

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 OPPOSITON TO MOTION FOR SUMMARY JUDGMENT

MAY IT PLEASE THE COURT:

NOW UNTO COURT comes Petitioner, in proper person, who states that he filed an initial Memorandum in Opposition to Defendant's Motion for Summary Judgment on April 27, 2011 relaying that he desires for his Memorandum supporting an Order for Status Conference filed with this Honorable Court on April 19, 2011, along with its Exhibits, together with other Memorandums and Exhibits previously filed pertaining to the above entitled case, to serve as his Memorandum in Opposition to Defendant's Motion for Summary Judgment scheduled for hearing on Monday, May 16, 2011 at 9:30 a.m.

While that Memorandum and accompanying Exhibits, together with other Memorandums and Exhibits previously filed pertaining to the above entitled case, do constitute the majority of Petitioner's opposition to Defendant's Motion for Summary Judgment, Petitioner desires, via this Separate Memorandum, to provide further opposition to Defendant's Motion.

First, as Petitioner has made abundantly clear on numerous occasions, including in Interrogatory Responses supplied by Defendant as part of the Motion for Summary Judgment (see Interrogatory # 5 response), Petitioner has never asserted that Defendant's Counsel, Anna Dow, must herself produce the records or generate any LALB report. Instead, as indicated in Interrogatory response # 5, Petitioner has, upon advice of Robert Burns and others, sought to have Defendant's Counsel, Ms. Dow, ensure that Defendants produced the records and generated the report. Upon getting nowhere with Defendant Chairman Comer regarding even being permitted access to the records, as clearly conveyed in Interrogatory # 5 response, "I was advised by Robert Burns and others to pursue the information through you because you would have a fiduciary duty to ensure I obtained the information." Similarly, as continued in Interrogatory # 5 response, Ms.

Emalie Boyce of the Attorney General's Office likewise advised on July 23, 2011 that Petitioner pursue obtaining the information through Defense Counsel because she, Ms. Boyce, was aware of the stiff resistance Petitioner was receiving from Defendant Chairman Comer as evidenced by his letter of June 18, 2011 (Exhibit P-4) indicating no records could be obtained without his acquiescence . Therefore, the continued insistence on the part of Defense Counsel that Petitioner has insisted that she provide the information is simply not accurate. What Petitioner has steadfastly sought is for Defense Counsel to ensure that Defendants conform to Louisiana Public Records Laws and provide the information. Defendants have not challenged the fact that the first token effort made in that regard was on September 20, 2010 (**115 days after Petitioner's initial request**); furthermore, as has been relayed, that initial effort was outright laughable relative to what Petitioner sought, and Defense Counsel admitted as much in the Status Conference of November 24, 2010.

As has been previously relayed to this Honorable Court via Exhibits P-7 through P-10, Defendant can easily generate custom reports (without the need for any special programming) merely by requesting disbursements by payee (as was done in those four custom reports). As relayed in Petitioner's Memorandum in Support of Order for Status Conference, 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 on behalf of Petitioner), 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.

What Mr. Burns uncovered was that only seven (7) LALB members have attended NAA / NALLOA Conferences in the last decade (the period requested by Petitioner). Furthermore, as referenced by Mr. Burns in Exhibit P-11, the minutes readily revealed whom those members were. Therefore, it was even easier for Defendant to generate the requested reports than Petitioner initially realized. All that had to be done was to run a search by payee for each known attendee (only seven, with no more than

four for any one year) during the July and August timeframe of each year. Such a report, had Defendant been willing to generate it, would have been substantially the same as Mr. Burns' spreadsheet; furthermore, it could have been done in less than 30 minutes.

Petitioner did not seek the extensive detail that Mr. Burns chose to footnote regarding the minutes, so his two-hour timeframe could have been substantially reduced if the report had been generated by Defendant. Therefore, Defendant's statement toward the top of page six (6) of the Memorandum Supporting the Motion for Summary Judgment wherein Defendant states, "...the Registry was not required to create new computer programs to access and report the information sought by the law firm by zip code, which was not a variable in the data retained by the Registry. The same is true in this case. The variables sought by Petitioner are not part of the records retained by Defendants, specifically, the records sought by Petitioner are not kept in the form sought by Petitioner," is **blatantly false!** Exhibits P-7 through P-10 **prove** that such records **are** kept in the form sought by Petitioner, namely **by payee**. Again, all Defendant had to do was run the name search for the known conference attendees over that two month period (**EXACTLY** the same as was done regarding Exhibits P-7 through P-10), and print them out. Since fifteen (15) vouchers were paid, this should have resulted in 15 pages, each with one listed payee for one amount.

