

ROBERT BURNS, REV. FREDDIE LEE
PHILLIPS

NUMBER 631669 DOCKET: 24

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BAORD,
CHARLES "HAL" McMILLIN, JAMES M SIMS,
DARLENE JACOBS-LEVY, JEFFREY HENDERSON,
TESSA STEINKAMP, CHARLES "CLAYTON" BRISTER

STATE OF LOUISIANA

**MEMORANDUM IN OPPOSITION TO
EXCEPTION OF NO CAUSE OF ACTION**

NOW UNTO COURT come Plaintiffs, Robert Edwin Burns and Rev. Freddie Lee Phillips, in proper person, who submit to this Honorable Court this Memorandum in Opposition to Defendant's Exception of No Cause of Action which is scheduled for hearing on Tuesday, October 14, 2014 at 9:30 a.m.

Plaintiffs have clearly stated a cause of action pursuant to Defendants' dismal failure to facilitate an accommodating, non-threatening environment through which they may keep auctioneers and the public abreast of auctioneer matters by way of videotaping and disseminating LALB meetings. Further, though there had been no problems whatsoever reported in the 16 months during which Plaintiffs videotaped the meetings prior to the adoption of Defendants' "meeting rules," Defendants adopted such rules anyway in an arbitrary and capricious manner to impede Plaintiffs' ability to provide transparency regarding LALB meetings.

Significantly, Defendants adopted such arbitrary and capricious rules over the strenuous objection of Defendant McMillin who, at the September 9, 2014 LALB meeting, reiterated his strong support for the previous videotaping parameters which Plaintiffs enjoyed. In fact, Defendant McMillin went so far as to say he wanted it "into the record" that Plaintiffs had support for the prior videotaping parameters, and he previously voiced his displeasure with his colleagues over what he termed as "choking on a gnat," and "sweating small stuff." That September 9, 2014 meeting was the first meeting after which Defendant McMillin received service of this petition, and he sought to be recognized on a point of personal privilege at the September 9, 2014 meeting. Upon receiving such recognition, Defendant McMillin stated that he would be resigning his LALB membership effective the next day, Wednesday, September 10, 2014.

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Regarding liability of the LALB members and a cause of action, the situation encountered on May 6, 2014 during which audience member Chris Lemoine blatantly blocked Plaintiffs' ability to videotape the meeting by boldly sticking an 8 1/2" x 11" sheet of paper within inches of the camera (and threatening Plaintiff Phillips regarding polite and gentle efforts to remove the obstruction), such a situation is analogous to a restaurant's owner being held liable for failure to provide adequate lighting in its parking lot to deter crime after a patron suffers an attack when attempting to patronize the establishment. Similarly, despite the repeated episodes referenced in Plaintiffs' petition of utterly absurd, indefensible, and threatening actions by public members [which Defense Counsel Jenna H. Linn, who has never attended the first LALB meeting in her life, characterized as "Plaintiffs petition goes on in (sic) nauseam," see top of page three (3) of Defendants Memorandum in Support], Defendants knowingly and willfully: 1) acquiesced to such irresponsible behavior, 2) were sympathetic to audience members' actions and their aversions to being videotaped. Such sympathy was clearly referenced in the petition by Plaintiffs regarding Defendant Chairman Steinkamp siding with audience members Lemoine and Collins. Mr. Lemoine's action was the blocking of plaintiffs' videotaping, and Louisiana Auctioneer Association President Wiley Collins' action was his utterance, "We're tired of all these fucking disruptions." Incredibly, Defendant Steinkamp sympathized with these audience members in faulting Plaintiffs by saying, "They're putting cameras up videotaping people who don't want to be videotaped."

