



LOUISIANA ASSOCIATION OF
PROFESSIONAL AUCTIONEERS

March 20, 2014

Honorable Judge Wilson Fields
300 North Blvd, Suite 7101
Baton Rouge, LA 70801-1513

RE: *Robert Burns v. Louisiana Auctioneer's Licensing Board, et.al.*
Docket # 616916, 19th Judicial District Court

Dear Judge Fields:

Enclosed is Plaintiff's submission of his portion of the pre-trial order entailing the above-captioned case, which is scheduled for trial on Wednesday, April 9, 2014 at 10:00 a.m.

Efforts at a jointly-worded and mutually-signed pre-trial order have been largely fruitless, thus resulting in each side filing its respective portion.

Thank you, and should you have any need to contact me, please don't hesitate to do so via any means provided at the bottom of this page.

Sincerely,

Robert Edwin Burns

ROBERT BURNS

NUMBER 616916 DOCKET: 25

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BAORD,
CHARLES "HAL" McMILLIN, JAMES M SIMS,
DARLENE JACOBS-LEVY, GREGORY L. "GREG"
BOB DELON, CHARLES "CLAYTON" BRISTER

STATE OF LOUISIANA

FILED
EAST BATON ROUGE PARISH, LA
2014 MAR 20 AM 11:53

DEPUTY CLERK OF COURT

PRETRIAL ORDER

Pretrial conference was held before Honorable Judge Wilson Fields on the 11th day of December 2013 at 9:30 a.m.

Robert Burns, in proper person, for Plaintiff

Jenna Linn (Bar Roll # 33246) for Defendants

Plaintiff Claims:

Plaintiff claims that, on September 17, 2012, Defendants did knowingly and wilfully violate LA R. S. 42:17(A)(1) by convening an Executive Session to discuss his character in the matter of LALB v. Robert Burns without first having provided him with 24-hour advanced written notice of an intent to do so. Plaintiff further claims that, despite the clear and unequivocal statement uttered by Plaintiff's Counsel, Robert Loren Kleinpeter, that Plaintiff had the **right** to insist that such discussions transpire in an open session format, Defendants nevertheless commenced with convening an Executive Session for which the express stated purpose, as **explicitly** stated by the Administrative Law Judge hired by Defendants was "discussion of (Plaintiff's) character." Further, though Defendants now claim that, at no time have they admitted an Open Meetings violation, at the very top of page seven (7) of a Motion for Summary Judgment filed by Defendants and heard before this Honorable Court on March 25, 2013, Defendants placed the following caption in bold-faced type: "**D. Ratification Cures Defects Which Result from Open Meetings Violation.**" That filing was made by Defendants, not Plaintiff! Therefore, by Defendants' own admission, they violated Louisiana's Open Meetings Laws notwithstanding their latest stand that "at all times we deny such a violation." Plaintiff therefore claims that, as a result of this self-admitted violation and pursuant to LA R. S. 42:28, he is entitled to \$100 from each Board Member who participated in the Executive Session, plus his court costs for this proceeding in accordance with LA R. S.

42:26(C). Plaintiff further asserts that, pursuant to LA R. S. 42:26(A)(4), he is entitled to a Judgment rendering Defendants' action of issuing a "public reprimand" void.

Legal Authorities:

LA R. S. 42:17(A)(1)
LA R. S. 42:28
LA R. S. 42:26(C)
LA R. S. 42:26(A)(4)

2. **Defendants' Claims (Provided Separately by Defendants):**

3. **Claims of other parties:** none.

4. **Established Facts:**

As asserted by Plaintiff:

(A) An Administrative Hearing entitled "LALB v. Robert Burns" was conducted by the LALB on September 17, 2012.

(B) Upon the conclusion of closing arguments in that proceeding, the LALB motioned itself into Executive Session.

(C) Plaintiff's Counsel for the hearing, Robert Loren Kleinpeter, stated that Plaintiff had the **right** to have discussions and deliberations conducted in an open session if he so desired (See LALB-1, bottom of page 9 and top of page 10)..

(D) The Administrative Law Judge, who was hired under contract by Defendant LALB, stated that the LALB had the right to go into Executive Session "**to discuss character**" (See LALB-1, page 10) and that the LALB was indeed "going into Executive Session to discuss character issues." Though Defendants now wish to assert that they did not convene an Executive Session for the purposes of discussing Plaintiff's character (in direct contradiction to their own contracted Administrative Law Judge), then even if this Honorable Court were to accept that argument, then **Defendants lose their entire justification for even convening an Executive Session!!** LA R. S. 42:17 provides for very specifically-stated situations for which a public body can convene an Executive Session. If Defendants now wish to disavow the Administrative Law Judge's **explicitly** stated reason for permitting Defendants to convene an Executive Session (i.e. "to discuss character issues"), then Defendants had an obligation to specifically state, on the record, which of the other provisions in LA R. S. 42:17 enabled them convene the Executive Session. They did **NOT** do so! If, as Defendants now represent, it was to discuss "potential violations of auction statues and any potential penalty" that does **NOT** meet

any of the statutorily-specified situations for convening an Executive Session and therefore clearly should have been discussed in an Open Session; furthermore, even if the “newfound” stated purpose of convening the Executive Session did fall within a statutorily-specified situation, Defendants had an obligation to specify that situation for convening the Executive Session. Instead, as the transcript clearly reflects, the **only** on-the-record stated reason for convening the Executive Session was to, as clearly articulated by the Administrative Law Judge, “discuss (Plaintiff’s) character.”

(E) **After** the commencing of this Petition, Defendants consulted the Louisiana Attorney General’s Office, with whom Defendants’ contracted for the Administrative Law Judge, and the Attorney General’s Office suggested that Defendants conduct so-called “reset deliberations,” an act Ms. Lindsey Hunter, another Administrative Law Judge with the Attorney General’s Office who presided over these “reset deliberations,” characterized to Plaintiff as “unprecedented.”

(F) Defendant LALB sent Plaintiff notice that it had scheduled “reset deliberations” consistent with (E) above, with such so-called “reset deliberations” set for January 8, 2013 and informing Plaintiff that he “**must**” attend.

(G) Defendants reaffirmed their votes of September 17, 2012 and again voted identically to “publicly reprimand” Plaintiff, with Board Member Greg Bordelon being the lone dissent and justifying that dissent in stating, “I thought we should have went (sic) further.” Plaintiff also draws attention to LALB-2, page 9, line 20 through LALB-2, page 10, line 1. The transcript of these so-called “reset deliberations” clearly reflects Administrative Law Judge Hunter having to literally pry commentary from Defendants, and the court reporter went out of her way to document that the Defendants provided “no response” (see LALB-2, page 9, line 23). Thereafter, as evidenced by the transcript, about two minutes (if that) comprised the so-called “deliberations.” Plaintiff contends these are **NOT** deliberations, and he buttresses his argument in that regard by emphasizing the Executive Session lasted over 53 minutes! What little “discussion” Administrative Law Judge Hunter was able to pry out of Defendants was nothing more than recounts of the votes already noted in Open Session. As previously stated, the only meaningful commentary came from Member Bordelon (who recently had his LALB Membership severed) who, despite relaying his attorney advised him not to discuss the

matter, relayed, “I voted no because I thought we should have went (sic) further.”

As asserted by Defendant (Supplied by Defendants):

5. **Contested Facts:**

As asserted by Plaintiff:

(A) Plaintiff was not properly notified in writing at least 24 hours in advance of Defendants’ intention to discuss his character as required by LA R. S. 42:17(A)(1).

(B) That Defendants illegally convened an Executive Session for the purpose of discussing his character despite having expressed notification from Plaintiff’s counsel, Robert Loren Kleinpeter, that he had a **right** to have such character discussion transpire in an open session.

As asserted by Defendants (Supplied by Defendants):

6. **Contested Issues of Law:**

As Asserted by Plaintiff:

(A) Whether the Administrative Law Judge, who was under contract for Defendant LALB and for whom Plaintiff had no control whatsoever over the hiring of, having relayed that Defendants could convene an Executive Session absolves Board Members of their liability under LA R. S. 42:17(A)(1). Plaintiff contends it does not and that, to the extent Defendant LALB received ineffective guidance from its contracted Administrative Law Judge, they should seek recovery for any damages resulting from this lawsuit from the Attorney General’s Office. Plaintiff posed oral arguments at the March 25, 2013 hearing regarding Defendants’ Motion for Summary Judgment that Defendants’ position is analogous to a Delta Airlines flight from Chicago to San Francisco which crashes en route. Defendants’ position is analogous to Delta telling the relatives of a dead passenger, “You can’t blame us. It’s that pilot we hired who failed to properly control the aircraft.”

(B) Whether the January 8, 2013 so-called “reset deliberations” cure Defendants’ self-admitted Open Meetings Violation (See top of Page 7 of Defendants’ Motion for Summary Judgment) failure to conduct its deliberations in an open forum on September 17, 2012. Plaintiff asserts that it does not and urges the same logic he argued at the March 25, 2013 Motions for Summary Judgment. Plaintiff argued that such would be analogous to a driver running a red light, severely damaging Plaintiff’s car, then arguing that the driver made the block, and this time observed the red light, and even got out and

adjusted Plaintiff's headlights, leaving all remaining damages to his vehicle behind. Plaintiff also argued that, if it were that simple, no public body would ever adhere to LA R. S. 42:17(A)(1) and then if, and only if, they were sued for violation, would merely schedule such "reset deliberations" to "cure" the "defect," which Defendant readily admitted occurred (See Defendants' Motion for Summary Judgment, top of page 7 in bold-face type). Therefore, LA R. S. 42:17(A)(1) would become utterly meaningless and State Agencies could trample all over the rights of parties such as Plaintiff with absolute immunity. In short, those State Agencies would have no reason to adhere to the statute!

As Asserted by Defendant (Supplied by Defendants):

7. **Exhibits:**

Plaintiff:

P-1 "Character letter" dated May 15, 2012.

P-2 LALB Minutes for LALB Meeting of May 21, 2012.

P-3 Attorney General Packet Distributed to LALB Members @ March 16, 2009 LALB Meeting.

P-4 Email from Robert Burns to LALB Attorney Anna Dow referencing his concerns with LALB's lack of conformity to P-3, the AG guidance regarding Open Meetings Laws.

P-5 Minutes of March 16, 2009 LALB meeting clearly referencing Robert Burns exiting an Executive Session immediately due to his concerns of its legality in light of the AG guidance package.

P-6 Report of Inspector General dated October 8, 2009 referencing 1/26/09 LALB Executive Session conducted by LALB.

P-7 "Character letters" received from the LALB prior to anticipated character discussions of Robert Burns: July 28, 2010; July 11, 2011; March 13, 2012; May 15, 2012.

P-8 "Character letters" received from the LALB prior to anticipated character discussions of Freddie Phillips: March 14, 2011; June 13, 2011; July 11, 2011..

P-9 Inspector General Report dated December 9, 2013.

Defendants' positions on the admissibility of these Exhibits were communicated to Plaintiff via an email sent on Friday, March 14, 2014 at 4:55 p.m. The email also expressed concern that Plaintiff had not conformed with this Honorable Court's Pre-Trial Order and was in response a previous email sent by Plaintiff to Defense Counsel Bankston expressing frustration that either Defense Counsel Bankston or his Defendant clients withheld relevant discovery material, specifically the letters contained in P-8

referenced above. Plaintiff further demonstrates that Defense Counsel Bankston relayed, via an email sent to Plaintiff on Wednesday, March 5, 2014 at 9:00 p.m. that, “Your request concerning Freddie Phillips is certainly not related to the ongoing litigation.” Plaintiff responded to Defense Counsel Bankston that he (Bankston) should let him (Plaintiff) worry about why the file was requested and that any decision regarding relevancy of material in Rev. Phillips’ file, most notably P-8, which was withheld from Plaintiff and had to be supplied by Rev. Phillips to Plaintiff, was for this Honorable Court to decide, and **not** Defense Counsel Bankston! Both those email exchanges are reproduced in their totality (less applicable confidentiality notices) below:

From: Robert Burns [mailto:robert@auctionsellsfast.com]
Sent: Wednesday, March 05, 2014 9:20 PM
To: 'Larry S. Bankston'
Cc: 'Sandy Sandy Edmonds'; 'Janet Robert'; Freddie Phillips (freddiephillips@bellsouth.net)
Subject: RE: I NEED That Hearing Transcript ASAP!!

No problem...separate email sent to Ms. Edmonds. As for the remainder of your email, I'll choose my form of making public records requests. You don't have to worry a bit in that regard. I have no objection to others using the suggested form, however, and it was certainly thoughtful of Ms. Edmonds to take the time to create it (though the LALB really ought to show some computer savvy by making such forms fillable).

Don't you worry about why I may be requesting Rev. Phillips' file, Mr. Bankston. I've made formal request of it to Ms. Edmonds (and **Rev. Phillips is aware of the request and my examination thereof**), so I expect my request to be fulfilled. That's really all you need to concern yourself with

Hope you had an enjoyable Mardi Gras and, as always, it's great to hear from you again.