To have done as Petitioner relays in the preceding paragraph would be analogous to placing a fish in an aquarium and merely asking Petitioner to scoop the fish out (i.e. generate his own one-page report, which Petitioner would have happily done); however, what Defendant instead chose to do was analogous to placing the fish in the Pacific Ocean, as evidenced by Exhibit P-17 wherein Defendant merely flooded Plaintiff with 10 years of generic "out-of-state travel" and was essentially told, "You sort it all out." Further, Exhibit P-17, which is itself horribly out of conformity with what Petitioner requested, was actually an improvement from the prior printout of September 20, 2011, which was the **first** half-hearted effort Defendant made toward fulfilling Petitioner's request. As mentioned in his Motion for Order for Status Conference, Defendant's Executive Assistant, Sandy Edmonds, essentially apologized three days in advance of Mr. Burns' office visit, when she relayed to him via 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 [Exhibit P-17] 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.”

Defense Counsel continues her persistent pattern on speculating on Petitioner’s motives for filing this Petition. In concluding her Motion for Summary Judgment, she states: “He brought the proceeding solely because he felt that he was mistreated because he was denied reimbursement for attending the 2008 convention and attendance as the representative of the Board for the 2010 convention. As such, the defendants should not be penalized.”

Although Petitioner’s Memorandum Supporting a Hearing for Oral Arguments for a Writ of Mandamus clearly addressed the fact that Petitioner had been approved for 2008 reimbursement, Defense Counsel obviously either doesn’t read or either repeatedly has memory lapses in making such statements as the above quotation. To settle the matter once and for all, Exhibit P-20, the LALB minutes for the November 17, 2008 meeting, are attached hereto and made a part hereof this Memorandum. They clearly show Petitioner having been unanimously approved to receive reimbursement for those 2008 expenses. Petitioner is at a loss as to why Defense Counsel consistently misstates the facts over and over again regarding that matter. .

Having said that, as Petitioner stated in the above referenced Memorandum, his motives are irrelevant to this Petition. What is relevant is whether Defendants conformed to fulfilling public records requests, and the fact is that they not only failed, but they failed miserably, and that has nothing to do with Petitioner having been approved or denied the privilege of attending the 2010 conference as a Board Representative. If Petitioner is inclined to pursue a separate Cause of Action regarding that denial, he will certainly do so; however, this petition deals with the production (or lack thereof) of public records, nothing more!! Further, Petitioner is at a loss for the unexplained rationale that Defense Counsel asserts that Petitioner is “not a member of the public, but a public official who should be aware of the law.” In checking the Constitution of Louisiana, Article 12, Section 3, it says: “No person shall be denied the right to observe

the deliberations of public bodies and examine public documents, except in cases established by law.” Petitioner does not see where that Section reads, “No person, except public officials who may readily be denied such access, shall be denied the right.....”

Furthermore, as provided for in Defense Counsel’s own Motion for Summary Judgment, in Petitioner’s response to Request for Admission of Fact # Nine (9), Petitioner references the fact that Robert Burns, a colleague on the LALB at the time Petitioner was requesting records of the LALB at the EXACT same time as Petitioner, was having no difficulty whatsoever obtaining access to the records he requested. In Admission # 9, Petitioner referenced an email exchange between Mr. Burns and LALB Executive Assistant, Sandy Edmonds corroborating that fact. A copy of that email exchange is attached hereto and made a part herewith this Memorandum and is labeled Exhibit P-21.

The fact that Mr. Burns, a colleague in early June of 2010, was cooperatively obtaining records on behalf of Petitioner is now no secret to anyone. In fact, that is exactly how Petitioner obtained the copy of the November 2008 LALB minutes (Exhibit P-20) to substantiate the fact that, contrary to Defense Counsel’s assertion in her Motion for Summary Judgment, Petitioner was approved (not denied) cost reimbursement for the 2008 Conference. Mr. Burns was not being ordered to follow any “chain of command” (i.e. Defendant Comer) in order to gain access to records; however, whenever Defendant Comer became suspicious that Mr. Burns may be procuring records on behalf of Petitioner after Mr. Burns’ office visit of Tuesday, June 8, 2010, ten (10) days later, June 18, 2010, Defendant Comer took the extraordinary measure of sending out a letter to the entire Board (Exhibit P-4) relaying that no Board Member would be provided access to LALB records from that day forward without going through him. Petitioner respectfully inquires of Defense Counsel as to why Mr. Burns was not told in early June of 2010, when he was a Board Member at the time, that he is “not a member of the public, but a public official who should be aware of the law” as Defense Counsel now asserts regarding Petitioner in her Motion for Summary Judgment?