By arbitrarily and capriciously adopting the "board meeting rules," Defendants "took on the risk of liability" of audience members' behaviors such as Messrs. Lemoine and Collins by denying Plaintiffs their previously-enjoyed privileges (which they'd enjoyed for 16 months without incident). Just as a restaurant owner is liable for an attack by unsavory characters who hang around the establishment without adequate lighting and protection, so too are these Board Members liable for knowingly and willfully forcing Plaintiffs to be seated next to audience members who routinely harass and obstruct videotaping. Furthermore, Defendants never once even so much as admonished these audience members for their outrageous conduct and, as evidence by Exhibit P-5, which is attached hereto and made a part hereof, a response to a FOIA request made by Plaintiff Burns entailing any evidence of letters sent to audience members regarding such conduct,

Defendants have responded: “LALB is not in possession of any such records.” The bottom line is that these “board meeting rules” were (and are) nothing short of an attempt to harass Plaintiffs and their efforts to provide LALB transparency, and the proof of same is the sympathy Board Members demonstrated (particularly Chairman Steinkamp) toward audience members Lemoine and Collins at the May 6, 2014 meeting.

Interestingly enough, at the September 9, 2014 LALB meeting, the LALB hired a videographer to videotape the meeting. He was provided with unfettered access to an electrical outlet (in violation of a “board meeting rule”). He was permitted to use a rather large tripod (in violation of a “board meeting rule”). He was even permitted to stretch wires throughout the meeting facility. When Plaintiff Burns addressed those issues in his “public comments” portion of the meeting (which Chairman Steinkamp attempted to shut down as not being on the agenda, but Plaintiff Burns reminded her that such discussion fell under “approval of minutes” as the videographer’s hiring transpired at the prior meeting), Ms. Steinkamp had the unmitigated gall to state, “This is the Board videotaping the meeting, not you!” Chairman Steinkamp, who seems to not hesitate to make utterly nonsensical statements with alarming frequency in board meetings, then added, “If we have 15 people wanting to videotape meetings, the Board can’t be in a position of determining who gets to use the electrical outlets and who doesn’t!”

So, by Ms. Steinkamp’s own admission, she is on record as stating that, despite the fact that there has been zero competition for electrical outlets (of which there are more than one in the meeting facility anyway), she has deployed the apparent belief that imaginary, ghost competition for such outlets can give her and the LALB authority to dictate that Plaintiffs will be arbitrarily and capriciously denied such minor latitudes! As mentioned in Plaintiffs’ original petition, Ms. Steinkamp demanded that Plaintiffs’ video recorder be disconnected from an electrical outlet at the March 19, 2012 meeting over the strenuous objection of Defendant McMillin. Also, as stated in the petition, Ms. Steinkamp’s motivation was the fact that her employer, New Orleans Auction Galleries (NOAG), and its egregious auction violations (\$600,000 in unpaid consignors, paying company operating expenses using escrowed funds, etc.) would be discussed.

Defendant Steinkamp’s action of demanding the unplugging of Plaintiffs’ video recorder is a particularly disgusting and indefensible act on her part as, at a subsequent

hearing entailing auctioneer Jerry Rosato, he (Rosato) stated that he would exit the facility if the camera was not turned off. Ms. Lindsay Hunter, Assistant Attorney General for Attorney General Caldwell, informed Mr. Rosato that it was “his choice” whether to stay or not but that the video recorder would remain on. Mr. Rosato opted to leave and provide no defense to his auction violations (for which the Board fined him \$1,500). In sharp contrast, Ms. Steinkamp blatantly abused her position as Chairman of the LALB to shield such coverage of her employer (who filed bankruptcy); furthermore, to this very day, not one person affiliated with NOAG has been called before the LALB for a hearing of any sort. That is the case notwithstanding the fact that Plaintiffs have observed no other auctioneer infractions (including those of notoriously-problematic auctioneer Ken Buhler) which remotely rival those of Ms. Steinkamp’s employer, NOAG. In addition to the infractions previously mentioned, NOAG auctioned off fake paintings (which had Christy’s “rejection” stickers on their backs at the time of auction) for amounts in excess of \$100,000 when, in reality, they were nearly worthless.