LOUISIANA ASSOCIATION OF
PROFESSIONAL AUCTIONEERS

Robert Edwin Burns, Vice President

LA Association of Professional Auctioneers (LAPA)

4155 Essen Lane, Ste 228

Baton Rouge, LA 70809-2152

(225) 636-5506 (land-line) (225) 235-4346 (cell phone)

www.auctioneer-la.org

From: Larry S. Bankston [mailto:larry@bblawyers.net]
Sent: Wednesday, March 05, 2014 9:00 PM
To: Robert Burns

Cc: Sandy Sandy Edmonds; Janet Robert
Subject: Re: I NEED That Hearing Transcript ASAP!!

I am in receipt of your email. I am not the custodian of the public records of LALB. YOU must direct any request to the appropriate party. Your c.c. to Sandy Edmonds is insufficient. I have no idea why you refuse to use the form that you have used in the past. It is certainly not a burden on you to use to form. I have not changed the subject line from your pervious email. **Your request concerning Freddie Phillips is certainly not related to the ongoing litigation.**

Larry Bankston

Sent from my iPad
LARRY S. BANKSTON
BANKSTON & ASSOCIATES, L.L.C.
Attorneys at Law
8708 Jefferson Highway, Suite A
Baton Rouge, La 70809
225.766.3800 (O)

On Mar 5, 2014, at 4:46 PM, "Robert Burns" <robert@auctionsellsfast.com> wrote:

I'll shift gears. Let me come into your office and examine Rev. Freddie Phillips' file (both Board Member and Auctioneer), and I'll make the copies I deem necessary. I have copied Ms. Edmonds in order that she can be aware of the request. Thanks.
<image001.jpg>

Robert Edwin Burns, Vice President
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From: Larry Bankston [mailto:larry@bblawyers.net]
Sent: Friday, March 14, 2014 4:56 PM
To: Robert Burns
Cc: Sandy Sandy Edmonds; Tessa Steinkamp; Jenna Linn
Subject: DOCKET NO.616916 SECTION: 25 ROBERT BURNS versus LOUISIANA AUCTIONEER'S LICENSING BOARD, CHARLES "HAL" MCMILLIN, JAMES M. SIMS, DARLENE JACOBS-LEVY, GREGORY L. "GREG" BORDELON, CHARLES "CLAYTON" BRISTER

Mr. Burns:

I have review your submittal to this office concerning the above captioned matter. We received your "Plaintiff Exhibit Index Binder" containing 9 listed exhibits. We will reserve objections to all documents for trial. Please be advised that we have reviewed your documents and provide the following comments:

- P-1 Stipulation on authenticity, reserve objection as to relevancy.
- P-2 Stipulation on authenticity, reserve objection as to relevancy.
- P-3 No Stipulation.
- P-4 No Stipulation.
- P-5 No Stipulation.
- P-6 No Stipulation.
- P-7 Stipulation on authenticity, reserve objection as to relevancy.

P-8 Stipulation on authenticity, reserve objection as to relevancy.

P-9 No Stipulation.

Please include this information in the PTO concerning our agreement of certain documents.

You have failed to comply the requirements of the Order of the court. We have not been provided with your portions of the pretrial order. We will object to the introduction of all documents and the argument to court for your failure to comply. We will advise the court of your failure to comply with his order.

Larry S. Bankston
Bankston & Associates, L.L.C.
8708 Jefferson Highway, Suite A
Baton Rouge, LA 70809
(225)766-3800
(225) 766-7800-fax
larry@bblawyers.net

On Mar 13, 2014, at 10:44 AM, Robert Burns wrote:

Mr. Bankston & Ms. Linn:

As I documented via email yesterday, I reviewed what was PURPORTED to be the totality of the auctioneer and Board Member files of Rev. Freddie Lee Phillips at your office. I made note of the stunningly thin nature of the file.

There **SHOULD have been "character letters" in that file and there were NOT!!**

Accordingly, Rev. Phillips, whom I've copied on this email, opted to search his own records for the letters and had little difficulty finding them and has provided me with copies: www.auctioneer-la.org/Phillips_character_letters.pdf.

Mr. Bankston, you sent me an email relaying, "nothing in Mr. Phillips' file is relevant to your litigation." I know you don't want to recognize me as "opposing counsel" Mr. Bankston due to my pro-se status, but **you are NOT the Judge in this case**, and **making such a ruling is Judge Fields' decision to make, NOT yours!!!** Further, whatever happened to cause those letters to NOT be in the file (removal or "creative filing") is a **direct attempt to block legitimate discovery in this matter and is unacceptable. I do not know whether the fault for that lies with you or your client, but either way, it is unacceptable.**

Now, the reason my office visit yesterday was pushed back was due to **my attendance at Wade Shows' evidentiary hearing on a Rule to Show Cause as to why Federal Judge Brian Jackson should not impose sanctions entailing the Angola prison suit involving the dead-of-night installations of awnings and subsequent installation of soaker hoses for the cinderblocks to, in Judge Jackson's opinion, alter the results of the study of temperatures that his order called for. Basically, Mr. Shows, Ms. McInnis, and Ms. Wilson decided THEY could ascertain what was and was not important for the Judge to know, somewhat similar to what you're doing in attempting to tell me what is and is not relevant.** Understandably, NO Judge likes being treated as if he doesn't exist or is being "worked around" as Judge Jackson made it crystal clear he felt was transpiring in his stern wording yesterday.

In what was a great showing of class, Mr. Shows asked that any sanctions be imposed upon him only as an attorney with 40 years of experience and that the careers of his two young associates (who appeared to me no more than in their late 20s, if that) not be tarnished by this whole episode. That, and what I believe (and think Judge Jackson concurred) were sincere, heart-felt apologies (with Ms. Wilson so emotional that her voice was almost inaudible for a couple of seconds) likely swayed Judge Jackson into NOT granting sanctions, but he made it clear he would NOT be so lenient if a repeat episode transpired. He also noted that, equally not being "candid" with him, **he felt the three attorneys were not being "candid" with opposing counsel**, who were all there to answer any brief questions the Judge may have.

Mr. Bankston, I honestly don't know who is responsible for the incredible "lack of candor" on the part of the LALB about the existence or non-existence of public records such as Rev. Phillips' character letters. I just know I'm getting really fed up with it!! If it is you, correct your behavior. If it is your client, please direct them to do the same. When I make a public records request, I **EXPECT TO BE ABLE TO SEE THE RECORDS** and not be insulted with a razor-thin file that has clearly either been purged or some other "creative filing" (e.g. filing under "Auction Sells Fast" after Rev. Phillips acquired my former firm). Beyond being insulting and unprofessional, I firmly believe it correlates perfectly with the conduct Judge Jackson described yesterday. Furthermore, in the end, it merely results in MORE work for someone as I understand now Rev. Phillips is openly wondering why certain items were NOT in his file and why certain records which are incomplete were in his file; however, he'll be handling that matter himself with the LALB.

Now that I have the character letters (thanks to the diligent filing efforts of Rev. Phillips), I am going to finalize the pre-trial insert binder and have it to your office within an hour. I anticipate obtaining Defendants' pre-trial insert binder (or whatever medium you choose to use) by today's deadline as outlined on December 11, 2013 in the Case Management Schedule, http://www.auctioneer-la.org/OM2_dates.pdf.

Thanks, and I will be at your office in about an hour.



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Defendant (Defendants Have Indicated to Plaintiff the Following):

LALB may introduce the following documents:

1. Transcripts of argument and decision from the hearing held on September 17, 20 12;
2. Transcripts from the hearing held on January 8, 2013;
3. Findings of Fact and Conclusions of Law, *In the Matter of Robert Burns*, Case No. 12-0005;
4. Any and all pleadings herein;
5. Any and all discovery responses produced herein;
6. Letter dated May 23, 2012 *via* certified mail, return receipt requested, to Robert E. Bums from Larry S. Bankston;
7. Letter dated July 12, 2012 *via* certified mail, return receipt requested, to Robert E.

Burns from Larry S. Bankston;

8. Letter dated July 20, 2012 *via* certified mail, return receipt requested, to Robert E.

Burns from Larry S. Bankston;

9. Letter dated August 14, 2012 *via* certified mail, return receipt requested, to Robert E.

Burns from Larry S. Bankston;

10. Letter dated August 27, 2012 *via* certified mail, return receipt requested, to Robert E.

Burns from Larry S. Bankston; and

11. Letter dated December 26, 2012 *via* certified mail, return receipt requested, to Robert

E. Burns from Larry S. Bankston.

Regarding the above planned introduction of documents by Defendant LALB, Plaintiff poses no objection to LALB-1, LALB-4, and LALB-5. Plaintiff's only objection to LALB-2 is that, as clearly demonstrated on Plaintiff's own videotape of the proceeding, the court reporter misquoted Plaintiff on page 9, line 7. The transcript reflects, "And I – I wanted you to remember that," which is not even remotely close to what Plaintiff actually said, and his videotape of the proceeding reflects that. What Plaintiff said was, "And I apologize I meant to remember that earlier." Plaintiff has no idea whatsoever how the court reporter could have botched what he said so badly; however, subject to a stipulation to that amendment of page 9, line 7, Plaintiff has no objection to Exhibit LALB-2. Plaintiff reserves objection to LALB-6 through LALB-10 based on relevancy since it is not in dispute that Plaintiff was notified of the various components of the so-called hearing on September 17, 2012. None of the Exhibits LALB-6 through LALB-10; however, contain any provision, language, or verbiage regarding Plaintiff's **right** to have this so-called hearing deliberated in an Open Session rather than an Executive Session. Plaintiff also reserves objection to LALB-3 and LALB-11 based on relevance in that Plaintiff contends the so-called "reset deliberations" of January 8, 2013, which Plaintiff in no way acquiesced to, refused to be sworn in for, and declared to be a "farce" and an "attempt to put the genie back in the bottle" (see LALB-2, page 5, line 16 through LALB-2, page 7, line 4), in no way whatsoever "cured" the Open Meetings Law Violation of September 17, 2012 as Defendants wish to assert.

8. **Exhibit Authenticity:**

9. **Plaintiff Witnesses:**

Plaintiff may call any of the following witnesses:

A. Robert Burns

B. Yvonne Burns (Plaintiff's mother)

C. Rev. Freddie Lee Phillips

- D. Ms. Sherrie Wilks
- E. Tessa Steinkamp (subpoenaed)
- F. James Sims (subpoenaed)
- G. Charles "Hal" McMillin (subpoenaed)
- H. Charles "Clayton" Brister (subpoenaed)
- I. Darlene Jacobs-Levy (subpoenaed)
- J. Gregory L. "Greg" Bordelon (subpoenaed)
- K. Ms. Sandy Edmonds (subpoenaed)

10. **LALB Witnesses (Supplied by Defendants):**

11. **Additional Matters:**

Pending Motions and Outstanding Legal Issues

12. **Estimated Trial Time:**

As Asserted by Plaintiff:

Plaintiff intends to keep this case laser-focused on the Executive Session aspect and **only** that aspect of the proceedings of September 17, 2012 and therefore expects to present his case in well under the four-hour timeframe provided by the Court.

As Asserted by Defendants (Supplied by Defendants)

Respectfully Submitted,

Robert Edwin Burns, Plaintiff in proper person
4155 Essen Lane, Apt 228
Baton Rouge, LA 70809-2152
(225) 636-5506 (home) (225) 235-4346
E-mail: Robert@AuctionSellsFast.com



Robert Edwin Burns, in Proper Person

Certificate of Service:

I hereby certify, on this 20th day of March, 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.

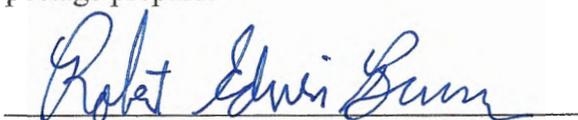


Exhibit List P-1 through P-9

Burns v. LALB et. al. Docket # 616916:

P-1 "Character letter" dated May 15, 2012.

P-2 LALB Minutes for LALB Meeting of May 21, 2012.

P-3 Attorney General Packet Distributed to LALB Members @ March 16, 2009 LALB Meeting.

P-4 Email from Robert Burns to LALB Attorney Anna Dow referencing his concerns with LALB's lack of conformity to P-3, the AG guidance regarding Open Meetings Laws.

P-5 Minutes of March 16, 2009 LALB meeting clearly referencing Robert Burns exiting an Executive Session immediately due to his concerns of its legality in light of the AG guidance package.

P-6 Report of Inspector General dated October 8, 2009 referencing 1/26/09 LALB Executive Session conducted by LALB.

P-7 "Character letters" received from the LALB prior to anticipated character discussions of Robert Burns: July 28, 2010; July 11, 2011; March 13, 2012; May 15, 2012.

P-8 "Character letters" received from the LALB prior to anticipated character discussions of Freddie Phillips: March 14, 2011; June 13, 2011; July 11, 2011..

P-9 Inspector General Report dated December 9, 2013.



