a photograph of subject, DL copy, OMV - Driving Rec., OMV - Vehicle Info., NCIC, LA Criminal History, IRS, LA Sex Offenders database, CAJUN 2, CLEAR, MOTION, and LA Secretary of State on a subject regarding a Investigation. Agency Case Number: TBD

IRS # 11-2357

#### **NARRATIVE**

04/13/2011 - 1306 hrs - E-mailed the following information on subject Robert Burns to Inv. Bart Morris: photo, LA DL copy, OMV driving record, OMV vehicle information, LACCH, NCIC, IRS checks, LA Sex Offender Database checks, CAJUN, MOTION checks, LA Secretary of State records and a CLEAR report.

#### **INVESTIGATION OFFICER**

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Investigative Specialist Tina Rushing