Further, when Ms. Steinkamp acknowledged at the July 18, 2011 LALB meeting that she was aware of a lawsuit filed in 2008 regarding those paintings, she informed then-sitting LALB Member Plaintiff Phillips that “it’s not relevant.” Thus, Ms. Steinkamp, by her own admission on July 18, 2011, admitted she had concealed these type auction violations from the very regulatory body for which she had an obligation to inform the LALB to keep future such occurrences from transpiring. Instead, Ms. Steinkamp irresponsibly permitted other bidders to be victimized, including Danny Pun who, at the final auction before NOAG’s bankruptcy, bid in excess of \$100,000 for a fake chicken blood stone and table that, similarly to the paintings, were worth a tiny fraction of that amount. Furthermore, when Plaintiff Phillips, then a sitting LALB Member, attempted to bring up the topic of the Los Angeles lawsuits, Ms. Steinkamp, acting as Chairman, informed Plaintiff Phillips that, “any false testimony you give here today may result in disciplinary action being taken against your auction license!” Board Attorney Anna Dow then buttressed Chairman Steinkamp’s statement by relaying that, “Your ability to sit on this Board is a function of you possessing an auction license.”

These examples provide extensive evidence of rampant corruption which LALB Chairman Steinkamp has made concerted efforts to conceal and shield from public

scrutiny. Similarly, her fellow Defendant Board Members have been complicit in such efforts by endorsing actions such as Ms. Steinkamp's insistence on unplugging the video camera (with the notable exception of Defendant and now-former Member McMillin, who strenuously objected to such unplugging). Defendant Board Members have also been derelict in their duties to the public in refusing to insist that anyone be held accountable for the egregious auction violations at NOAG notwithstanding that numerous complaints were filed with the LALB regarding those violations.

Now, Plaintiffs have gone out of their way to provide the evidence to this Honorable Court as to the real reasons Defendants have implemented their rules vs. "maintaining decorum." Regarding Defense Counsel Linn's statement in her Memorandum in Support [see bottom of page three (3)], "While, (sic) there is a general right for a citizen to record public meetings, that right is not unrestricted." Where have Plaintiffs ever said that it was unrestricted? If Plaintiffs were bringing in huge video recording equipment and interfering with Defendants' ability to conduct meetings, Plaintiffs understand full well that their abilities in that regard would be restricted.

Plaintiffs wish to state for this Honorable Court the verbatim wording of LA R. S. 42:23(b): "A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting." What have Defendants presented to this Honorable Court to suggest that the 16 months of videotaping privileges they enjoyed prior to the arbitrary and capricious implementation of these rules failed to provide "proper decorum?" What have they presented? Nothing! They've presented nothing because there is nothing to present!

Further, how have Defendants established that videographers, whom they hire, who enjoy far more liberal privileges than Plaintiffs previously enjoyed, do not interfere with insuring proper decorum, yet Plaintiffs' ability to be afforded far less privileges would somehow fail to ensure proper decorum? Exactly how have Defendants demonstrated that fact to this Honorable Court? They have not! In fact, quite the contrary, through the implementation and steadfast enforcement of these absurd rules, Defendants have knowingly and willfully created environments which have unequivocally **failed** to insure proper decorum by permitting the meetings to be interrupted by absurd actions such as Mr. Lemoine's action of May 6, 2014. It is the

ultimate act of hypocrisy for Defendants to pose this argument when it is their very arbitrary and capricious restrictions of videotaping implemented ONLY against Plaintiffs (and Plaintiffs cannot emphasize that word “only” strongly enough) that have in fact fostered an environment of hostility which, at the May 6, 2014 meeting, placed Plaintiffs in a position to where they had legitimate reasons to fear for their own safety!

In short, Defendant LALB Members (with the notable exception of now-former LALB Member Charles “Hal” McMillin) treat these meetings like they are secretive Mafia gatherings, with Chairman Steinkamp serving as the Mafia Don who can command what outsiders are permitted to view and what they are not permitted to view. It’s that simple! Were this Honorable Court to grant Defendants’ Motion, this Honorable Court would become complicit in the carrying out of such Mafia-like directives. This Honorable Court would effectively send to the public the following message: “This Court stands fully prepared to support harassment and intimidation of those seeking to merely provide transparency of public meetings. State Boards and Commissions, acting in concert with audience members sympathetic to their beliefs, have a right to shield from public view their acts of corruption. To that end, this Court not only condones, but encourages, restrictive videotaping parameters for audience members which include threats to those persons’ safety and well-being. This Court further will in no way interfere with the right of Board Members to cheer on audience members who obstruct and harass public members seeking to provide such transparency.” Such a declaration is literally what Defendants are asking this Honorable Court to grant! Granting Defendants’ Motion would send the most utterly horrendous message possible to the public regarding corruption, acts of intimidation and harassment and, being blunt, send a signal that this Honorable Court fully supports, and will assist in the carrying out of, Mafia-like actions of public bodies!