Louisiana

Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

May 15, 2012

Robert Burns
4155 Essen Lane Apt. 228
Baton Rouge, LA 70809

Re: LSA-R.S. 42:17

New Contact Information:
11736 Newcastle Avenue
Bldg. 2, Suite C
Baton Rouge, LA 70816

Telephone: 225.295.8420
Fax: 225.372.8584

Email: admin@LALB.org
Web Address: www.LALB.org

Dear Mr. Burns:

This letter is to notify you that agenda items, including but not limited to pending litigation, has been added for the May 21, 2012, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:17, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, March 19, via email or mail, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

Tessa Steinkamp
Chair

SENT BY CERTIFIED MAIL RETURN RECEIPT REQUESTED 70072560000114577868



MINUTES FROM A REGULAR BOARD MEETING

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

Time: **11:00 am**

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

- I. CALL TO ORDER- T. Steinkamp ROLL CALL- S. Edmonds
Board Members present: Tessa Steinkamp-Chair, James Sims- Vice-Chair, Lamar Little – Secretary/Treasurer, Hal McMillin, Darlene Jacobs, Charles ‘Clayton’ Brister, Greg Bordelon
Others: Sandy Edmonds, Anna Dow, Larry Bankston
A quorum was declared.

I. PUBLIC COMMENT

- II. APPROVAL OF MINUTES from March 19, 2012
MOTION AND SECOND to approve the minutes from March 19, 2012: D. Jacobs, L. Little. MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES from January 23, 2012
MOTION AND SECOND to approve the minutes from January 23, 2012: H. McMillan, J. Sims. MOTION PASSED UNANIMOUSLY.

III. OLD BUSINESS

1. Approval of Reciprocal Applicants:

1. John Nicholls (Virginia)
2. Kevin Perry (Tennessee)
3. Bryan Hammock (Virginia)
4. James Valentine (Tennessee)
5. Frederick Vilsmeier (Pennsylvania)
6. Jason Brooks (Georgia)
7. Nicholas Clark (Mississippi)

MOTION AND SECOND to approve J. Nicholls, K. Perry, B. Hammock, J. Valentine, F. Vilsmeier, J. Brooks, N. Clark as auctioneers: H. McMillan, G. Bordelon. MOTION PASSED UNANIMOUSLY.

2. Approval of Reinstated Applicants:

1. Louis Adams (previously licensed 1992-2002)

MOTION AND SECOND to approve reinstatement of Louis Adams: J. Sims, D. Jacobs. MOTION PASSED UNANIMOUSLY.

3. Approval of Auction Business Applicants:

1. Metairie Auctions (owned by Bryan Hammock)

MOTION AND SECOND to approve the Metairie Auctions as auction business: J. Sims, H. McMillan. MOTION PASSED UNANIMOUSLY

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2. Clark Auctions (owned by Nicholas Clark)

MOTION AND SECOND to approve Clark Auctions as auction business: D. Jacobs, H. McMillan. MOTION PASSED UNANIMOUSLY.

3. Thomas Grocery dba Thomastown Auction (owned by Gary Martin)

MOTION AND SECOND to approve Thomas Grocery dba Thomastown Auction as auction business: J. Sims, C. Brister.

AMENDED MOTION AND SECOND to approve Thomas Grocery dba Thomastown Auction as auction business pending receipt of all original documents: J. Sims, C. Brister. MOTION PASSED with D. Jacobs in opposition.

4. Approval of Apprentice Applicant:

1. Verl Holland (supervisor- Joe Massey)

MOTION AND SECOND to approve Verl Holland as apprentice: G. Bordelon, J. Sims. MOTION PASSED UNANIMOUSLY.

Tessa Steinkamp recused herself and passed the gavel to Vice-Chairman Jim Sims.

5. Approval of Auction Business Applicants:

1. New Orleans Auction Gallery

a. Cakebread Art Antiques Collectables, Inc. (Susan Krohn)

b. Aschaffenburg Assets, LLC (Eric Aschaffenburg)

c. M.S. Rau Antiques (J. Scott Ferguson)

MOTION AND SECOND to approve pending sale of business and approval of bankruptcy court: H. McMillan, G. Bordelon.

AMENDED MOTION AND SECOND to approve Cakebread, Aschaffenburg, and Rau as auction business pending successful sale of New Orleans Auction Gallery business, approval of bankruptcy court, and complete original application documents: H. McMillan, G. Bordelon. MOTION PASSED UNANIMOUSLY.

d. unknown

MOTION not to accept unknown applicant until it is revealed who they may be: D. Jacobs.

MOTION AND SECOND if unknown applicant does apply, to appoint Board member D. Jacobs (or G. Bordelon if Jacobs is not available) to review with A. Dow to issue temporary license so business does not cease operations: G. Bordelon, L. Little. ROLL CALL VOTE: G. Bordelon- yes, C. Brister- yes, D. Jacobs- yes, L. Little- yes, H. McMillan- yes, J. Sims- yes. MOTION PASSED with T. Steinkamp recusing herself.

IV. NEW BUSINESS

1. Approval of Financials

1. Current year budget review

MOTION AND SECOND to approve current budget: J. Sims, L. Little. MOTION PASSED UNANIMOUSLY.

2. Beginning Fiscal budget for 2012-2013

MOTION AND SECOND to approve beginning 2012-2013 budget: J. Sims, D. Jacobs. MOTION PASSED UNANIMOUSLY.

2. Attorney Report/Investigative Report

1. Legislative report
2. Questions re Board purchase of real estate.
 - a. Statutory authority must be given by legislature.

MOTION AND SECOND to have attorney Dow write up proposed change to auctioneer statute to enable board to own real estate: D. Jacobs, H. McMillan. MOTION PASSED UNANIMOUSLY.

MOTION AND SECOND to approve attorney report: D. Jacobs, C. Brister. MOTION PASSED UNANIMOUSLY.

MOTION AND SECOND to enter into executive session to discuss pending litigation: J. Sims, G. Bordelon. ROLL CALL VOTE: G. Bordelon- yes, C. Brister- yes, D. Jacobs- yes, L. Little- yes, H. McMillan- yes, J. Sims- yes, T. Steinkamp-yes. MOTION PASSED UNANIMOUSLY.

MOTION AND SECOND not to enter into executive session to discuss pending litigation: J. Sims, D. Jacobs. ROLL CALL VOTE: G. Bordelon- no, C. Brister- yes, D. Jacobs- yes, L. Little- yes, H. McMillan- yes, J. Sims- no, T. Steinkamp-yes. MOTION PASSED.

3. Attorney contract renewal

- a. Contract offer to be at same terms as in previous years. The new contract will change the dates of service only.

MOTION AND SECOND to approve renewal of A. Dow contract under same terms: D. Jacobs, H. McMillan. ROLL CALL VOTE: G. Bordelon- yes, C. Brister- yes, D. Jacobs- yes, L. Little- yes, H. McMillan- yes, J. Sims- yes, T. Steinkamp-yes. MOTION PASSED UNANIMOUSLY.

4. Department of Justice contract renewal

- a. Contract offer to be at same terms as in previous years. The new contract will change the dates of service only.

MOTION AND SECOND to approve renewal of Department of Justice contract under same terms: J. Sims, D. Jacobs. MOTION PASSED UNANIMOUSLY.

5. Approval of 3rd party contract-

- a. Proposal of Larry Bankston, attorney at law, to handle disciplinary matters when board attorney has conflict.

MOTION AND SECOND to approve contract for Larry Bankston to handle disciplinary matters when board attorney has a conflict: J. Sims, D. Jacobs. ROLL CALL VOTE: G. Bordelon- yes, C. Brister- yes, D. Jacobs- yes, L. Little- no, H. McMillan- yes, J. Sims- yes, T. Steinkamp-yes. MOTION PASSED with L. Little in opposition.

6. Officer elections for 2012-2013

- a. Vice-Chair

MOTION AND SECOND to have J. Sims continue to serve as Vice-Chairman: G. Bordelon, H. McMillan. MOTION PASSED UNANIMOUSLY.

- b. Secretary/Treasurer

MOTION AND SECOND to have L. Little continue to serve as Secretary/Treasurer: J. Sims, D. Jacobs. MOTION PASSED UNANIMOUSLY.

7. NAA convention attendance requests
MOTION AND SECOND to accept requests from Board members to attend the NAA convention: G. Bordelon, J. Sims.

8. Lease report-

a. LSBID will not use the board room at 11736 Newcastle Avenue.

9. Mr. Burns' request for reimbursement of legal fees in Ethics Board investigation- H. McMillin

MOTION AND SECOND to reimburse R. Burns for legal fees incurred during ethics investigation not to exceed \$60.00: H. McMillan, D. Jacobs. ROLL CALL VOTE: G. Bordelon- yes, C. Brister- yes, D. Jacobs- yes, L. Little- yes, H. McMillan- yes, J. Sims- yes, T. Steinkamp-yes. MOTION PASSED UNANIMOUSLY.

V. NEXT MEETING DATE – July 16, 2012

VI. ADJOURN

MOTION AND SECOND to adjourn: J. Sims, C. Brister. MOTION PASSED UNANIMOUSLY.

SUBMITTED BY:

APPROVED BY:

Sandy Edmonds

Sandy Edmonds, Executive Assistant

Tessa Steinkamp, Chairman

OPEN MEETINGS LAWS

I. ARTICLE XII, SECTION 3, LOUISIANA CONSTITUTION (1974):

§3. Right to Direct Participation

No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

II. OPEN MEETINGS STATUTES, LSA-R.S. 42:1-13:

A. PUBLIC POLICY/CONSTRUCTION

§ 4.1. Public policy for open meetings; liberal construction

A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of R.S. 42:4.1 through 10 shall be construed liberally.

B. Further, to advance this policy, all public bodies shall post a copy of R.S. 42:4.1 through 13.

Louisiana Attorney General Opinion 04-0116 states, in part - D.A.R.E.'s purpose may be construed to include governmental functions pursuant to La. R.S. 42:4.1, which favor a liberal construction of the Open Meetings Laws. In addition, D.A.R.E. relies exclusively on public monies (tax-derived funds) for the purposes of conducting the D.A.R.E. program and, within its by-laws, has set policy for the receipt, deposit, withdrawal, and expenditure (i.e., funds management) of such funds. Based on the foregoing, we conclude that D.A.R.E. is indeed subject to the State's "Open Meetings" law, La. R.S. 42:4.1 et. seq., and should comply therewith.

Louisiana Attorney General Opinion 05-0317 states, in part - Advisory groups created by a political subdivision's board do qualify as "public bodies" within the meaning of the "Open Meetings Law."

B. DEFINITIONS

§ 4.2. Definitions

A. For the purposes of R.S. 42:1 through R.S. 42:12:

(1) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(2) "Public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

(3) "Quorum" means a simple majority of the total membership of a public body.

B. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

Louisiana Attorney General Opinion 99-0034 states, in part - If a quorum of the Council or a committee thereof contacts each other by telephone for the purpose of discussing or deciding on a course of action on a matter over which it has authority, this would be considered a circumvention of the open meetings laws.

Louisiana Attorney General Opinion 87-0048 states, in part – A meeting, as defined in the Open Meetings Laws, includes gatherings to discuss or act, and the fact that no binding action is taken or intended will not remove a meeting from the requirements of the Open Meetings Laws. Meetings held pursuant to prior notice of the intent to discuss official business must meet the requirements of the Open Meetings Laws.

Louisiana Attorney General Opinion 84-0395 states, in part – A "public body" includes any committee or subcommittee of a city governing authority, and the fact that a committee cannot make a final decision on a matter does not remove meetings of that committee from the ambit of the open meetings requirements. It was found, "In conclusion, a working committee of a municipality constitutes a public body when it meets to discuss matters over which it has authority or advisory power, even if the committee takes no binding action."

Louisiana Attorney General Opinion 76-1399 states, in part - All meetings of public bodies, with the exception of purely social or chance encounters, are required to be open to the public, unless closed pursuant to LA. R.S. 42:6.

§ 5. Meetings of public bodies to be open to the public

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:6, R.S. 42:6.1, or R.S. 42:6.2.

B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of R.S. 42:4.1 through R.S. 42:8.

C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.

D. Except school boards, which shall be subject to R.S. 42:5.1, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:7(A) shall provide an opportunity for public comment at such meeting, subject to reasonable rules, regulations, and restrictions as adopted by the public body.

Louisiana Attorney General Opinion 02-0106 states, in part - The intent of La. R.S. 42:5(B) is to require physical presence at open meetings in order to participate in any matter. Any participation via telephone, whether it is to obtain a quorum or to allow voting by non-present board members is a violation of the open meetings law.

Louisiana Attorney General Opinion 01-0367 states, in part - The comment period established by La. R.S. 42:5(D) applies only to items placed on the agenda, and the rules and regulations governing this period are to be established by each public body.

§ 5.1. School board meetings; public comment

A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.

B. A school board in a parish containing a municipality with a population of four hundred thousand or more according to the latest federal decennial census, at any meeting of the school board shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.

C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.

Louisiana Attorney General Opinion 04-0107 states, in part – La. R.S. 42:5.1 does not preclude a school board from placing requirements on individuals that desire to speak such as filling out a sign-up card before a school board meeting, limiting the speaker to the agenda item on which he would like to speak, limiting the amount of time for each speaker, and/or restricting speakers from making defamatory or accusatory comments.

