

FREDDIE PHILLIPS

593.366 24  
NUMBER \_\_\_\_\_ DOCKET:

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

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BOARD, and  
JAMES KENNETH COMER, JR., Chairman & Custodian of  
Records, Louisiana Auctioneer's Licensing Board

STATE OF LOUISIANA

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**PETITION FOR WRIT OF MANDAMUS TO THE NINETEENTH JUDICIAL  
DISTRICT COURT, STATE OF LOUISIANA  
AND PETITION FOR DAMAGES**

NOW UNTO COURT comes Plaintiff, Freddie Phillips, in proper person, who  
asserts the following:

1.

CERTIFIED TRUE COPY  
005111  
DEPUTY CLERK OF COURT  
That he is a person of the full age of majority and resides in the Parish of East  
Baton Rouge, State of Louisiana.

2.

Made Defendants in this petition for mandamus and damages are:

LOUISIANA AUCTIONEER'S LICENSING BOARD (LALB), an executive  
agency of the State of Louisiana and a body corporate with the power to sue and  
be sued whose office at all times pertinent herein is located in the Parish of East  
Baton Rouge, State of Louisiana, and who has appointed as its Agent for Service  
of Process, James Kenneth Comer, Jr., Chairman, 1158 E Gallagher Road,  
Jennings, LA 70546-3238.

JAMES KENNETH COMER, Jr., in his capacity as Chairman and Custodian  
of Records, Louisiana Auctioneer's Licensing Board, a major resident and  
domiciliary of the Parish of Jefferson Davis.

3.

Petitioner petitions the 19<sup>th</sup> Judicial District Court for the issuance of a  
writ of mandamus to command the LALB and James Kenneth Comer, Jr., in his capacity  
as Chairman and Custodian of Records of the LALB, to surrender copies of public  
documents as requested by Petitioner through certified letter sent to LALB Legal Counsel  
Anna Dow dated May 28, 2010. Specifically, petitioner shows this court:

**I. BASIS FOR JURISDICTION**

This petition for mandamus is brought under Article 12, Section 3 of

Louisiana's Constitution stating that no person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law. Enforcement is sought under RS 44:35.

## II. FACTS UPON WHICH PETITIONER RELIES

1. By letter dated May 28, 2010 sent certified to LALB Legal Counsel Anna Dow, Petitioner requested copies of certain public documents pertaining to the LALB. A copy of the letter is included with this petition as Plaintiff's Exhibit

1. A copy of the return receipt for the certified letter is included as Plaintiff's Exhibit 2.

2. Ms. Dow responded soon thereafter that Petitioner did not follow proper channels for obtaining the information. A copy of Ms. Dow's written response is included as Plaintiff's Exhibit 3.

3. Upon further subsequent follow-up efforts on the part of Petitioner to obtain the requested documents, Petitioner, along with all other members of the LALB, received a letter from LALB Chairman James Kenneth Comer, Jr. dated June 18, 2010 relaying all document requests must flow through him. A copy of that letter is included as Plaintiff's Exhibit 4.

4. During the LALB meeting of August 2, 2010, Mr. Comer was declared to be the official Custodian of Records for the LALB and, despite the fact Ms. Anna Dow, LALB Legal Counsel who originally received the certified letter, Ms. Sandy Edmonds, LALB Executive Assistant and the one who would assimilate the documents, and Chairman and Custodian of Records Comer were all seated next to each other, Petitioner was nevertheless told the certified letter would not be processed and that a new request would have to be submitted. Further, when Board Member Delmar E. "Buster" Gay inquired of Petitioner why he was seeking the records, Chairman Comer responded, "That's what I'm wondering. That's exactly what I'm wondering."


4.

The aforementioned Defendants are liable unto Petitioner for an amount which is reasonable in the premises and which will fully and adequately redress him for his injuries and losses.

WHEREFORE, petitioner, FREDDIE PHILLIPS, prays that the Defendants, LOUISIANA AUCTIONEER'S LICENSING BOARD and JAMES KENNETH COMER, JR., in his capacity as Chairman and Custodian of Records of the Louisiana Auctioneer's Licensing Board, be duly served with a copy of this petition, and cited to appear and answer same and, after all legal delays and due proceedings had, there be a judgment herein in favor of petitioner, FREDDIE PHILLIPS, and against defendant, LOUISIANA AUCTIONEER'S LICENSING BOARD and JAMES KENNETH COMER, JR., in his capacity as Chairman and Custodian of Records of the Louisiana Auctioneer's Licensing Board, awarding him all damages for the prosecution of this action, including costs associated with the action and for any and all other relief, legal or equitable, which may be available under the premise of this cause. Petitioner further prays that this Honorable Court issue a writ of mandamus commanding defendants to produce copies of the records requested by petitioner in his certified letter dated May 28, 2010.