In concluding this Memorandum in Opposition to Defendant’s Motion for Summary Judgment, Petitioner will merely state that Defense Counsel has possessed a blatant conflict-of-interest in representing Defendant from the outset of this proceeding in that she is an integral part of the entire proceeding. She has therefore repeatedly

demonstrated an inability to disassociate herself from the activities of Defendant because those actions are part-and-parcel to her own actions. As if that conflict isn't bad enough, as mentioned in Petitioner's Memorandum Supporting an Order for Status Conference, Petitioner, through a Freedom of Information Act Request, learned that Defense Counsel herself attended the 2010 NALLOA conference. Additionally, without Board approval, she also billed the LALB for attendance at meetings during that conference, in direct defiance of a Legislative Auditor Directive of May of 2002 (Exhibit P-15).

Exhibit P-22, Defense Counsel's invoice to LALB for the month of July 2010, is attached hereto and made a part hereof this Memorandum. Highlighted are charges totaling \$412.50 for such meeting attendance. As further evidence of Board Members' and LALB personnel's hostility toward Mr. Burns for his obtaining of records on behalf of Petitioner, Ms. Sandy Edmonds, LALB Executive Assistant, at the January 10, 2011 LALB meeting, made the following quote regarding how Petitioner came into possession of Exhibit P-22: "Well, let me just say this. The only reason that Mr. Phillips has a copy of Ms. Dow's invoice is that his friend in crime back there, Mr. Burns, came into the office and copied them for him."

When Petitioner openly questioned the billing at the January 10, 2011 LALB meeting as a potential misappropriation of funds, Defense Counsel, on video (which the entire segment of the episode is captured on video and Petitioner looks forward to presenting that video in subsequent Court proceedings pertaining to this Petition), shot back with several outright threats of litigation against Petitioner. She also openly encouraged LALB Chairman and Defendant 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 that letter has been previously provided as Exhibit P-18.

Exhibit P-21 clearly shows a signature of presumed undated approval by Defendant Comer; however, that is the only invoice submitted by Defense Counsel to contain a signature of presumed approval by Defendant Comer since the hiring of Executive Assistant Edmonds. When Petitioner openly questioned that odd fact, Executive Assistant Edmonds stated, "I can answer that. At the beginning of every meeting, I provide Chairman Comer with a folder." At that point, she was interrupted by LALB Consumer Member Greg Bordelon, close friends with Defendant Comer, who stated: "I don't know if I'd answer that pending the lawsuit that's going to be filed

[against Petitioner].” Defense Counsel then stated, “Yeah. We’ll answer that through future litigation.” Had Ms. Edmonds been permitted to complete her statement, she was apparently preparing to relay that she’d had Chairman Comer approve the invoice immediately prior to the August 2, 2010 meeting. However, as evidenced by Exhibit P-23, a copy of the cleared check which is attached hereto and made a part hereof, the check for payment of that invoice was clearly written on July 30, 2010 (the same day of the invoice), and, in fact, the check posted to the LALB’s account on August 2, 2010, thus indicating that the circumstances under which Defendant Comer purportedly approved that one invoice are suspect at best since payment had already been made on the invoice and the check had even cleared the bank before the time Ms. Edmonds was about to relay she had Defendant Comer purportedly approve the invoice.

At any rate, Defense Counsel, by her reaction and subsequent follow-up letter threatening that either she and/or Defendant Comer may sue Petitioner over the questioning of the item, clearly demonstrated that Defense Counsel has possessed a blatant conflict of interest from the outset of this proceeding, and her inability to detach her actions and emotions has been repeatedly demonstrated throughout these proceedings. Furthermore, Defense Counsel is well aware that Petitioner’s request for records was immensely unpopular with LALB members as well as auctioneers in general, many of whom were audience members at the August 2, 2010 meeting (the meeting room was jam packed with upwards of 30-40 audience members). One of the auctioneers in attendance was State Rep. John E. “Johnny” Guinn, close friends of LALB Chairman Comer and Consumer LALB Member Greg Bordelon. Rep. Guinn stated in the meeting, “The bickering amongst each other.....this don’t go on in the Legislature....” Defense Counsel was also likely aware that, only 28 days after that meeting, August 30, 2010, and only 21 days after Petitioner filed this Petition, Rep. Guinn drafted a letter to Governor Jindal’s Office seeking the removal of Board Member Robert Burns. A copy of that letter is attached hereto and made a part hereof this Memorandum as Exhibit P-24. Therefore, Defense Counsel had reason to fear for that the security of her own legal contract with the LALB may potentially be placed into jeopardy if she advised Defendant that access to the records should be granted given the hugely unpopular stand that would have entailed on Defense Counsel’s part. As a result, Defense Counsel essentially