C. EXECUTIVE SESSIONS; EXCEPTIONS

§ 6. Executive Sessions

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:7, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:6.1; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:6.1 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of R.S. 42:4.1 through R.S. 42:8.

Louisiana Attorney General Opinion 01-0468 states, in part - Public bodies may convene executive sessions pursuant to R.S. 42:6 for the discussion of the character, professional competence, or physical or mental health of a person; strategy sessions or negotiations with respect to collective bargaining and/or prospective litigation; investigative proceedings regarding allegations of misconduct; etc. Please see the opinion so as to be advised of any

other instances and the requirements associated with public bodies' authority to convene an executive session.

§ 6.1. Exceptions to open meetings

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

(3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.

(4) Investigative proceedings regarding allegations of misconduct.

(5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(6) Any meeting of the State Mineral Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is provided pursuant to and consistently with the Public Records Act, being Chapter I of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other such statutes to which the board is subject.

(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.

(8) Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. 33:2492 or 2552.

(9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. 23:1378(A)(8).

(10) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to judicial proceedings.

C. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:7 and R.S. 42:7.1 shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in R.S. 42:4.1 through 42:12 shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:7 in providing the required notice of meetings of such group or committee.

Louisiana Attorney General Opinion 05-0166 states, in part - A Fire District's video and audio recordings produced by security cameras are subject to a public records request. However, recordings of an executive session are covered within the exceptions of public records.

Louisiana Attorney General Opinion 05-0026 states, in part - Discussion by council members concerning the appointment of parish attorney may be held in executive session and votes on the appointment of the parish attorney should be made by council members and not merely confirmed by them.

Louisiana Attorney General Opinion 93-0315 states, in part - A private session of a quorum of a city council held to discuss "goal seeking" efforts of the municipality would be violative of the Open Meetings Laws.

Louisiana Attorney General Opinion 08-0014 states, in part - A public body may properly hold an executive session, within the limitations of La. R.S. 42:6, to discuss a professional services contract. When using La. R.S. 42:6.1(A)(1) to go into executive session, discussion must be limited to the character, professional competence, or physical or mental health of a person.

§ 6.2. Executive or closed meetings of legislative houses and committees

A. Notwithstanding any contrary provision of R.S. 42:6 and R.S. 42:6.1, executive or closed meetings may be held by the legislature, either house thereof, or any committee or subcommittee of either house, upon the affirmative vote of at least a majority of the members of the house or the committee or subcommittee thereof making the determination to hold such meeting, for one or more of the following purposes:

(1) Discussion of confidential communications.

(2) Discussion of the character, professional competence, or physical or mental health of any person subject to contract with or to employment, election, or appointment or confirmation of appointment by either house of the legislature or any committee or subcommittee of either or by any other public body.

(3) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the legislature, either house thereof, or any committee or subcommittee of either house.

(4) Discussion regarding a report, development, or course of action regarding security personnel, plans, or devices.

(5) Investigations by the legislature, either house thereof, or by any committee or subcommittee thereof, including the Legislative Audit Advisory Council or any other joint or statutory committee, whenever reasonable grounds exist to believe that the testimony to be elicited will reflect a failure of compliance with law.

(6) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(7) Discussion by either house of the legislature, or any committee or subcommittee thereof, of any matter affecting the internal operations or management of the body.

(8) Any other matters provided by law or pursuant to the joint rules of the legislature.

B. All procedural matters pertaining to the necessity, purposes, or reasons for the holding of executive or closed meetings under the provisions of this Section shall be in accordance with such rules as are adopted by each of the houses of the legislature for the purpose.

C. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken.

D. NOTICE; AGENDA; MINUTES

§ 7. Notice of meetings

A. (1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours before the meeting.

(ii) Such notice shall include the agenda, date, time, and place of the meeting, provided that upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:5 or 5.1. The public body shall not use its

authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of R.S. 42:4.1 through 8.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:6.1(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principle office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours before the meeting.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

Louisiana Attorney General Opinion 05-0033 states, in part - Unlike district meetings, steering committee meetings, for the purpose of nominations, must be held in each precinct. Furthermore, notice of such meetings may be posted by various means, as long as notice is first given at the office where the meeting is held or principle office of the public body or the official journal of the public body.

Louisiana Attorney General Opinion 85-0789 states, in part - All special meetings must be convened following twenty-four hour notice. The notice given must state an agenda. This agenda must also state with specificity what matters are to be discussed. Merely stating that "the Board will consider any emergency matters which may be presented by the Superintendent and/or board members," is vague and, thus, not proper notice. The notice must be specific as to what matters will be discussed.

§ 7.1. Written minutes

A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:7.2. The minutes of all other public bodies shall include but need not be limited to:

- (1) The date, time, and place of the meeting.
- (2) The members of the public body recorded as either present or absent.
- (3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.
- (4) Any other information that the public body requests be included or reflected in the minutes.

B. The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:6, R.S. 42:6.1, and R.S. 42:6.2, or rules adopted under the provisions of R.S. 42:7.2.

Louisiana Attorney General Opinion 04-0317 states, in part - A Type 2 charter school is not subject to the mandates set forth in Title 43, Chapter 4 of the Louisiana Revised Statutes requiring the publication of minutes, unless a school's approved charter subjects the school to such publication requirements.

Louisiana Attorney General Opinion 92-0847 points out that the minutes must, at the least, reflect the date, time, and place of the meeting, the presence or absence of district members, substantive matters discussed and any votes taken, and any other information that district members request be reflected in the minutes.

§ 7.2. Minutes of legislative sessions, legislative committees and subcommittees

A. The journals of the proceedings of each of the houses of the legislature, as required to be kept by the provisions of Article III, Section 10(B) of the Louisiana Constitution, shall constitute the written minutes of open sessions of the Senate and of the House of Representatives.

B. The written minutes of standing, interim, joint, and other committees and subcommittees of the Senate and House of Representatives shall include such information as may be required by the rules of the respective houses.

§ 7.3. Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body

A. For the purposes of this Section, "gas utility" means any revenue producing business or organization which is owned or operated by a public body, and which regularly supplies the public with natural gas at retail.

B. Prior to consideration or action by a public body to accept a proposal by a nonpublic entity to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions, or

to assume operation or acquire ownership of, a gas utility being operated or owned by the public body, the proposal shall:

- (1) Be introduced, in writing, at an open meeting of the public body.
- (2) Not be considered by the public body until notice of the proposal has been published in the official journal of the public body and at least thirty days has lapsed after the introduction of the proposal.
- (3) Include a written report of the most recent five year history of the sale of natural gas to similar public bodies for use in gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions by the nonpublic entity if the entity is seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to the public body or a five-year history of the purchase price of other gas utilities operated or owned by a public body paid by the nonpublic entity if the entity is seeking to assume operation or acquire ownership of the utility. A copy of the report shall be provided to all members of the public body and be available to the public.
- (4) Include any written contract or agreement proposed between the nonpublic entity seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to, or assume operation or acquire ownership of, the gas utility and the public body. A copy of the contract or agreement shall be provided to all members of the public body and be available to the public.

C. Notice of the proposal and the availability of the written report and contract or agreement shall be published once in the official journal of the public body. The notice shall indicate the time and place where the public body will hold a public hearing and consider the proposal.

D. No proposal shall be considered until a public hearing on it has been held. No proposal can be adopted at the meeting at which it is introduced.

E. Any proposed revision or amendment of the published contract or agreement shall be noticed, published, and made available in its entirety in the same manner as required for the original contract or agreement. No such contract or agreement shall be entered into by the public body until at least thirty days have lapsed since the notice of the availability of the revised contract or agreement has been published.

Attorney General Opinion 05-0341 state in part - A town may sell its natural gas system to a public or non-public entity; the sale or lease of gas utilities encompass and incorporate the protections codified in the public bid law.

§ 8. Sonic and video recordings; live broadcast

A. All or any part of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live.

B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.

Louisiana Attorney General Opinion 05-0166 states, in part - A Fire District's video and audio recordings produced by security cameras are subject to a public records request. However, recordings of an executive session are covered within the exceptions of public records.

Louisiana Attorney General Opinion 95-0277 states, in part - Under R.S. 42:8 there is a general right for a citizen to record public meetings, but the public body is mandated to establish standards so this can be done in an orderly fashion.

E. ENFORCEMENT; REMEDIES; PENALTIES

§ 9. Voidability

Any action taken in violation of R.S. 42:4.1 through R.S. 42:8 shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.

Louisiana Attorney General Opinion 98-0232 states, in part - Actions in violation of notice requirements of Open Meetings Laws are voidable only if suit challenging same is commenced within 60 days of the action.

§ 10. Enforcement

A. The attorney general shall enforce the provisions of R.S. 42:4.1 through R.S. 42:8 throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

B. Each district attorney shall enforce the provisions of R.S. 42:4.1 through R.S. 42:8 throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

C. Any person who has been denied any right conferred by the provisions of R.S. 42:4.1 through R.S. 42:8 or who has reason to believe that the provisions of R.S. 42:4.1 through R.S. 42:8 have been violated may institute enforcement proceedings.

Louisiana Attorney General Opinion 02-0258A states, in part - The Attorney General is one of the officers charged with the enforcement of the "Open Meetings Laws" [see La. R.S. 42:10(A)], and in his written opinions, he has steadfastly required public bodies operating under Home Rule Charters to comply with the provisions of the "Open Meetings Laws." See, for example, Attorney General Opinions No. 88-495 (City of Baton Rouge-Parish of East Baton Rouge), No. 93-315 (City of Lafayette), and No. 96-314 (City of Shreveport). Until a court holds otherwise, this office will adhere to this conclusion.

§ 11. Remedies; jurisdiction; authority; attorney fees

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

- (1) A writ of mandamus.
- (2) Injunctive relief.

(3) Declaratory judgment.

(4) Judgment rendering the action void as provided in R.S. 42:9.

(5) Judgment awarding civil penalties as provided in R.S. 42:13.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of R.S. 42:4.1 through R.S. 42:12. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

§ 12. Venue; summary proceedings

A. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.

B. Enforcement proceedings shall be tried by preference and in a summary manner. Any appellate court to which the proceeding is brought shall place it on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.

§ 13. Civil penalties

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of R.S. 42:4.1 through R.S. 42:8, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

Louisiana Attorney General Opinion 94-547 states, in part - Any member of a public body who knowingly and willfully participates in a meeting conducted in violation of R.S. 42:4.1 through R.S. 42:8, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

**Last updated November of 2008.*

LOUISIANA REVISED STATUTES
TITLE 42. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 1. TERMS OF OFFICE OR EMPLOYMENT
Updated through 2007 Regular Session

§4.1. Public policy for open meetings; liberal construction

A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of R.S. 42:4.1 through 10 shall be construed liberally.

B. Further, to advance this policy, all public bodies shall post a copy of R.S. 42:4.1 through 13.

Added by Acts 1976, No. 665, §1; Acts 1999, No. 467, §1.

§4.2. Definitions

A. For the purposes of R.S. 42:1 through R.S. 42:12:

(1) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(2) "Public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

(3) "Quorum" means a simple majority of the total membership of a public body.

B. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

Added by Acts 1979, No. 681, §1. Amended by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 1988, No. 821, §1.

§5. Meetings of public bodies to be open to the public

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:6, R.S. 42:6.1, or R.S. 42:6.2.

B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of R.S. 42:4.1 through R.S. 42:8.

C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.

D. Except school boards, which shall be subject to R.S. 42:5.1, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:7(A) shall provide an opportunity for public comment at such meeting, subject to reasonable rules, regulations, and restrictions as adopted by the public body.

Added by Acts 1952, No. 484, §1. Amended by Acts 1976, No. 865, §1; Acts 1977, No. 707, §1; Acts 1978, No. 456, §1; Acts 1979, No. 681, §1; Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 1989, No. 55, §1; Acts 2001, No. 285, §1.

§5.1. School board meetings; public comment

A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.

B. A school board in a parish containing a municipality with a population of four hundred thousand or more according to the latest federal decennial census, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.

C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.

Acts 1997, No. 895, §1, eff. July 10, 1997; Acts 2005, No. 474, §1.

§6. Executive Sessions

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:7, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:6.1; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:6.1 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of R.S. 42:4.1 through R.S. 42:8.

Acts 1952, No. 484, §1. Amended by Acts 1976, No. 665, §1; Acts 1977, No. 707, §1; Acts 1979, No. 681, §1.

§6.1. Exceptions to open meetings

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

(3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.

(4) Investigative proceedings regarding allegations of misconduct.

(5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(6) Any meeting of the State Mineral Board at which records or matters entitled to confidential status by existing law

are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is provided pursuant to and consistently with the Public Records Act, being Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other such statutes to which the board is subject.

(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.

(8) Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. 33:2492 or 2552.

(9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. 23:1378(A)(8).

(10) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to judicial proceedings.

C. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:7 and R.S. 42:7.1 shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in R.S. 42:4.1 through 42:12 shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:7 in providing the required notice of meetings of such group or committee.