Regarding Plaintiffs’ Petition for a Writ of Mandamus, Ms. Linn is correct in stating that such a Writ is an “extraordinary remedy,” and Plaintiffs acknowledged that fact in their Petition. Ms. Linn also avers that a Writ of Mandamus is applicable for a ministerial act and for which “no element of discretion is left to the public officer.” Plaintiffs contend that, by choosing to promote trade associations on its website, which Defendants have clearly done in the cases of the Louisiana Auctioneer’s Association and

the National Auctioneer's Association, they have placed themselves in the business of providing that service. As such, they made such actions part of their "official functions" and, as such, constitute ministerial acts on its part. That was not a decision made by Plaintiffs but rather it was one made by Defendants. Plaintiffs are not required to state a Louisiana State statute requiring Defendants to place a link for their trade association on the LALB website. Plaintiffs have a United States right under the First Amendment of the United States Constitution to free speech, even if the Defendant Members object to Plaintiffs providing videotape episodes of their own embarrassments (which is the true motivation for Defendants' repeated denials of the link). Plaintiffs content that Defendants' act of granting two (2) trade associations the right to have a website link up while denying Plaintiffs' website link is tantamount to indicating that members of those organizations are free to speak at an LALB meeting, but Plaintiffs are not free to exercise that right.

In *Zachary Housing Partners vs. City of Zachary* (Docket # 613155 tried before Judge Wilson Fields on August 31, 2012, a trial which Plaintiff Burns attended in its entirety), City of Zachary attorneys attempted to pose the same argument that Ms. Linn has advanced in stating that the Court could not grant a Writ of Mandamus because the Zachary City Council had "discretion" to deny a permit to Mr. Thomas C. Delahaye for the construction of an apartment complex.

During the trial, Mr. Delahaye took the witness stand and stated, under oath, that Zachary Mayor David Amrhein had stated that, notwithstanding that Mr. Delahaye had been approved and met all requirements of Zachary's Planning and Zoning Commission, "We are not going to have any apartments going up here in Zachary and turn this city into another Baker. We're not going to have 'those people' moving up here while I'm Mayor. It will destroy our schools the same way Baker's schools have been destroyed and just turn us into another Baker. It's not going to happen while I'm mayor of this city!"

At that trial, Defense Counsel's arguments that the Zachary Council had "discretion" to deny the permit fell on deaf ears with Judge Fields, who granted the Writ of Mandamus saying the City Council had acted "arbitrarily and capriciously" in denying the permit. Thereafter, City of Zachary appealed to the First Circuit Court of Appeals, which upheld Judge Fields' ruling in specifically concurring with Judge Fields that the

City of Zachary had “acted arbitrarily and capriciously” in denying Mr. Delahaye’s permit. From Mr. Delahaye’s testimony on the witness stand, which was not refuted by Defendants, it became obvious that Mayor Amrhein held (perhaps holds) deep-seated animosity toward Mr. Delahaye, and that fact clearly influenced Mayor Amrhein’s position on the matter and, correspondingly, all of the City Council Members’ position on the application.

Similarly, Plaintiffs have demonstrated in their original pleadings deep-seated animosity toward Plaintiffs on the part of Defendants, particularly as evidenced by acts of animosity toward Plaintiff Rev. Phillips through actions such as roll call responses of “I’s here,” and “I’s here, too,” and by the condoning of him being asked four (4) times within a two-minute span if he was carrying a weapon (notwithstanding his then-sitting LALB membership). In light of such actions, Plaintiff Phillips certainly cannot rule out the possibility that the website link is being denied as a result of him being one of “those people” in an industry in which he is the only African American practitioner in the entire state and is the only one in the state’s history. Zachary Housing appealed the First Circuit’s ruling upholding Judge Fields’ ruling to the Louisiana State Supreme Court, which refused to even consider the matter.