colluded with Defendants to deny Petitioner that request, and neither Defendants nor Defense Counsel even assert that any attempt whatsoever was made to fulfill Petitioner's request until the half-hearted attempt by Ms. Edmonds on September 20, 2010, which was 49 days after the filing of the Petition for a Writ of Mandamus by Petitioner. Furthermore, neither Defendant Comer nor Defense Counsel even sought the LALB's guidance on whether or not, in the days after Petitioner filed his petition, the more feasible and cost-effective approach may be to merely generate the report Petitioner requested. Instead, Defendant Comer and Defense Counsel embarked, on their own and without Board consultation, on a mission to vigorously oppose Petitioner's Writ filing and, in the process, spend thousands of dollars of auctioneers' licensing fees in that opposition, the very licensees to whom both Defendant Comer and Defense Counsel owe a fiduciary duty to safeguard the licensing fees of.

Wherefore, through this Memorandum, Petitioner respectfully requests that Defendant's Motion for Summary Judgment be denied or, in the alternative, that only Partial Summary Judgment be granted as it pertains to Petitioner's request for a Court-Ordered Writ of Mandamus in that such Writ is, as stated in Petitioner's Memo Requesting Order for Status Conference, now unnecessary as a result of the report generated by Robert Burns.

Furthermore, Petitioner specifically requests that the Petition for Damages aspect of his Petition remain in place because Petitioner firmly believes that Defendant arbitrarily and unreasonable failed to respond to his request for records, and he 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."

Petitioner has numerous audio clips which he desires to play during the hearing for the consideration of such civil penalties applicable for the August 2, 2010 LALB meeting, and he strongly desires to place those individual who uttered the quotations on the witness stand for examination and questioning by Petitioner. Petitioner is of the firm opinion that, upon this Honorable Court hearing the angry and hostile tones of those

individuals, all of whom are LALB Board Members, this Honorable Court will obtain a true picture of the incredibly stiff resistance to which Petitioner was subjected regarding even being provided access to records. In fact, Defendant Comer made the following quote at that August 2, 2010 LALB meeting: **"...If you got something concrete, bring it on! Okay. We're gone get all this over with today. Bring it on! Get your attorney. Get whatever you need to do, but bring it on! Because I'm tired of being accused. I'm tire of being harassed. Okay. And it's 'gonna stop today. Cause we're either 'gonna come together as a Board and we're going to work together for the good of this State and the auctioneers in this State, or there might be some people by themselves, and that's the best way I know to put it."**

Petitioner eagerly awaits the opportunity to present his arguments for the imposition of civil penalties regarding Defendants' handling of Petitioner's simple initial request, and he therefore asks of this Court that, at a bare minimum, his Petition for Damages be permitted to remain in place irrespective any inclination this Honorable Court may have to grant Partial Summary Judgment regarding Petitioner's request for a Writ of Mandamus, which is now irrelevant anyway.

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

Freddie Phillips

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 5th day of May, 2011.

Freddie Phillips

hearing. Mr. Comer stated he understood how this might happen, and that it was minor and perhaps the law needed to be changed so that a first offense was a warning if that was the desire of the board. Mr. Phillips stated he had the newspaper ad and the flyers with his number and the witnesses willing to do affidavits, what other proof did he have to bring before the board? (Note: Mr. Phillips did not have this information with him) He said it was not the issue of the money, it was the issue of the violation on his record. He stated he was upset the signs got stolen, and the sign man couldn't give him what he needed but he had to settle for just the date on the second set of signs.