Added by Acts 1976, No. 665, §1. Amended by Acts 1979, No. 681, §1; Acts 1982, No. 215, §1; Acts 1989, No. 389, §1; Acts 2003, No. 336, §1, eff. June 13, 2003; Acts 2006, No. 90, §1, eff. May 25, 2006.

§6.2. Executive or closed meetings of legislative houses and committees

A. Notwithstanding any contrary provision of R.S. 42:6 and R.S. 42:6.1, executive or closed meetings may be held by the legislature, either house thereof, or any committee or subcommittee of either house, upon the affirmative vote of at least a majority of the members of the house or the committee or subcommittee thereof making the determination to hold such meeting, for one or more of the following purposes:

(1) Discussion of confidential communications.

(2) Discussion of the character, professional competence, or physical or mental health of any person subject to contract with or to employment, election, or appointment or confirmation of appointment by either house of the legislature or any committee or subcommittee of either or by any other public body.

(3) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the legislature, either house thereof, or any committee or subcommittee of either house.

(4) Discussion regarding a report, development, or course of action regarding security personnel, plans, or devices.

(5) Investigations by the legislature, either house thereof, or by any committee or subcommittee thereof, including the Legislative Audit Advisory Council or any other joint or statutory committee, whenever reasonable grounds exist to believe that the testimony to be elicited will reflect a failure of compliance with law.

(6) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(7) Discussion by either house of the legislature, or any committee or subcommittee thereof, of any matter affecting the internal operations or management of the body.

(8) Any other matters provided by law or pursuant to the joint rules of the legislature.

B. All procedural matters pertaining to the necessity, purposes, or reasons for the holding of executive or closed meetings under the provisions of this Section shall be in accordance with such rules as are adopted by each of the houses of the legislature for the purpose.

C. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken.

Added by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981.

§7. Notice of meetings

A.(1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours before the meeting.

(ii) Such notice shall include the agenda, date, time, and place of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:6.1(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours before the meeting.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

Added by Acts 1952, No. 484, §1. Amended by Acts 1972, No. 669, §1; Acts 1976, No. 665, §1; Acts 1977, No. 707, §1; Acts 1979, No. 681, §1; Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 1989, No. 390, §1.

§7.1. Written minutes

A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:7.2. The minutes of all other public bodies shall include but need not be limited to:

(1) The date, time, and place of the meeting.

(2) The members of the public body recorded as either present or absent.

(3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.

(4) Any other information that the public body requests be included or reflected in the minutes.

B. The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:6, R.S. 42:6.1, and R.S. 42:6.2, or rules adopted under the provisions of R.S. 42:7.2.

Added by Acts 1976, No. 665, §1. Amended by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981.

§7.2. Minutes of legislative sessions, legislative committees and subcommittees

A. The journals of the proceedings of each of the houses of the legislature, as required to be kept by the provisions of Article III, Section 10(B) of the Louisiana Constitution, shall constitute the written minutes of open sessions of the Senate and of the House of Representatives.

B. The written minutes of standing, interim, joint, and other committees and subcommittees of the Senate and House of Representatives shall include such information as may be required by the rules of the respective houses.

Added by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981.

§7.3. Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body

A. For the purposes of this Section, "gas utility" means any revenue producing business or organization which is owned or operated by a public body, and which regularly supplies the public with natural gas at retail.

B. Prior to consideration or action by a public body to accept a proposal by a nonpublic entity to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions, or to assume operation or acquire ownership of, a gas utility being operated or owned by the public body, the proposal shall:

(1) Be introduced, in writing, at an open meeting of the public body.

(2) Not be considered by the public body until notice of the proposal has been published in the official journal of the public body and at least thirty days has lapsed after the introduction of the proposal.

(3) Include a written report of the most recent five-year history of the sale of natural gas to similar public bodies for use in gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions by the nonpublic entity if the entity is seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to the public body or a five-year history of the purchase price of other gas utilities operated or owned by a public body paid by the nonpublic entity if the entity is seeking to assume operation or acquire ownership of the utility. A copy of the report shall be provided to all members of the public body and be available to the public.

(4) Include any written contract or agreement proposed between the nonpublic entity seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to, or assume operation or acquire ownership of, the gas utility and the public body. A copy of the contract or agreement shall be provided to all members of the public body and be available to the public.

C. Notice of the proposal and the availability of the written report and contract or agreement shall be published once in the official journal of the public body. The notice shall indicate the time and place where the public body will hold a public hearing and consider the proposal.

D. No proposal shall be considered until a public hearing on it has been held. No proposal can be adopted at the meeting at which it is introduced.

E. Any proposed revision or amendment of the published contract or agreement shall be noticed, published, and made available in its entirety in the same manner as required for the original contract or agreement. No such contract or agreement shall be entered into by the public body until at least thirty days have lapsed since the notice of the availability of the revised contract or agreement has been published.

Acts 2003, No. 1274, §1, eff. July 11, 2003.

§8. Sonic and video recordings; live broadcast

A. All or any part of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live.

B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.

Added by Acts 1952, No. 484, §1. Amended by Acts 1972, No. 669, §1; Acts 1989, No. 172, §1.

§9. Voidability

Any action taken in violation of R.S. 42:4.1 through R.S. 42:8 shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.

Added by Acts 1972, No. 669, §2. Amended by Acts 1976, No. 665, §1; Acts 1979, No. 681, §1.

§10. Enforcement

A. The attorney general shall enforce the provisions of R.S. 42:4.1 through R.S. 42:8 throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

B. Each district attorney shall enforce the provisions of R.S. 42:4.1 through R.S. 42:8 throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

C. Any person who has been denied any right conferred by the provisions of R.S. 42:4.1 through R.S. 42:8 or who has reason to believe that the provisions of R.S. 42:4.1

through R.S. 42:8 have been violated may institute enforcement proceedings.

Added by Acts 1976, No. 665, §1. Amended by Acts 1977, No. 707, §1; Acts 1979, No. 681, §1.

§11. Remedies; jurisdiction; authority; attorney fees

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

- (1) A writ of mandamus.
- (2) Injunctive relief.
- (3) Declaratory judgment.
- (4) Judgment rendering the action void as provided in

R.S. 42:9.

(5) Judgment awarding civil penalties as provided in R.S. 42:13.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of R.S. 42:4.1 through R.S. 42:12. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

Added by Acts 1979, No. 681, §1. Acts 1989, No. 54, §1.

§12. Venue; summary proceedings

A. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.

B. Enforcement proceedings shall be tried by preference and in a summary manner. Any appellate court to which the proceeding is brought shall place it on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.

Added by Acts 1979, No. 681, §1.

§13. Civil penalties

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of R.S. 42:4.1 through R.S. 42:8, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

Acts 1989, No. 54, §1.

Sherrie Wilks

From: Robert Burns [robert@auctionseelsfast.com]
Sent: Wednesday, March 04, 2009 6:00 PM
To: Anna Dow
Cc: John Hopewell; Sherrie Wilks
Subject: Request for Assurances from You Regarding Future Executive Sessions Conduct and Content

Anna:

I am in receipt today of the minutes from the LALB January 26, 2009 meeting. I called Sherrie to request minutes of the executive session of that meeting, but I was informed that no such minutes exist.

I'm sending this email to you as an informal means to identify and rectify some items of concern to me regarding the content and conduct of the executive session of January 26, 2009. I have copied this email to my attorney, John Hopewell, whom I've consulted with on the manner because of the concerns I relay below. In contrast to John, who has known me for 22 years, you barely know me, and I'm sure you've formed an assumption that I'm someone who's bent on being a trouble maker. Anyone who knows me will tell you that's not who I am; however, those same people, including John, will quickly tell you that I believe laws are written to be abided by as they form the basis of a civilized society. I can honestly state that I've strived with every fiber in my being to conduct every auction I've been fortunate enough to schedule making every effort to ensure that no auction law violation of any kind (or even the hint of any kind of impropriety) transpires. I am sure you can understand then, why I am unhappy and disgruntled when I see others, whether it is individual auctioneers or a collective body, as in the LALB, not taking to heart statutes and laws which have been enacted and should be followed.

Having relayed the above, here are the items which cause me reason for concern:

- The vast majority of our discussions in the above-referenced executive session of January 26, 2009 were NOT on the agenda, making the discussions clear and unequivocal violations of Title 42 regarding executive sessions of public bodies.
- I have attached an exception to executive sessions of public bodies of Title 42 which deals with discussions of a person's character, professional competence, etc. As is clearly stated in the highlighted section, that individual **MUST** be afforded at least 24 hours of advanced notice of such a discussion and that individual **must** be afforded the option of having that discussion take place in an open meeting. As you are aware, neither I nor two other individuals discussed at length in that meeting were afforded EITHER of these requirements. The lack of conformity with the highlighted requirements is, as mentioned above, a clear and unequivocal violation of Title 42 regarding executive sessions of public bodies.
- As the LALB's general counsel, it was your obligation to "reign in" the executive session when it drifted away from any legitimate item for which the Board could be in executive session (in reading the minutes of the public meeting, it was even you who stated why the Board was going into executive session), but I never heard you make mention of the fact

3/5/2009

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that what we were doing was illegal. I don't have any intention of pointing this out in a public forum (though I certainly don't feel anywhere NEAR that same courtesy was afforded to me regarding the meeting of January 26 even ignoring the fact that particular phase of the meeting was CLEARLY in violation of the law); however, I want some form of assurance from you that instances such as that which transpired on January 26, 2009 are not going to repeat themselves in terms of clear violations of Louisiana's open meetings laws.

- Any committees formed, irrespective of whether formed during an illegal segment of that executive session or otherwise, also must conform to the open meetings laws, and this fact needs to be made known to the three members of the committee which was "reestablished" during that illegal segment of the executive session. I would also add that the committee does not legally exist because of the fact that it was formed in an illegal manner during an illegal segment of an executive session.
- The fact that no minutes or recordation of the executive session exist is an intolerable situation. I have consulted another attorney who specializes in public bodies, and she tells me the proper and platinum standard for executive sessions is to remove the tape which is recording the regular session, insert a new tape specifically for the executive session, and then seal that tape containing the executive session's contents upon executive session conclusion and replace the open meeting tape when the regular meeting resumes.
- One of the items I specifically recall being deferred until the March 16, 2009 meeting during that executive session was an "across the board" waiver of all late fees for any licensees who renewed in January of 2009. I attach Section 3115 of our auctioneering law with relevant text highlighted. As per my prior AG opinion request and its clear-cut statement of how the wording "shall" should be interpreted, the Board has no leeway in that regard: Licenses are due November 1 and we already have a "grace period" of between November 1 and December 31. License renewals submitted after December 31 "shall be subject to a late penalty of seventy-five dollars." Hence, I can see no scenario under which we can do any "across the board" waiver for licensees renewing their licenses in January. To do so is a breach of our fiduciary obligation to the Board and a pretty clear violation of one of our auctioneering statutes.
- I am still "in limbo" regarding who prepares the written findings of fact and conclusions regarding the LALB's administrative hearings. As you are aware, the AG's letter to me dated December 16, 2008 and of which you received a copy states that, in referencing the cases in which no conflict was deemed to exist between the same counsel serving as prosecutor and general counsel and which did not constitute a denial of due process, the AG's office made special note of the fact that (reference the bottom of page one of the letter) "...a separate hearing officer who prepared the written findings of fact and conclusions of law to be accepted, rejected, or modified by the Board." I have asked Sherrie whether you or someone else drafted the relevant documentation for William Jones, but so far, all I've been told is "I don't know." I understand these situations (administrative hearings) do not arise often, but I am respectfully requesting to be informed who it is that is drafting the findings of fact and conclusions for the LALB to ultimately take under consideration and act upon after administrative hearings.

Let me conclude by stating that I ask for clarification from you on all of the above referenced concerns not to be harassing in nature but rather to ensure the LALB is functioning in a totally legal and permissible manner in everything it does. I'm sure as our general counsel, you share my zeal to ensure same, and I anxiously await your reply to the foregoing.

Sincerely,

3/5/2009

Robert Edwin Burns

Broker, Certified Real Estate Auctioneer

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www.AuctionSellsFast.com

3/5/2009

Revised Minutes of a regular meeting of March 16, 2009
The Auctioneers Licensing Board
ROLL CALL AND CALL TO ORDER:

Chairman Ken Comer called the meeting to order and asked Ms. Wilks to call the roll.

In attendance were: Ken Comer, Tessa Steinkamp, Robert Burns, Buster Gay. Greg Bordelon, and Clayton Brister. Absent was Freddie Phillips. Also present were attorney Anna Dow, Jim Steele and Sherrie Wilks. A quorum was declared.

READING AND APPROVAL OF MINUTES OF JANUARY 26, 2009

Ms. Steinkamp made a motion to approve the minutes. Mr. Gay seconded and the motion passed.