Plaintiffs assert that, just as the City of Zachary is in the business of placing its blessing on building permits, the LALB has placed itself in the business of placing its blessing on trade associations by providing links to same on its website. Further, just as Judge Fields ruled that the City of Zachary can’t arbitrarily and capriciously deny Mr. Delahaye’s permit (apparently due to an aversion to “those people,”) likewise Defendants cannot arbitrarily and capriciously deny Plaintiffs trade association’s link on its website. The LALB is not a private organization. It is a public agency of the State of Louisiana. It therefore does not have the right to arbitrarily and capriciously deny one trade association, particularly one which has by far the most informative videos of LALB discussions on current auction topics, the right to have a link on its website, while granting other associations containing far less specificity in that regard. According to Google analytics, LAPA’s videos, as of September 23, 2014, have been viewed an astounding 17,865 times, with estimated total viewership minutes of 49,078. There are

even eight (8) subscribers who seek the auction LALB meeting videos through subscriptions prior to email blast announcements of them being available for viewership!

While Plaintiffs agree with Defendants that a Writ of Mandamus is an “extraordinary” relief, Plaintiffs have exhausted all other remedies available, including repeatedly appealing for the action to be undertaken voluntarily by the LALB as well as a formal complaint to Louisiana Attorney General Caldwell’s Office, which merely punted the matter back to Defendant LALB in stating, “dispose of the matter as you deem appropriate.” Hence, just as with Mr. Delahaye, Plaintiffs have no other remedy available aside from the admittedly-extraordinary relief of a Writ of Mandamus.

Regarding Plaintiffs Petition for Declaratory Judgment, Ms. Linn states that Plaintiffs “incorrectly referred” to rule 6 as 5 and 10 as 9. Plaintiffs referenced the only copy of such rules which they have been provided and even included same as Exhibit P-2 in their petition. Plaintiffs wish to also emphasize that neither was even provided a copy of these rules during the discussion of them, and Executive Director Sandy Edmonds only reluctantly provided one to Plaintiff Burns once he expressed his frustration that these rules would be discussed without audience members even being provided with the common courtesy of a copy. The copy Ms. Edmonds provided is the one Plaintiffs included in the lawsuit, and it correctly references the rule numbers. If another rule was added, Plaintiffs to this day have never been provided with a revised copy (and are even ignorant as to what that added rule may be), nor is any such copy readily available on the LALB’s website for download. Thus, Ms. Linn is effectively buttressing Plaintiffs’ arguments of the secretive and clandestine nature of LALB operations in that Plaintiffs, who attend every meeting, have no up-to-date copy of Defendants’ “rules,” nor is any such document available for download from the LALB website. Incredibly, Ms. Linn failed to even provide what must be a revised set of “rules” as an exhibit to her Memorandum in Support but would instead simply criticize Plaintiffs for “incorrectly referring” to wrong rule numbers!

Ms. Linn states that an action may be brought against the LALB itself for Declaratory Judgment, and Plaintiffs have done so. The named Defendants individually are applicable for monetary imposition of penalties for the fostering and emboldening of the outrageous conduct of Messrs. Lemoine and Collins. They are separate and distinct

elements of the Petition, and Ms. Linn has acknowledged as much by addressing the issues under separate subheadings.

Ms. Linn also attempts to confuse this Honorable Court with the intermixing of the two issues and states that “the request for declaratory judgment concerning a violation of the Open Meetings Law in connection with the other rules should proceed against the LALB only.” Ms. Linn poses this argument because she knows full well that, in accordance with the Philip Corvelle lawsuit referenced by Plaintiffs in their petition, only Board Members, not the agency, can be held liable for monetary penalties entailing open meetings law violations. Were Ms. Linn to succeed in her goal that the individual members be dismissed from this petition (even given the convoluted logic she tries to deploy for requesting same of this Honorable Court), that would kill the open meetings portion of the lawsuit in its entirety!