Ms. Wilks asked Mr. Phillips why he didn't just have the sign man send in a written statement attesting to this and accepting responsibility within the 15 days allowed in the initial fine letter. Mr. Phillips stated he wanted to bring it before the board because when he called the office looking for a pleasant conversation and to let it be known he had received the violation letter, he had not gotten a pleasant conversation. He didn't want it to become a personal issue. Ms. Wilks apologized if he thought it was a personal issue, stating that it was not personal. She further stated she felt that he had been jumping down her throat for doing her job. She stated that they had both mis-communicated and apologized for her part in it. She further informed Mr. Phillips that it wasn't personal, and that had those signs been the Chairman's she would have acted in the same way. Mr. Burns stated that he had asked Mr. Wilks to review a television ad prior to it airing, and she had pointed out the lack of his number in the ad, which caused him to change the ad prior to it being aired. He stated Ms. Wilks treated everyone the same way. *Mr. Bordelon made a motion to drop the violation against Mr. Phillips so they could move on.* Mr. Burns asked if they had the authority to do so. Ms. Dow stated that the question was whether it should be set for hearing. She further stated that the board cannot hear this without a hearing, and that that they cannot make a formal determination of the violation without going through the requirements of the administrative procedure act. She said he could stipulate to something that would not require a fine or costs and avoid the hearing, but that this would be up to the board. Mr. Burns asked if the board had ever waived fines for this type of violation for anyone else. Ms. Wilks stated that to her knowledge they have not waived fines for ad violations, however that violations have been nullified if the licensee could prove that it was through no fault of their own that the number was omitted, such as having the newspaper, or television station put this in writing and submit it to the office. Ms. Dow stated the fine could not be waived, and the board had to either set it for hearing, let him pay the fine, or stipulate to something different. Mr. Burns asked if there was something like a no contest plea. Ms. Dow stated Mr. Phillips could agree to pay the fine, and the board would not count it as a first offense against him. *Mr. Bordelon motioned this option, Mr. Burns seconded and the motion passed unopposed.* Ms. Dow will draw up the stipulation agreement.

6. Request for N.A.A. reimbursement – Phillips

Mr. Comer asked if Mr. Phillips had any records of what he had spent. Mr. Phillips stated he did not. He further stated he had talked to Ms. Bonnette and said that Ms. Wilks should have documentation of what the board allocated for board members to attend the conference each year, and that it had been consistent for the last few years.

Mr. Comer stated the board makeup had changed near the time of the conference and that Mr. Phillips had already planned to attend the conference. Mr. Phillips was the only board member that had attended the conference. He felt the board could afford to partially pay for one person to attend. Mr. Burns stated that in his prior government experience, travelers had to use the contracted travel agent and asked where the board stood on that matter. Ms. Wilks pointed out that there is a state travel agency and that all flights must be booked through the board office using the state agency, so Mr. Phillips could not receive reimbursement for his flight. Mr. Phillips stated he had driven. Ms. Wilks stated Mr. Phillips would have to provide receipts for his hotel, meals, and conference registration fee should the board decide to reimburse him anything. Ms. Dow pointed out that since he had driven, the board would have to pay mileage according to the regulations. Ms. Wilks pointed out that Mr. Phillips would also need an approved travel authorization form which is usually requested in advance of any travel. Ms. Dow asked if the authorization could be done after the fact. Ms. Wilks stated that this would be up to the board, but she would not back date it. Mr. Comer stated that Ms. Dow had paid her own way there, and she had seen Mr. Phillips there. Mr. Phillips stated that you couldn't get into the convention without an I.D., provided after paying the required registration, and that no one was there (ie at the N.A.L.L.O.A meeting) to represent the board. Ms. Wilks stated her report had been sent to the secretary well in advance of the conference as she knew she would not be attending. Mr. Phillips stated that she didn't represent the board, and that her records were not there. He stated that when the secretary called for them, the Louisiana records were not there. Ms. Dow stated that this was not what had been said, and that what the NALLOA secretary had actually said was that if anyone wished to speak or to provide a record orally or in writing they could do so. Mr. Phillips stated the secretary stated they didn't have anything. Ms. Wilks stated that the report she had submitted to the NALLOA secretary were reflected in the minutes of the NALLOA meeting. Ms. Dow stated that the secretary had merely been asking if anyone wanted to read a report out loud into the record as opposed to submitting it in writing. Mr. Phillips pointed out that representation is needed, and it wasn't about the financial reimbursement. Ms. Dow recommended making the decision whether to send someone to the conference, in advance of the conference. She further stated that Mr. Phillips will have to comply with the travel regulations in order to receive reimbursement. Mr. Phillips stated he knew there was an itemized breakdown where the board allocated so much per day per board member. Ms. Dow pointed out that there is no specific allocation for anything... that the board budgets an amount, but this does not mean automatic approval of payments. Mr. Phillips asked how the reimbursement for meals and all of this would go. Ms. Wilks stated again that he had to submit his receipts for meals, hotel and conference registration as well as mileage odometer readings or a Mapquest from point A to point B, and then if the board feels there are funds are available, the board may choose to reimburse him \$97 per day for per diem for time spent on board business. All of this is at the board's discretion and as funds allow, and this is what has been done in the past for all board members. Mr. Burns asked if once submitted, this would be over or what would happen. Mr. Comer stated a motion would have to be made. Ms. Wilks stated that what she thought Mr. Burns was asking was whether the receipts would have to be reviewed by the board