OLD BUSINESS:

1. Approval of Tested Applicants
 - A. JonErik Kramer: Ms. Steinkamp motioned approval. Mr. Brister seconded and the motion passed unopposed.
 - B. Butch Tinker: Ms. Steinkamp motioned approval. Mr. Gay seconded and the motion passed unopposed.
2. Approval of Reciprocal Applicants
 - A. Ray Berryhill: Ms. Steinkamp motioned approval. Mr. Gay seconded and the motion passed unopposed.
 - B. William Brightwell: Ms. Steinkamp motioned approval. Mr. Gay seconded and the motion passed unopposed.
 - C. Jerry King: Mr. Bordelon motioned approval. Mr. Gay seconded and the motion passed unopposed.
 - D. Terry Hawkins: Ms. Steinkamp motioned approval of the license pending proof from MS that Mr. Hawkins had taken and passed the MS exam. Mr. Gay seconded the motion and it passed unopposed.
3. Approval of Business Applicants
 - A. Copart of New Orleans:
 - B. Copart of Shreveport: Ms. Steinkamp motioned approval of the business applicants A & B. Mr. Brister seconded and the motion passed unopposed.
 - C. King Auction Company: Ms. Steinkamp motioned approval. Mr. Burns seconded and the motion passed unopposed.

NEW BUSINESS:

1. Approval of Financials: Mr. Bordelon made a motion to approve the financials. Ms. Steinkamp seconded and the motion passed unopposed.

Mr. Phillips entered while the meeting was in progress.

2. Attorney/Investigator Reports: Ms. Dow reported that the matter of William Jones had been concluded. There was discussion on the matter of Ms. Bonnettes stipulation agreement. Mr. Bordelon made a motion to accept the stipulation agreement once Ms. Bonnette has paid the fine. Mr. Gay seconded and the motion passed unopposed.

There was discussion on the matter of the unlicensed company REDC.

Mr. Bordelon motioned that Ms. Bonnette be fined in accordance with the schedule. Ms. Dow pointed out that the board would have to have a proper hearing or to offer a stipulation agreement. Mr. Bordelon then made a motion to have a hearing. Mr. Burns seconded and the motion passed with Mr. Phillips in opposition. Ms. Dow asked if the board wanted to proceed against REDC as well, and was told to proceed. Ms. Dow then reported that the issue with Grover Phipps had been resolved.

There was discussion on the matter of Mr. Phillips stipulation agreement which had been tabled until today. Ms. Steinkamp motioned that a hearing be set for Mr. Phillips for the next meeting. Mr. Gay seconded and the motion passed unopposed.

Mr. Gay motioned approval of the attorney report. Ms. Steinkamp seconded and the motion passed unopposed.

Request for one time school approval: Ms. Steinkamp motioned approval of the school. Mr. Burns seconded and the motion passed unopposed.

3. Auction School Grace Period: There was discussion on the matter of a proposed grace period for MO auction School. Mr. Phillips motioned a grace period of one year for the delinquent schools. Mr. Gay seconded and the motion passed with Mr. Burns in opposition.

Attorney Proposals: Mr. Comer made a motion to table this until everyone had ample time to look it over. Mr. Phillips seconded and the motion passed unopposed. Ms. Mallett was allowed to address the board regarding her qualifications.

Check Signatures: Mr. Bordelon made a motion to give Mr. Phillips authority to sign checks. Mr. Gay seconded and the motion passed unopposed. There was discussion on the matter of Ms. Wilks request to be removed from the signature authority. Mr. Bordelon then made a motion to go into executive session to discuss human resource matters. Mr. Gay seconded the motion. Ms. Wilks called the roll. Mr. Comer voted yes. Ms. Steinkamp voted yes. Mr. Burns abstained. Mr. Phillips voted yes. Mr. Gay voted yes. Mr. Bordelon voted yes. Mr. Brister voted yes. There were six yeses and one abstention. At the request of Mr. Burns, let the record reflect that he exited the executive session almost immediately after the session began, and the session continued in his absence. Mr. Bordelon motioned the board to return to regular session. Mr. Phillips seconded and the motion passed.

ADJOURNMENT: Mr. Phillips made a motion to adjourn. Ms. Steinkamp seconded and the motion passed.

NEXT MEETING DATE: JUNE 1, 2009

Submitted by: _____

Approved by: _____

BOBBY JINDAL
GOVERNOR



STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

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

October 8, 2009

Mr. Ken Comer, Chairman
Louisiana Auctioneers Licensing Board
5222 Summa Ct., Ste. 352
Baton Rouge, LA 70809

Re: Case No. 1100003

Dear Mr. Comer:

My office recently investigated a complaint alleging that the Louisiana Auctioneers Licensing Board gave preferential treatment to a board member for ad violations and violated the Open Meetings Law on numerous occasions by discussing issues not published on agendas for regular and executive sessions of board meetings.

Based on interviews and documents provided to our office, we found the allegation of preferential treatment to a board member to be without merit. However, we did find that the Board discussed ad violations of a board member during the regular session of its November 17, 2008 board meeting, and personnel issues concerning its Executive Assistant during its executive session of the January 26, 2009 board meeting. These discussions were not published on the meeting agendas and official votes by the Board to include the discussions were not taken. As a result, the inclusion of these discussions may be procedural violations of Louisiana's Open Meetings Laws, La. R.S. 42.6(A) and 42.7(A). The Board should implement controls to ensure that the Board is in full compliance with all procedures of the Open Meetings Law.

I appreciate the cooperation that your department extended to my office. This letter serves as notice that we are taking no further action and closing the case file on this matter. If I may assist you further, please call me at (225) 342-4262 or email me at Stephen.Street@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen B. Street, Jr.", written over a circular stamp that contains the handwritten text "P-6".

Stephen B. Street, Jr.
State Inspector General

SBS/VC



Louisiana

Office of the Governor
Auctioneers Licensing Board

Prof by Jindal
Governor

July 28, 2010

Robert Burns
4155 Essen Lane #228
Baton Rouge, LA 70809

5222 Seneca Court
Suite 352
Baton Rouge, LA 70809

Re: LSA-R.S. 42:6.1

Telephone: 225.763.5600
Fax: 225.763.5550

Dear Mr. Burns:

Email: admin@LAAB.org
Web Address: www.LAAB.org

This letter is to notify you that an agenda item has been added for the August 2, 2010, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:6.1, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, August 2, 2010, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,


J. Kenneth Comer
Chairman

P-7

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City, State, ZIP+4	BR, LA 70809

PS Form 3800, August 2006

See Reverse for Instructions



Louisiana
Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

July 11, 2011

Robert Burns
4155 Essen Lane #228
Baton Rouge, LA 70809

5222 Summa Court
Suite 352
Baton Rouge, LA 70809

Re: LSA-R.S. 42:6.1

Telephone: 225.763.5568
Fax: 225.763.5598

Dear Mr. Burns:

Email: admin@LALB.org
Web Address: www.LALB.org

This letter is to notify you that agenda items, including but not limited to pending litigation, has been added for the July 11, 2011, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:6.1, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, July 11, via email or mail, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

Tessa Steinkamp
Vice-Chair

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Robert Burns
4155 Essen Lane, #228
Baton Rouge, LA 70809

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Robert E Burns Addressee

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Baton Rouge, LA 70809

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Louisiana

Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

March 13, 2012

Robert Burns
4155 Essen Lane Apt. 228
Baton Rouge, LA 70809

5222 Summa Court
Suite 352
Baton Rouge, LA 70809

Telephone: 225.763.5568
Fax: 225.763.5598

Email: admin@LALB.org
Web Address: www.LALB.org

Re: LSA-R.S. 42:17

Dear Mr. Burns:

This letter is to notify you that agenda items, including but not limited to pending litigation, has been added for the March 19, 2012, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:17, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, March 19, via email or mail, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

A handwritten signature in cursive script that reads "Tessa Steinkamp".

Tessa Steinkamp
Vice-Chair

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Robert Burns
 4155 Essen Lane, #228
 Baton Rouge, LA 70809

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1. Article Addressed to:

Robert Burns
 4155 Essen Lane, #228
 Baton Rouge, LA 70809

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[Signature]

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Louisiana
Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

May 15, 2012

Robert Burns
4155 Essen Lane Apt. 228
Baton Rouge, LA 70809

New Contact Information:
11736 Newcastle Avenue
Bldg. 2, Suite C
Baton Rouge, LA 70816

Telephone: 225.295.8420
Fax: 225.372.8584

Email: admin@LALB.org
Web Address: www.LALE.org

Re: LSA-R.S. 42:17

Dear Mr. Burns:

This letter is to notify you that agenda items, including but not limited to pending litigation, has been added for the May 21, 2012, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:17, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, March 19, via email or mail, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

A handwritten signature in cursive script that reads "Tessa Steinkamp".

Tessa Steinkamp
Chair

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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<p>1. Article Addressed to:</p>	

Robert Burns
4155 Essen Lane, Apt.228
Baton Rouge, LA 70809

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Robert Burns
4155 Essen Lane, Apt.228
Baton Rouge, LA 70809

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Louisiana
Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

March 14, 2011

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

5222 Summa Court
Suite 352
Baton Rouge, LA 70809

Telephone: 225.763.5568
Fax: 225.763.5598

Email: admin@LALB.org
Web Address: www.LALB.org

Re: LSA-R.S. 42:6.1

Dear Mr. Phillips:

This letter is to notify you that agenda items, including but not limited to pending litigation, has been added for the March 21, 2011, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:6.1, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, March 21, 2011, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

J. Kenneth Comer

J. Kenneth Comer
Chairman

P-8

SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED 7007256000115478698



Louisiana

Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

June 13, 2011

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

5222 Summa Court
Suite 352
Baton Rouge, LA 70809

Re: LSA-R.S. 42:6.1

Telephone: 225.763.5568
Fax: 225.763.5598

Email: admin@LALB.org
Web Address: www.LALB.org

Dear Mr. Phillips:

This letter is to notify you that agenda items, including but not limited to previous litigation, has been added for the June 20, 2011, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:6.1, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, June 20, 2011, either in writing or via email, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

J. Kenneth Comer
Chairman

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Louisiana

Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

July 11, 2011

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

5222 Summa Court
Suite 352
Baton Rouge, LA 70809

Telephone: 225.763.5568
Fax: 225.763.5598

Email: admin@LALB.org
Web Address: www.LALB.org

Re: LSA-R.S. 42:6.1

Dear Mr. Phillips:

This letter is to notify you that agenda items, including but not limited to previous litigation, has been added for the July 18, 2011, meeting of the Louisiana Auctioneers Licensing Board which may result in a request for an executive session. This notice is required pursuant to LSA-R.S. 42:6.1, which states that:

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

I would ask that you notify the Board prior to 9 a.m. on Monday, July 18, 2011, either in writing or via email, whether you wish the discussion of the agenda item to be held in the open meeting.

Sincerely,

Tessa Steinkamp, Vice-Chair

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STATE OF LOUISIANA

OFFICE OF STATE INSPECTOR GENERAL



Louisiana Auctioneers' Licensing Board and Louisiana State Board of Interior Designers

Date Released:

December 9, 2013

File No. CID-13-032

P-9

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BOBBY JINDAL
GOVERNOR



STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

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

December 9, 2013

Honorable Bobby Jindal
Governor of the State of Louisiana
Post Office Box 94004
Baton Rouge, LA 70804-9004

Re: Case No. CID-13-032

Dear Governor Jindal:

This report addresses concerns raised regarding the work agreements of Sandy Edmonds, the Executive Director of both the Louisiana Auctioneers' Licensing Board and the Louisiana State Board of Interior Designers. This report includes seven recommendations. As a result of our investigation, some of these recommendations have already been implemented. If implemented, these recommendations will serve to help prevent future waste of public funds.

We provided drafts of the report to the Louisiana Auctioneers' Licensing Board, the Louisiana State Board of Interior Designers, and to Ms. Sandy Edmonds. The responses we received are included as Appendix A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen B. Street, Jr.", written over a printed name and title.

Stephen B. Street, Jr.
State Inspector General

SBS/rfc

Enclosure

Executive Summary

The Office of the State Inspector General received a complaint concerning the payroll practices of Sandy Edmonds, the part-time Executive Director of both the Louisiana Auctioneers' Licensing Board (LALB) and the Louisiana State Board of Interior Designers (LSBID). The complaint alleged that Ms. Edmonds is compensated for time when she does not perform work for the agencies. This includes days when she is on vacation and when she tends to personal business.

Our investigation revealed the following:

- Ms. Edmonds is the only paid employee at the LALB and the LSBID and has little day-to-day supervision. Both boards meet on a bi-monthly basis. Between meetings, Ms. Edmonds handles all the boards' business. The terms of Ms. Edmonds' work agreement allow her to be compensated during the times that she is available for cell phone calls on her board issued cell phones.
- Prior to our investigation, Ms. Edmonds' work agreement with both boards allowed her to be paid while out of the office performing no public purpose. LALB and LSBID Board members were aware of Ms. Edmonds' work schedules and approved her work agreements, which facilitated her failure to take appropriate leave while on vacation. She failed to take leave and was paid \$1,628 for seven days in 2012 when she was on vacation out of state.
- The LALB's and LSBID's joint office has no set, staffed, business hours during the regular work week. Because Ms. Edmonds is not required to be present at the office for any number of hours per week, the boards are unable to service members of the public who wish to conduct business at the office. Both boards forward their phone calls to Ms. Edmonds' board issued cell phones.