Further, Ms. Linn also avers that Defendant Members Henderson and Jacobs-Levy should be dismissed from the proceedings because they “were not even members of the board at the time these rules were voted on and adopted by the board.” Ms. Jacobs-Levy and Mr. Henderson have been provided with every opportunity to inquire as to Board Meeting rules and pose objections to same (just as Defendant McMillin did), but they chose not to do so and instead stand by and observe the very type of harassment to which Plaintiffs have repeatedly been subjected. Ms. Jacobs-Levy and Mr. Henderson were also not members of the Board when the financial disclosures required of their positions were adopted by the Legislature. Does that fact give them the right to ignore adherence to the disclosures and therefore not provide them? No! Likewise, it is incumbent upon Board Members to be familiar with auction laws, auction regulations, the financial condition of the Board, its financial operations, and its rules for conducting meetings.

Further, Ms. Jacobs-Levy is an attorney with 44 years of practicing law, so what’s the old saying, “Ignorance of the law is no excuse?” Well, if Ms. Jacobs-Levy and Mr. Henderson want to now conveniently plead “ignorance” of rules which, perhaps they share Defendant McMillin’s sentiments on, they had every opportunity to educate themselves to these overly-restrictive rules and insist upon their revocation. Instead, they went blissfully along with acquiescing to them and observing first-hand the type of

harassment to which Plaintiffs have been subjected and now apparently want to assert “ignorance.” Well, “ignorance” is no excuse, and what responses did Defendants Henderson and Jacobs-Levy have to that harassment of Plaintiffs? Nothing! They are therefore no less culpable than those who approved the absurd arbitrarily-imposed harassing rules.

The only Defendant who has any grounds for being displeased with where LALB Members find themselves now is Defendant Charles “Hal” McMillin. He emphatically stated that he did not want audience members being subjected to restrictions like the mere denial of an electrical outlet and other “small stuff.” In hindsight, Mr. McMillin no doubt wishes he’d resigned in March of 2012 when Chairman Steinkamp demanded that EBRP Deputy Ronald Landry disconnect Plaintiffs’ electrical cord from the outlet so that discussions of NOAG’s egregious auction violations (and Chairman Steinkamp’s complicity with covering same up) could be blocked from dissemination to auctioneers across Louisiana and other states. Regrettably for him, he chose to continue to associate with his fellow Defendants, thus exposing himself to the personal liability to which he is exposed from the facts surrounding Plaintiffs’ petition.

In conclusion, Plaintiffs have clearly stated a cause of action against Defendants. Further, Plaintiffs have provided well-documented grounds for the granting of a Writ of Mandamus regarding the placement of a link for the Louisiana Association of Professional Auctioneers’ website on the Defendant LALB’s website and that, similarly to *Zachary Housing v. City of Zachary*, Defendant has acted in an arbitrary and capricious manner in denial of such a link placement when it has granted such links to the Louisiana Auctioneer’s Association and the National Auctioneer’s Association. Finally, a Declaratory Judgment of the overly-restrictive rules of no electrical outlet accessibility for Plaintiffs (whereas same is fine for the LALB itself), use of an unimposing unipod (whereas same is fine for the LALB itself to use a far larger professional tripod), and a requirement to be seated while videotaping (particularly when Board Members routinely rise from their seats and walk to obtain sandwiches and soft drinks while active discussions are transpiring) is appropriate which would render such overly-restrictive rules as unenforceable as the Board has shown no inclination whatsoever to fail to enforce them when it concerns Plaintiffs (and only Plaintiffs). Further, a Declaratory

Judgment seeking to amend the rule subjecting all to public search to reflect sufficient probable cause is appropriate because Defendants have not hesitated to repeatedly single Plaintiff Phillips out for potential search and/or ouster from the meeting without the slightest grounds for their contemplated actions; nevertheless, when far more serious threat actions by other audience members have transpired, Defendants have not even hinted or suggested to any security officer they hire that those individuals may need to be searched for possession of any weapon.