prior to a check being issued, or did they want her to review them as all other travel expenses have been done and provided that all was in order, issue a check. Mr. Comer stated Ms. Wilks reviewing them was fine. **Mr. Bordelon motioned approval of Mr. Phillips expenses for the N.A.A. convention. Mr. Burns seconded and the motion passed unopposed.**

7. CE Requirement Suspension;

Mr. Burns stated he thought the board set a precedent in having a CE requirement and then retracting it. He further stated that while he had initially voted in favor of it, strictly to help cure the financial problem, he does believe that it represents a step backward, both in the actual and perceived professionalism of the profession. He stated that in light of the city of Kenner auction fiasco that there may be some south LA legislators that would oppose eliminating CE's. There is also the downside that LA auctioneers will have to go elsewhere to get CE to maintain reciprocal licenses. He felt that the board had not sufficiently explored alternatives to minimize the expense associated with CE's, and as it was not on last meeting's agenda, he had been unprepared to really talk about it. He stated that he thought it would not help the perception of the profession, and **he made a motion to reinstate the CE requirement.**

Mr. Phillips stated he was absent during the previous meeting & their decision to eliminate CE and he would like to hear why it was eliminated. Mr. Bordelon stated that all the southwest auctioneers he had spoken with had stated it was a great thing (eliminating CE's) and that the reason it was being brought up again was because it wasn't done the right way the first time. Mr. Burns noted that doing away with CE was imposing an added hardship on Louisiana auctioneers that had reciprocal licenses. Mr. Bordelon state that the majority of the people know the laws and are not going to have the violations.

A member from the audience, Mr. Larry Nobles spoke against CE stating he was against it from the start, and that initially it was supposed to have been six classes a year, and now it was down to three. He suggested the Board recognize the state association to conduct CE classes. He further suggested that both Keith Babb and Marvin Henderson would be happy to do the CE's. He suggested the board allows things to get out of hand on investigations that shouldn't be heard. He stated he had been on the board for years and had never gone to the national convention. He yielded the floor to Marvin Henderson. Mr. Henderson stated he had to take CE for other states long before LA implemented CE, and felt a lot of it was a total waste. He stated he opposed it primarily because he had seen other states non auctioneer, professional educators setting up the classes purely for financial gains. He stated he felt CE, as a requirement, is necessary to be able to reciprocate with other states. He further stated that he was opposed to the idea of someone coming into the state and setting up classes to make money. He said he would personally volunteer to give CE's at his place. He also wanted to comment on the trips to the convention. He stated he has been a member of the association for years, and didn't always have the money to go to the convention. He said board members are here voluntarily and that the board members should pay their own way if they want to go to the convention. He said that rather than try to raise the fees on licenses the board should promote the profession.

From: Sandy Edmonds, LALB [mailto:admin@lalb.org]
Sent: Friday, June 04, 2010 3:45 PM
To: Robert Burns
Subject: Re: Another Office Meeting for Tape Analysis

Robert,

I just got your voicemail and was about to send an email when this one appeared.

I can do Tuesday. I will be in the office from 9:30-11:30 and will return by 1:00 and will stay until 3:30. You are more than welcome to come during the morning and afternoon time.

I have been instructed not to let you leave the office with any of the tapes and not to leave you in the building while I am gone.

See you then,

Sandy Edmonds

Sent on my iPhone

On Jun 4, 2010, at 3:27 PM, "Robert Burns" <Robert@AuctionSellsFast.com> wrote:

Don't know if you got my voice mail or not, but can we change the date to Tuesday? I think that's a day you said you normally come in anyway, so probably works better for you. Just let me know what time may be best. If you want to come in the morning, then depart to go pick up the kids at VBS and return, that's fine by me as it will take a while to go through the tapes.