Background

The Louisiana Auctioneers' Licensing Board is a statutory body with the authority to make reasonable rules and regulations relating to the form and manner of filing applications for licenses, and the issuance, denial, suspension, and revocation of licenses of auctioneers in the State of Louisiana. The LALB also may investigate alleged violations of Chapter 42 by any licensed or unlicensed auctioneer, auction house, any applicant, or any apprentice auctioneer or applicant. The LALB is also authorized to appoint an Executive Secretary/Director. Sandy Edmonds has been the LALB's Executive Secretary/Director since August 2009.

The Louisiana State Board of Interior Designers is a statutory body with the authority to make and enforce rules in accordance with La. R.S. 40:3174. This statute allows the LSBID to adopt, promulgate, and enforce rules and regulations governing the standards of education, service, conduct, and practice and procedure; establish criteria for eligibility for licensing; and to provide for the taking of examinations. The statute also allows the LSBID to employ an executive director, legal counsel, and other employees it deems necessary. Sandy Edmonds has been the LSBID's Executive Director since February 2007.

The LALB and LSBID share an office in Baton Rouge. Collectively, they pay monthly rent of \$960.

Sandy Edmonds is the part-time Executive Director for both boards. Per her work agreement with the boards, the LALB is responsible for 38 percent (3 hours of an eight hour day) of all her leave taken and the LSBID is responsible for the remaining 62 percent (5 hours of an eight hour day). The purpose of this arrangement was to eliminate additional staff and control expenses. Ms. Edmonds' daily schedule appears to be 8:00 AM to 4:00 PM, split between each board, but she responds to phone calls and emails after those hours.

Ms. Edmonds' job descriptions for both boards are virtually identical.

Scope and Methodology

We conducted our investigation in accordance with Principles and Standards for Offices of Inspector General as promulgated by the Association of Inspectors General.

The scope of the investigation was limited to Ms. Edmonds' 2012 work schedules and timesheets for both the LALB and LSBID. The investigation consisted of a review of AT&T cell phone records for Ms. Edmonds' board issued cell phones, various business records, and interviewing officials from each board.

Sandy Edmonds' Leave Use

Sandy Edmonds' original, undated work agreements with the LALB and LSBID required that she perform her duties "in a timely fashion" but did not require that she account for her time on a time sheet. Also, she was not required to seek approval for leave taken. The agreements stated that Ms. Edmonds may be asked to account for all leave accrued and used. Ms. Edmonds agreed to take leave on the days that she does not answer the telephone or return emails. The chairpersons of each board are her supervisors.

LALB Chairperson Tessa Steinkamp and LSBID Chairperson Deborah Steinmetz approve Ms. Edmonds' timesheets before each board meeting. Ms. Edmonds stamps her own timesheets with her supervisors' signature stamps before Ms. Steinkamp and Ms. Steinmetz see them. Ms. Edmonds stated that she discusses schedule changes, sick days, and vacation plans with her supervisors.

Undated employment contracts with both boards required that Ms. Edmonds "take leave for those dates on which she does not answer the telephone or return emails." She stated that when the Louisiana Legislative Auditor reviewed the terms of her employment in February 2012, they did not agree with her work agreements which allowed her to claim work hours while accessible by mobile phone, even while on vacation out of state. In our initial interview with Ms. Edmonds, she stated that since February 2012, she has used annual leave while on vacation, even though she continues to work during these times. Ms. Edmonds stated that she answers or returns calls while out on annual leave because she believes it is "rude" to not return a call for several days while she is on vacation.

Ms. Edmonds stated that she normally goes on vacation two times per year. She disclosed that during 2012, she went to Lake Tahoe over the Thanksgiving week and to Oklahoma in the summer. She took annual leave for the three workdays during the Thanksgiving week, but failed to take leave while traveling to Lake Tahoe on November 16; she was paid \$230 on this date. Edmonds indicated that she handled office business during these trips by answering emails and phone calls, in accordance with her board work agreements.

Ms. Edmonds stated that she visited a relative in Oklahoma in the summer of 2012. According to cell site records obtained by OIG investigators, Ms. Edmonds began her travel for this trip on May 24, 2012. Cell phone records also indicate that this trip lasted until around May 30, 2012 and that Ms. Edmonds may have visited the state of Kansas as well.

Ms. Edmonds failed to mention at least two other trips that she took in 2012. Cell phone records show the GPS locations of the cell towers with which Ms. Edmonds' board issued cell phones connected during this period. Both phones connected to towers in or near New Jersey, New York, and Orange Beach, AL on days in which Ms. Edmonds claimed regular working hours for both boards.

Between May 2012 and November 2012, Ms. Edmonds claimed regular working hours while traveling out of state for personal business on at least seven days. Although Ms. Edmonds' work agreements with both boards may have allowed this,

Ms. Steinkamp stated that she was unaware that Ms. Edmonds claimed work hours while on vacation. Ms. Steinkamp believed that Ms. Edmonds claimed annual leave for all vacations because Ms. Edmonds had included annual leave on her timesheets in the past.

Date	LALB Hours Claimed	LSBID Hours Claimed	Google Maps Location LALB / LSBID Mobiles	LALB Hours Total at \$25.00 per hour	LSBID Hours Total at \$31.00 per hour	Total value of hours claimed out of state
4-May	3	5	New York, NY New York, NY	\$75.00	\$155.00	\$230.00
24-May	3	5	Lottie, LA Prairieville, LA	\$75.00	\$155.00	\$230.00
25-May	0	8	Jefferson, TX Waskom, TX	N/A	\$248.00	\$248.00
29-May	3	5	Liberal, KS Liberal, KS	\$75.00	\$155.00	\$230.00
30-May	3	5	Dodge City, KS Meade, KS	\$75.00	\$155.00	\$230.00
1-Aug	3	5	Orange Beach, AL Orange Beach, AL	\$75.00	\$155.00	\$230.00
16-Nov	3	5	Reno, NV Bapchule, AZ	\$75.00	\$155.00	\$230.00
Totals:				\$450.00	\$1,178.00	\$1,628

Ms. Steinkamp stated that she did not approve of claiming regular hours while on vacation. Ms. Steinkamp was made aware of the potential for the waste of public funds due to this practice and understood the potential. She stated that her board needed to address Ms. Edmonds' work agreement and the policy allowing her to claim work hours while only available by cell phone.

During our meeting with Ms. Edmonds on August 9, 2013, she admitted in the presence of board attorneys that she had been untruthful during a previous meeting when she stated that she had claimed no compensation while on personal vacations since February 2012. Ms. Edmonds stated that she was not trying to steal from the state, but was doing what the boards told her that she could do. She referred to her work agreements which allowed her to claim compensable hours if she answered her phones and emails while vacationing out of state.

Ms. Edmonds stated that she answered the board phones and emails during vacations while taking annual leave. Instead of claiming the specific times worked each day, Ms. Edmonds claimed an entire regular work day as compensation for her time spent working during each trip. She kept no logs of the work she performed or the times worked during her vacations. Ms. Edmonds stated that during her New York trip, she claimed eight working hours but did not do eight hours' worth of work. Phone records indicate that Ms. Edmonds made and received calls on her board issued cell phones while on vacation.

When she and her family went to Disney World in 2010, Ms. Edmonds stated that she was unable to do certain activities at the park with her family because she was taking notes on work related phone calls. When asked whether the work she performed while at Disney World was commensurate with the actual pay she received, Ms. Edmonds refused to answer.

Ms. Steinmetz, the LSBID Chairperson, stated that LSBID Treasurer Karen Hazel approves Ms. Edmonds' timesheets. Ms. Steinmetz also stated that she does not approve leave for Ms. Edmonds but stated that Ms. Edmonds asks permission before taking leave. Ms. Hazel stated that she has been approving Ms. Edmonds' timesheets since March 2013. Ms. Hazel stated that Ms. Steinmetz eventually approves of everything.

As a result of our investigation, both boards created new work agreements with Ms. Edmonds in June 2013 requiring that annual leave "be taken if traveling out of state unless on board business." These agreements were changed to require Ms. Edmonds to account for her time on a time sheet. The agreements, however, did not specifically address Ms. Edmonds' ability to work away from the office and claim regular working hours by simply being accessible by cell phone.

LALB and LSBID Office Hours

The LALB and LSBID have no regular, posted, office hours. Ms. Edmonds explained that her work times vary at the office because she does not work in "the kind of office where there is a lot of walk-by or stop-by traffic," which is why the boards have allowed her to work away from the office as long as she is accessible by cell phone. However, Ms. Edmonds believes the majority of her time is spent at the office. She stated that she does not consider the office to be open on an appointment only basis because she is at the office most days, even though she has no regular office hours. Ms. Edmonds keeps no logs of the work she performs outside the office. She prefers to work away from the office due to her own safety concerns.

Ms. Edmonds stated that she is an unclassified state employee with no set schedule who can work from home or the office. She further stated that she usually performs her job duties between 9:30 am and 4:00 pm on the days that she goes into the office. Ms. Edmonds has two cell phones, both of which are provided and paid for by each board. She stated that the office calls are continuously forwarded to her cell phones. Ms. Edmonds stated that she responds to calls before and after her work hours.

LALB Chairperson Tessa Steinkamp stated that Ms. Edmonds is not required to be in the office every day. This is partly for Ms. Edmonds' safety because Ms. Edmonds is the only employee on duty at the LALB and LSBID office. Ms. Steinkamp stated that the LALB is considering allowing Ms. Edmonds to work nearly exclusively from home because the board is concerned for her safety at the office. Ms. Steinkamp also stated that she may hire a security guard if Ms. Edmonds must work in the office.

According to Ms. Steinkamp, Ms. Edmonds has a laptop to send and receive email, a cell phone that receives office calls, and "goes in everyday and gets the mail." Ms. Steinkamp verified that Ms. Edmonds is considered at work when she has her cell phone with her to conduct business. Ms. Steinkamp stated that she speaks with Ms. Edmonds daily and knows where Ms. Edmonds is each day.

Recommendations:

1. We found that Sandy Edmonds was paid \$1,628 for seven days in 2012 while she was out of state on personal vacations. Both the LALB and LSBID allowed these payments based on Ms. Edmonds' work agreements. Article 7, Section 14 of the Louisiana constitution prohibits the donation of public assets. Public funds should not be expended without the achievement of a corresponding public purpose. The LALB and LSBID should consider recovering those funds from Ms. Edmonds.
2. LALB and LSBID should document its Executive Director's work hours using time sheets and keep an accurate log of accrued and used leave. The timesheets should be reviewed and approved by a board appointed supervisor at the end of each pay period. All leave requests should be approved before the leave is taken. The boards should also consider notifying its Executive Director that her state issued cell phones will be GPS monitored during work hours and require that she keep an itemized log of all tasks performed during paid hours spent outside the office.
3. Ms. Edmonds' work schedule allows her to work from anywhere when accessible by cell phone and email. There is a potential for abuse with this arrangement. The June 2013 work agreement revisions may partly address this by adding that "Annual leave will be taken if traveling out of state unless on board business." However, the board should ensure that Ms. Edmonds is only compensated while accomplishing a public purpose, regardless of which state she is in.
4. According to Ms. Edmonds and Ms. Steinkamp, their office has less customer traffic than other state agencies. Regardless, the LALB and LSBID are state agencies and exist to provide a service to the public. Both boards should consider establishing regular, posted office hours and staff its offices during those hours.
5. Due to workplace security concerns, the LALB and LSBID should consider installing door locks with buzzer access or relocating to a facility where security is provided, such as in a state owned building. Doing so would increase safety and encourage employees to work at the office.
6. The LALB and LSBID provide limited supervision of their Executive Director. Irrespective of the shortcomings of her work agreements, it appears that Ms. Edmonds used the lack of supervision to receive compensation for time spent on personal business and personal vacations. The boards should exercise adequate supervision over its Executive Director to ensure that compensation is commensurate with work performed.
7. Ms. Edmonds admitted in the presence of board attorneys that she failed to tell the truth to OIG investigators. The boards should consider taking appropriate disciplinary action against Ms. Edmonds, up to and including termination.

APPENDIX A

Responses



Louisiana

Office of the Governor
**State Board of Examiners
of Interior Designers**

Bobby Jindal
Governor

October 24, 2013

Stephen B. Street Jr.
State Inspector General
P O Box 94095
Baton Rouge, Louisiana 70804

BOARD MEMBERS

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Deborah Steinmetz, FIIDA, FASID

VICE CHAIR
T.L. Ritchie, IDEC

TREASURER
Keren Hazel

SECRETARY
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RE: Investigation

Dear Mr. Street:

I have been asked to draft this reply to your report by the Louisiana State Board of Examiners of Interior Designers. This is a response to the complaint that you have been investigating now for at least nine months. We have been allowed only 10 days in which to respond, so the entire board has not had an adequate opportunity to review this response. However, we do ask that the information contained herein be submitted with your report. We also ask that you remove certain untrue allegations as stated below.