Respectfully Submitted,

Freddie Phillips, in proper person  
Member, LA Auctioneer's Licensing Board  
8055 Hanks Drive  
Baton Rouge, LA 70812  
(225) 229-3341 (cell)  
E-mail: [freddiephillips@bellsouth.net](mailto:freddiephillips@bellsouth.net)



**PLEASE SERVE:**

**LOUISIANA AUCTIONEERS LICENSING BOARD**

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

**ANNA DOW**

Legal Counsel, LALB  
1434 N Burnside, Ste 14  
Gonzales, LA 70737

**JAMES KENNETH COMER, JR.**

Chairman, LALB  
1158 E Gallagher Road  
Jennings, LA 70546-3238

Freddie Phillips  
8055 Hanks Drive  
Baton Rouge, LA 70812-4122

DELIVERED VIA CERTIFIED MAIL: ARTICLE # 7005 2570 0000 1067 4187  
DUPLICATE SENT VIA REGULAR MAIL

May 28, 2010

MS ANNA DOW, LEGAL COUNSEL  
LA AUCTIONEERS LICENSING BOARD  
1434 N BURNSIDE STE 14  
GONZALES LA 70737-2155

Dear Ms. Dow:

At the LALB Board meeting of May 17, 2010, a substitute motion was voted upon entailing sending another member of the Board to the NALLOA Conference in Greensboro, North Carolina in July if neither Chairman Comer nor Vice Chariman Steinkamp could attend. As you are aware, I had made known my desire to go and the fact I'd gone the prior two years at my own expense and the fact that I'd been approved for 2008 cost reimbursement by the Board but never received that reimbursement. As you know, the substitute motion failed by a vote of 5-2. Those in favor were myself and Board Member Burns. Those in opposition to the substitute motion were Chairman Comer, and Board Members Brister, Bordelon, Gay, and Steinkamp.

By way of this certified letter, I ask that you provide me with a list of all Board Members who have been reimbursed for travel to the NAA/NALLOA conference since January 1, 2000. I ask that the list be itemized by officer title should any attendees who attended hold a title with the Board. I also ask that the amounts of their respective individual TOTAL reimbursements be included with the list.

I also request that you provide me with any written evidence of the LALB having ever voted against sending a Board member to the annual conference after the Board member expressed interest in attending the conference at any meeting prior to May 17, 2010.

Sincerely,



Freddie Phillips



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms Anna Pow  
1434 N Burnside Ste 14  
Gonzales LA 70737-2159

2. Article Number

(Transfer from service label)

7005 2570 0000 1067 4187

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Signature]* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

*A. Hunt*

C. Date of Delivery

*8/1/80*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

P2

# ANNA E. DOW

ATTORNEY AT LAW

1434 N. BURNSIDE AVENUE, SUITE 14  
GONZALES, LOUISIANA 70737  
225- 644-1865  
225-644-1860 (FACSIMILE)  
E-MAIL: ANNADOW@BELLSOUTH.NET

June 1, 2010

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

**Re: Request for Information**


Dear Mr. Phillips:

I have received your request for information regarding financial records of the Louisiana Auctioneers Licensing Board.

Please be advised that I do not have in my possession financial records of the Louisiana Auctioneers Licensing Board. I therefore do not have the information to respond to your request. That question should be directed to the Board itself.

I do apologize that I cannot answer your question. I did speak with Mr. Comer about this, and he asked me to ask you to call him to discuss this.

Sincerely,



Anna E. Dow



pc: Ken Comer  
Sandy Edmonds



*Louisiana*

**Office of the Governor  
Auctioneers Licensing Board**

Bobby Jindal  
Governor

June 18, 2010

Board Members,

This letter is to serve as official notice that anyone requesting an item be added to a board meeting agenda must contact the chairman of the board directly.

In addition, the chairman must be directly contacted to request records from the office.

Thank you for your cooperation in this matter.

*Ken Comer*

Ken Comer  
Chairman

5222 Summa Court  
Suite 352  
Baton Rouge, LA 70809

Telephone: 225.763.5568  
Fax: 225.763.5598

Email: [admin@LALB.org](mailto:admin@LALB.org)  
Web Address: [www.LALB.org](http://www.LALB.org)

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