Thanks, and you have an enjoyable weekend!

<image001.jpg>

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



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

From: Sandy Edmonds, LALB [mailto:admin@lalb.org]
Sent: Friday, June 04, 2010 2:39 PM
To: Robert Burns
Subject: Re: Another Office Meeting for Tape Analysis

I will start gathering as much as I can when I return.

Thanks,

Sandy Edmonds

Sent on my iPhone

On Jun 3, 2010, at 3:02 PM, "Robert Burns" <Robert@AuctionSellsFast.com> wrote:

O. K. Wednesday at 1:30 p.m. it is. Here is what I'm looking for:

- Audio tape of 11/08 meeting,
- Minutes and audio tape of 3/09 meeting along with court transcript of that meeting for which the Board specifically requested (I was the lone dissenting vote)
- Audio tape of 11/09 meeting,
- Minutes reflecting discussion of 2005 NAA/NALLOA conference (to derive date) ultimately leading to audio tape of discussion of same,
- Minutes reflecting discussion of 2007 NAA/NALLOA conference (to derive date) ultimately leading to audio tape of discussion of same,
- Access to the file containing the applicants for the investigator position when we hired Jim which would have been in the timeframe of November 2005 – February 2006. If that file should no longer exist, then the minutes for the same period will be fine.

Thanks.

<image001.jpg>

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

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

From: Sandy Edmonds, LALB [mailto:admin@lalb.org]

Sent: Thursday, June 03, 2010 12:19 PM

To: Robert Burns

Subject: Re: Another Office Meeting for Tape Analysis

Yes. I can do wednesday at 1:30.

Why don't you give me a list of what things you want so I can try to locate them ahead of time.

Thanks,

Sandy Edmonds

Sent on my iPhone

On Jun 3, 2010, at 10:55 AM, "Robert Burns" <Robert@AuctionSellsFast.com> wrote:

O. K. What about Wednesday at 1:30 p.m.?

<image001.jpg>

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

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

From: Sandy Edmonds, LALB [mailto:admin@lalb.org]

Sent: Wednesday, June 02, 2010 8:46 AM

To: Robert Burns

Subject: Re: Another Office Meeting for Tape Analysis

Robert,

I have a doctor's appointment on Monday that I forgot about. I can do any other day, promise!

Sandy Edmonds

Sent on my iPhone

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

Invoice submitted to:
 Auctioneers Licensing Board
 5222 Summa Court
 Suite 352
 Baton Rouge LA 70809

July 30, 2010

In Reference To: 99-1-U, General Board Matters
 Invoice #13074

Professional services

	Hrs/Rate	Amount
7/6/10 AED E-mail with attorneys for complainant re Rosato	0.10 150.00/hr	15.00
7/9/10 AED Telephone conference with Chairman	0.80 150.00/hr	120.00
7/14/10 AED Attend seminar on real estate auctions	1.50 150.00/hr	225.00
7/15/10 AED Attend NALLCA meeting	1.25 150.00/hr	187.50
AED E-mail to attorney for Burns re Rosato complaint	0.10 150.00/hr	15.00
AED Telephone conference with G. Rosato re pending complaint	0.10 150.00/hr	15.00
7/18/10 AED Attend Levinsohn auction	1.00 150.00/hr	150.00

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Auctioneers Licensing Board

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	Hrs/Rate	Amount
7/19/10 AED Telephone conference with Ken Comer re ethics opinion	0.20 150.00/hr	30.00
7/20/10 AED Review correspondence / request for transcript	0.20 150.00/hr	30.00
7/21/10 AED Draft subpoenas to USAartsources and Levinsohn; respond to Levinsohn letter	1.00 150.00/hr	150.00
7/22/10 AED Review transcript of March 20, 09 meeting	0.30 150.00/hr	45.00
AED Telephone conference with client re Ohio request; review file	0.30 150.00/hr	45.00
AED Research issues regarding pending meeting; send email re same	0.75 150.00/hr	112.50
7/23/10 AED Review email from Robert Burns re freedom of information act request	0.10 150.00/hr	15.00
7/24/10 AED Telephone conference with Ken Comer	0.80 150.00/hr	120.00
AED Telephone conference with Jim Steele	0.20 150.00/hr	30.00
7/25/10 AED Draft letter to chairman regarding security	0.10 150.00/hr	15.00
7/26/10 AED Review email from Robert Burns regarding agenda	0.10 150.00/hr	15.00
7/27/10 AED Telephone conference with Ken Comer re upcoming meeting issues	0.50 150.00/hr	75.00