As a summary, the Board does agree to review all of the allegations and recommendations. The suggested responses are contained herein. Further, we believe that many of the statements in your report are not substantiated by fact or by law. We do reserve the right to answer this report further, and to ask for further investigation of the basis for the complaint herein. Please be advised that the arrangement entered into by this Board was reviewed and approved by Civil Service as an unclassified position. The entire agreement was based upon an annual salary being paid by the Board to Ms. Edmonds for a part-time position in which performance was paramount, not a minute by minute examination of what was done. She was asked to perform certain duties, which she has done admirably.

Because her working arrangement was contemplated as an annual salary based upon performance, many of the items you mentioned are not applicable to her situation. However, as I mentioned earlier, we are reviewing all of the elements of your report and performing an internal investigation as a Board to remedy these misconceptions for both the Board and Ms. Edmonds.

The Board feels that Ms. Edmonds has done an excellent job in the position, superior to others who have held similar positions. She responds to requests by email and telephone outside of regular work hours, and she always provides quality work. The Board believes that telecommuting is an appropriate way to handle part of Ms. Edmonds working arrangement. This allowed the Board to hire someone of Ms. Edmonds' quality and experience for the job, which is really only part-time. The state encourages

Mr. Street
October 24, 2013
Page 2

telecommuting as a means to provide a more flexible and more productive work environment and promote a more productive workforce.

It should be noted that your investigation concerned only 2012 events. We have already remedied some of these issues.

Response to Recommendations:

1. Leave for personal vacations. The original work agreement executed by the Board and Ms. Edmonds specifically stated that Ms. Edmonds would take leave for those dates on which she does not answer the telephone or return emails. Because she was available for these actions, and has answered the telephone for the Board and returned email for the Board while out of town, we did not penalize her for these actions. Prior to the issuance of the report, Ms. Edmonds agreed to take leave for that time she is out of town. The Board will decide whether to allow her to work while she is on vacation when it reviews this report. The work agreement would have to be revised for that purpose. Ms. Edmonds has already adjusted her accumulated leave for the days suggested in your report.
2. Time sheets and leave. In 2013 the Board revised the agreement with Ms. Edmonds that states as follows;

Edmonds will be required to have leave slips approved by her supervisor. She will be asked to account for all leave accrued and all leave used. When on annual or sick leave the Board will be responsible for 62 percent of all leave taken. The other board for which she is employed, the Louisiana Auctioneers Licensing Board, will be responsible for 38 percent of all leave. Therefore, if she takes leave for an eight hour day, the Board will be responsible for 5 hours only. Annual leave will be taken if traveling out of state unless on board business.

This should resolve the issue of leave. This procedure has been put in place for 2013.

With regard to time sheets, the following agreement has also been adopted by the board and Ms. Edmonds:

Edmonds is required to account for her time on a time sheet. Time sheets will be sent to chairman or treasurer before any payment is made.

This procedure was also adopted by the Board for 2013. Prior to that date, because this is

a salaried position, time sheets were not required. The point of the contract was performance, and Ms. Edmonds performed to the requirements of the Board. The Board has always expressed its satisfaction with her performance.

3. As stated above, the Board has already adopted the change in leave and time sheets mentioned in this paragraph. This should remedy the issue. The Board is cognizant of the issue, and may further address this at a future meeting of the Board.
4. The Board has never had foot traffic of any measurable amount since the inception of the Board. Most licensees regulated by the Board do not live in the Baton Rouge area, and would not make a trip to visit the office without making an appointment. Ms. Edmonds is available for appointments with anyone in the public who requests one. This is a part time position, and Ms. Edmonds is not expected to be in the office from 9 - 5. She often may be at another state agency for state reasons. As stated earlier, telecommuting is an approved method of allowing Ms. Edmonds to work from home or elsewhere to maintain a full time response to inquiries or requests from the public without having to pay her or another employee to be in the board office. It should be noted that prior to the re-combination of the two board jobs, the Board's employee was in the office in the morning only, and did not respond to inquiries in the afternoon or on weekends. The decision by the Board to allow her to work at home as well as the office was one to provide service to the public on a more full time basis, as opposed to the limited services provided prior to her hiring.
5. The Board is always conscious of security issues and will address the issues at a future meeting.
6. This statement is wrong. Ms. Edmonds is the Executive Director, and, as such, is the highest ranking individual who works day to day for the Board. Ms. Edmonds is in communication with other board members or responding to board members with issues. The board chairman and treasurer are in frequent communication with and knowledgeable of the work of the executive director. As a result, she is in fact supervised by the board and she is fulfilling her requirements of performance in the job as opposed to a minute-by-minute study of what she has done. She gives a report at every board meeting of her accomplishments.
7. The Board takes the statement of her misstatements seriously. We have spoken with Ms. Edmonds regarding those statements. In part these statements were not correct but we believe that there was a reason for her statements. Further, she did retract those statements as soon as she could in the next meeting with investigators, which indicates her lack of intent to deceive you.

OTHER RESPONSES

Again, we would ask that this response be added to your report. We would ask that your report be corrected to remove unsubstantiated allegations and innuendo that should not be part of the report of any investigation. For example:

1. You stated in the executive summary that "according to her work agreement, Ms. Edmonds is allowed to tend to personal business while being compensated to work from home." The work agreement does not allow this. This statement is not repeated or substantiated anywhere else in the body of the report. Apparently, this is not true based upon your own report and should be removed.
2. The work agreements to which you refer in the executive summary both recognized that Ms. Edmonds was on a salary basis and that she did not have to take leave as long as she was available to the Board. The Board made the decision that the need to respond to the public and to the licensees was more important than where she was at the time she made that response. That has been changed prior to the issuance of your report. You have noted this fact in the report.
3. In the executive summary you state that there are no set, staffed business hours during the regular work week. As noted above, that is a decision the Board made when it created the work agreement so that Ms. Edmonds could respond to the 9-5 workday inquiries and tasks on a flexible part-time schedule through telecommuting. This allows the Board to pay only a part-time salary but the communication is available on a full-time business hours schedule. Appointments are scheduled for those who wish to meet with the Director to insure that she is there when needed and that the required service is provided to the public.

This Board has never had a full time employee, and has never seen the need for a full-time employee to be in the office. The Board feels that this statement does not recognize the Board's decision in entering into this decision. Further, there is no legal basis for requiring such a full time office hour arrangement. A review of other state boards indicates that there are other boards that do not even have employees in a board office during business hours.

4. You note that Ms. Edmonds stamps the time sheets with the chairman's signature stamp at each meeting. Ms. Edmonds has always submitted her pay requests for this Board to the Treasurer. The Treasurer reviews all bills. Prior to this year, however, no time sheets were required pursuant to her work agreement.

Mr. Street
October 24, 2013
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Sincerely,

A handwritten signature in black ink, appearing to be "Anna E. Dow", written in a cursive style with a large loop at the end.

Anna E. Dow
General Counsel to the Board



Louisiana
Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

October 25, 2013

11736 Newcastle Avenue
Bldg. 2, Suite C
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Mr. Stephen B. Street, Jr.
Inspector General
P.O. Box 94095
Baton Rouge, Louisiana 70809-9095

Re: Louisiana Auctioneers' Licensing Board (LALB) and
Louisiana State Board of Interior Designers (LSBID)

Dear Mr. Street:

As chairman of the LALB, I have reviewed your draft investigative report. It is our belief that our Board has previously addressed all of the issues raised in your report. Since our Board only meets every other month, the full Board has not had the opportunity to officially review this response. I have reviewed the response prepared on behalf of the Interior Designers Board. I would adopt the responses of LSBID that are general in nature.

As we have discussed with your staff, the LALB and LSBID are public entities with only one shared staff member. This arrangement between the two boards was to eliminate unnecessary, duplicative costs related to staff and expenses. Previously, each board employed one full-time staff member and a student worker. Now our staff member Sandy Edmonds performs all of her duties for both boards under a work agreement that was prepared by our legal counsel.

This contractual arrangement presented to Sandy Edmonds was to save the licensees and state fisc by having Edmonds perform the administrative functions for both boards. The boards share office space in order to reduce expenses. There are no other employees. Edmonds responds to telephone calls and emails even outside normal work hours. As you are aware, both boards only meet every other month. As board chairman, I am in contact with Sandy Edmonds nearly every day dealing with questions and responding to issues related to LALB. All of the work performed by Edmonds has been consistent with the work agreement provided to her by each board. I believe that I can speak for all the members of our board; Sandy Edmonds has been an outstanding employee.

The only complaint concerning Edmonds has come from Robert Burns. Mr. Burns is the same individual who has filed at least five lawsuits against Edmonds, the board, and the board's legal counsel. Mr. Burns is proud of the fact that he has cost our board thousands of dollars in legal fees defending these cases and has bragged about it to at least one other board.

It appears that the initial work agreements prepared by the boards were seen as deficient by your office. We have amended those agreements on June 4, 2013, to provide greater detail of our arrangement. It is clear from the telephone records of both boards that while on vacation Edmonds continued to perform work in accordance with her duties as executive director. Your office examination of the telephone records confirms that even on days in which she took annual leave; Edmonds continued to respond to all inquiries. Your investigator stated during his interview that, "We have no problem if she wants to work for free on her vacation." Hiring an additional employee does not seem to be solution to your office's concerns. We believe that the current arrangement with Edmonds has been acceptable to the board and the licensees. This is due to the fact that she takes her job seriously and responds to calls and emails even when she is away from the office and on vacation. We do not expect Edmonds to "work for free."

As indicated, we have reviewed the report and make the following specific responses to your office's recommendations.

Recommendation #1:

Corrective Action Response:

Sandy Edmonds was paid in accordance with the terms of the initial work agreement. During the seven days in question, Edmonds performed all of her functions related to both boards while on vacation. In an effort to fairly attribute a portion of her vacation to work, Edmonds claimed a portion of time while out of state. Because of the unclear nature of the work agreement, Edmonds has taken annual leave to offset any claim for work performed during this period of time. In the future, annual leave will be taken by Edmonds for any vacation and there will be no obligation for the employee to perform services during this time period. The boards have now been fully compensated by Edmonds for any time suggested in the report.

Recommendation #2:

Corrective Action Response:

The Boards have previously amended the work agreement with Sandy Edmonds to provide more direction to Edmonds. Edmonds is presently maintaining time sheets, work hours and the board chairman is reviewing leave and time for each pay period. The new work agreement has dealt with this issue.

Recommendation #3

Corrective Action Response:

The board has already made changes in the work agreement that insures that there is appropriate supervision. We believe that there is sufficient documentation from the records that Ms. Edmonds is being compensated only for "public purpose" work.

Recommendation #4

Corrective Action Response:

There is no legal or mandatory requirement that the office have set hours. There is literally no foot traffic with this office. The job is getting done and we have had no complaints concerning the issue of regular office hours. While I do recognize that these boards are state agencies, it does not mean that it must maintain an additional office staff simply to indicate that you are "open to the public". We will examine the possibility that our office could be moved to a location with a common receptionist that could receive packages and provide some limited information.

Recommendation #5

Corrective Action Response:

Your recommendation of increased security is under consideration. The two boards will discuss the feasibility of making these changes. There is a real concern for the safety of our sole employee. The past actions of some individuals make this a real concern. In the past we have surveyed the possibility of relocating our office to another facility. In the past we have been unable to locate a suitable arrangement for office space.

Recommendation #6

Corrective Action Response:

Sandy Edmonds reports directly to me as chairman of LALB. The board does adequately supervise Edmonds. I speak to Edmonds on nearly a daily basis. Having not received any complaints concerning her work, I believe we are adequately supervising the sole employee of these two boards.

Recommendation #7

Corrective Action Response:

It was clear to me that Edmonds was of the belief that the performance of work while on vacation was authorized and available. Her desire to be responsive while even on vacation was something we should honor. Because of previous actions the board has expressed concerns for Edmonds' safety while working alone in the office. These are real concerns that both boards are aware.

We appreciate the efforts of your staff in preparing this report and if there is further assistance we can provide please feel free to contact me directly.

Sincerely,



Tessa Steinkamp, Chairman

Eleven copies of this public document were published in this first printing at a cost of \$59.00. The total cost of all printings of this document, including reprints is \$59.00. This document was published by the Office of State Inspector General, State of Louisiana, Post Office Box 94095, 150 Third Street, Third Floor, Baton Rouge, LA 70804-9095 to report its findings under authority of LSA-R.S. 39:7-8. This material was printed in accordance with the standards for printing by state agencies established pursuant to LSA - R.S. 43:31.

A copy of this report has been made available for public inspection at the Office of State Inspector General and is posted on the Office of State Inspector General's website at www.oig.louisiana.gov. Reference should be made to Case No. CID-13-032. If you need any assistance relative to this report, please contact Stephen B. Street, Jr., State Inspector General at (225) 342-4262.

REPORT FRAUD, WASTE, AND ABUSE

To report alleged fraud, waste, abuse, or mismanagement relative to state programs or operations, use one of the following methods:

- Complete complaint form on web site at www.oig.louisiana.gov
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