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ROBERT BURNS

NUMBER _____ DOCKET:

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BOARD

STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW UNTO COURT comes Plaintiff, Robert Edwin Burns, in proper person, who asserts the following:

1.

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 Defendant in this petition for damages is:

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 whose Chairman and representative for Service of Process is Mr. James Kenneth Comer, Jr., Chairman, 1158 E Gallaughier Road, Jennings, LA 70546-3238.

3.

The LALB held a regular meeting on Monday, September 20, 2010 at noon.

4.

At that meeting, which was monitored by a deputy of the East Baton Rouge Parish Sheriff's Office, all members of the public, including Advocate reporter Ted Griggs, were informed that they would not be permitted access to the meeting room and would instead be required to stand in the hallway.

5.

Reporter Griggs inquired of LALB Legal Counsel Anna Dow as to what Louisiana Statute she could cite giving her the authority to mandate that he could not be

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in the meeting room. Ms. Dow acquiesced to Mr. Griggs remaining in the room; however, he was the only public member permitted to do so.

6.

Petitioner twice sought to be recognized to speak at the meeting by quietly holding his arm and hand up in direct sight of LALB Chairman Comer.

7.

On both occasions, separate agenda items were under consideration.

8.

Regarding the first occasion, transpiring at the approximate 9:30 mark when Petitioner inquired of Chairman Comer regarding whether he would be permitted to speak, Chairman Comer stated, "Mr. Burns, you have not been recognized."

9.

Regarding the second occasion, occurring at the approximate 1:00:30 mark, Petitioner stated verbally into the record, which is reflected on tape, that he had been denied the opportunity to speak by way of Chairman Comer blatantly ignoring his raised hand. Chairman Comer stated, on tape, that Petitioner, along with any other public members, would be permitted to speak **ONLY** at the conclusion of the meeting.

10.

In both instances, and for the entirety of the meeting, Defendant blatantly violated RS 42:14(D), which states: 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 allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken.** The governing body may adopt reasonable rules and restrictions regarding such comment period.

11.

The aforementioned Defendant is 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, ROBERT EDWIN BURNS, prays that Defendant, 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, ROBERT EDWIN BURNS, and against defendant, 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.

Respectfully Submitted,

Robert Edwin Burns, in proper person
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PLEASE SERVE:

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