		Hrs/Rate	Amount
7/27/10	AED Research issues for upcoming meeting regarding accusations	0.70 150.00/hr	105.00
	AED Review email regarding disciplinary action against licensee	0.10 150.00/hr	15.00
7/28/10	AED Telephone conference with Emalie Boyce re public records request	0.20 150.00/hr	30.00
	AED Telephone conference with Sandy re agenda items and notification	0.10 150.00/hr	15.00
	AED Telephone conference with Ken regarding ethics request	0.10 150.00/hr	15.00
	AED Review tape of legislative session	0.30 150.00/hr	45.00
	AED Draft letter regarding notification of agenda item	0.20 150.00/hr	30.00
7/29/10	AED Telephone conference with Ken Comer and Sandy re agenda	0.50 150.00/hr	75.00
	AED Review email re Burns complaint	0.10 150.00/hr	15.00
	AED Review email regarding Phillips request (sent by Robert Burns)	0.10 150.00/hr	15.00
	AED Telephone conference with Rick McJimsey re board request for records	0.10 150.00/hr	15.00

Hrs/Rate	Amount
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		0710.TXT	
7/30/10	AED Telephone conference with	0.10	15.00
	Sandy re agenda, requests	150.00/hr	
	AED E-mail regarding Bonnette	0.10	15.00
	complaint	150.00/hr	

For professional services rendered	12.10	\$1,815.00
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Additional charges:

7/19/10	AED Charges for computer research /	28.44
	Lewisohn	
7/22/10	AED Charges for computer research	89.50
7/27/10	AED Charges for computer research / misc.	17.13
	AED Charges for computer research / misc.	69.29
	Total costs	\$204.36

Total amount of this bill	\$2,019.36
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Previous balance	\$985.65
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7/6/10 Payment from account	(\$985.65)
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Balance due	\$2,019.36
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Posting Date: 2010-08-02
 Sequence #: 3890037540
 Account #: 2006007589
 Routing Transit: 06540013
 Amount #: \$2019.36
 Check/Serial #: 000000006877
 Bank #: 552
 Tran Code: 000000
 IRD: 0
 ItemType: P
 BOFD: 000000000
 Cost Center: N/A
 Teller Number: N/A
 Teller Seq Number: N/A
 Processing Date: N/A

 Louisiana Auctioneers Licensing Board 5222 Summa Court Baton Rouge, LA 70809 (225) 763-5568	JPMORGAN CHASE BANK, NA 84-013/854	6877
	7/30/2010	
PAY TO THE ORDER OF <u>Anna Dow</u>		\$ 2,019.36
Two Thousand Nineteen and 36/100		DOLLARS
Anna Dow 1434 N. Burnside, Ste. 14 Gonzales, LA 70737		<i>Ken Comer</i> <i>Sandy L. Moore</i>
MEMO		
⑈006877⑈ ⑆06540013⑆ 2006007589⑈		

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 ENDORSE HERE

 DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
 (FOR SIGNATURE AND ENDORSEMENT)

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LOUISIANA HOUSE OF REPRESENTATIVES



P. O. Box 287
Jennings, LA 70546
Email: guinnj@legis.state.la.us
Phone: 337.824.0376
Toll Free: 800.259.0376
Fax: 337.824.4780

Agriculture, Forestry, Aquaculture,
and Rural Development
Natural Resources and Environment
Transportation, Highways and
Public Works

JOHN E. "JOHNNY" GUINN
State Representative ~ District 37

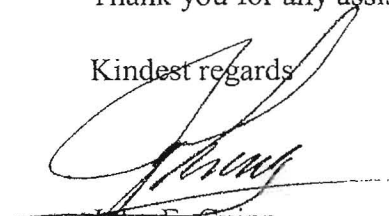
August 30, 2010

Jonathan Ringo
Special Assistant to the Governor
Office of the Governor
PO Box 94004
Baton Rouge, LA 70804-9004

Please be advised by this letter that numerous auctioneers throughout Louisiana have contacted me to request that the Governor replace Edwin Robert Burn as Board Member of the Louisiana Auctioneers Licensing Board.

Thank you for any assistance you can give concerning this matter

Kindest regards


John E. Guinn
State Representative
District 37

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