The fact that there may suddenly exist convenient dissention within the LALB Membership about who is responsible for these rules (even to the point of one Defendant resigning from the Board since the filing of this petition) and an apparent desire to distance themselves from the rules on the parts of two more Defendants (Jacobs-Levy and Henderson) is irrelevant. The fact of the matter is that it was Board Members' steadfast imposition of those rules which directly blocked Plaintiffs' videotaping ability at the May 6, 2014 meeting (as well as endure threats to their own personal well-being) and Board Members are therefore liable for those rules together with their condoning and emboldening of audience members to harass Plaintiffs. It literally is as if Board Members took great pleasure in utilizing audience members' actions as an extension of themselves, and Chairman Steinkamp voiced as much with her utterly absurd statement that "They're videotaping people who don't want to be videotaped."

For the reasons outlined in this Opposition Memorandum, Plaintiffs Robert Edwin Burns and Rev. Freddie Lee Phillips respectively move that this Honorable Court DENY Defendants' Exception of No Cause of Action and instruct Defendants to file an Answer to their Petition.

Respectfully Submitted,

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Robert Edwin Burns

Certificate of Service:

We hereby certify, on this 29th day of September, 2014, that a copy of the foregoing has been served upon counsel for all parties to this proceeding by submitting a copy of same via electronic mail, facsimile, or First Class United States Mail, properly addressed and postage prepaid.

Rev. Freddie Lee Phillips

Robert Edwin Burns



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September 26, 2014

VIA CERTIFIED MAIL &
VIA ELECTRONIC MAIL: Robert@AuctionSellsFast.com

Robert Edwin Burns
4155 Essen Lane, Apartment 228
Baton Rouge, LA 70809

RE: Louisiana Auctioneers Licensing Board
Public Records Request, September 23, 2014

Dear Mr. Burns,

Our office has been assigned to handle public records request for the Louisiana Auctioneers Licensing Board (LALB). The custodian of records, Sandy Edmonds, is the only employee present at LALB office during regular business hours. As such, the examination of records at the LALB's office would cause an unreasonable disruption of the office's normal business operation, a determination, which is in the discretion of the custodian.¹ Members of public who wish to make examination of public records must do so in such a way and at such time as will interfere as little as possible with the work of the official whose records are being inspected.² Therefore, the public records you have requested will be available at our office, at the address listed below, for your inspection. Please contact our office prior to your arrival in order to set up a date and time for you to examine said records.

Additionally, in accordance La. R.S. 44:31, you have the right to inspect the records, copy the records, reproduce the records, or obtain, from the custodian, a reproduction of the records. Thus, if you would like to have the requested records mailed to you, we will provide copies of the records at a cost of 15 cents per page, plus mailing costs.

In connection with you request for "any correspondence sent from the LALB to audience members attending meetings regarding those audience members' conduct along with any certified return receipts for the sending of such correspondence. Such individuals should include, but not

¹See Op. Atty. Gen. No. 96-303, July 3, 1996.

²See *State ex rel. Wogan v. Clements*, App.1939, 192 So. 126, affirmed 194 La. 812, 195 So. 1.

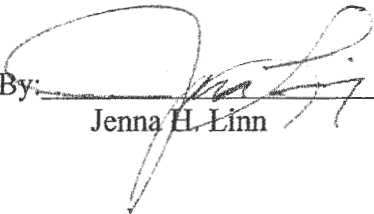
be limited to: Marvin Henderson, Wiley Collins, Joe Massey, Chris Lemoine, and Terry Shirley," LALB is not in possession of any such records.

In connection with your request for "the auctioneer file of Marlo Schmidt," we are producing approximately 63 pages at a cost of \$9.45 and mailing of \$3.08. The copies will be mailed to you upon receipt of \$12.53.

Please reply to our office with your choice of either having the records mailed to you or making an appointment to inspect the requested records at our office.

Sincerely,

BANKSTON & ASSOCIATES, L.L.C.

By: 
Jenna H. Linn

C.c. Sandy Edmonds, Exec. Director