

**LOUISIANA AUCTIONEERS LICENSING BOARD
STATE OF LOUISIANA**

**PROPOSED STIPULATED JUDGMENT
AS TO FINDINGS OF FACT AND TO VIOLATIONS OF STATUTE**

Jean Vidos Auctioneer, License Number LA-1015

February 27, 2012

Jean Vidos

The Louisiana Auctioneers Licensing Board, after conducting a confidential investigation is of the opinion that you violated the following sections of the Louisiana Auctioneers Licensing Act (the Act).

You have agreed to the following findings of fact and violations of the Louisiana Auctioneers Licensing Act (the Act).

New Orleans Auction Gallery, Inc.'s ("NOAG") escrow account was used to pay bills other than to pay itself a fee and to pay consignors.

LSA-R.S. 37:3125 (A) states that

(A) All funds derived from an auction sale paid to an auctioneer licensed in this state or to a person, corporation, firm or combination thereof which conducted the sale, shall be deposited in one or more identifiable bank accounts maintained in the state in which the auctioneer is situated and no funds belonging to the auctioneer shall be deposited therein except as follows:

- (1) Funds reasonably sufficient to pay bank charges may be deposited therein.
- (2) Funds belonging in part to the person who employs the auctioneer and in part to the auctioneer must be deposited therein, but the portion belonging to the auctioneer may be withdrawn when due unless the right of the auctioneer to receive it is disputed by the person who employs the auctioneer, in which even the disputed portion shall not be withdrawn until the dispute is finally resolved.

The obligations paid out of NOAG's "escrow" account paid bills beyond the scope of the restrictions provided in Section 3125(A). That escrow account became overdrawn when it was mistakenly frozen by NOAG's bank. New Orleans Auction Gallery filed bankruptcy and control of the subsequent escrow account(s) was overseen by the Bankruptcy Court, which currently has oversight of it as well as NOAG.

Further, you failed to pay consignors within the statutory time limits

LSA-R.S. 37:3125 (B) states that

B. Every auctioneer shall pay the consignor within thirty days from the receipt of funds, or within sixty days from the date of sale at auction, whichever is lesser,* or alternatively return to the consignor by that time, all property purchased but not yet paid for, except as provided in Paragraph A(2) of this Section, and render a full account of all sales and all property entrusted to him for sale by anyone employing his services whenever the owner of such money or property demands an accounting. Each auctioneer, surety on his bond, and auction house shall be liable in solido to the owner of goods thereof for all money and property coming into the auctioneer's hands or the hands of the auction house which is unaccounted for.

The Board is authorized to impose various forms of discipline. The Board has determined that as long as the Bankruptcy Court exercises oversight over the escrow account, you may continue to call auctions. You may not manage the escrow account hereinafter while NOAG is in bankruptcy. Instead, Mr. Ralph Cheramie, who has been with NOAG for approximately six years, shall manage the escrow account while the company is in bankruptcy, or such other person as authorized by the Bankruptcy Court, other than you. Once the Bankruptcy Court is not longer exercising control over the escrow account, the following prohibitions will apply:

1. New Orleans Auction Gallery will employ one or more accountant(s) who will ensure that the funds deposited into the escrow account are paid out only as allowed by law. Reports from those accountant(s) will be sent to the Board for review on a monthly basis. These reports will detail the sales which have occurred, the monies received from those sales, and the disbursement with dates to consignors and to NOAG.
2. If you work for any auction business other than New Orleans Auction Gallery in the State of Louisiana, you will notify the Board in writing of any auction at least 30 days prior to the auction, unless you are hired within that 30 day period prior to the auction being held. If the latter is the case, you must notify the Board immediately upon learning that you will handle the auction.
3. These requirements will continue for two years.

By signing this document, you agree to the foregoing findings of fact and the findings of violations of the Louisiana Auctioneers Licensing Law. By signing this document, you agree to the penalties noted herein. You also waive any Notice of Noncompliance.

Should you determine that you do not wish to sign this document and/or pay the fine or submit to probation, then the Board may schedule a hearing to hear a complaint against you for committing the above violations. You would have a right at that time to have a hearing, to be represented by Counsel, to present evidence on your behalf, to appeal any judgment against you, and all other matters which are allowed at such a hearing. By signing this document and paying

how with
no 2012
license?

the fine and submitting to the probationary period of one year, you are waiving that right to have a hearing or be heard on appeal.

By order of the Board this _____ day of _____, 2012.

JAMES SIMS, VICE-CHAIRMAN

LAMAR LITTLE, SECRETARY-TREASURER

GREGORY L. BORDELON


CHARLES CLAYTON BRISTER

CHARLES "HAL" MCMILLIN

CONSENT

The undersigned agrees as follows:

1. She stipulates to the facts found by the Board.
2. She waives the procedural requirements contained in Section 3121 of the Act and also those contained in the Administrative Procedure Act, Section 950 et seq. of Title 49 of the Louisiana Revised Statutes.
3. She further does not contest that she has violated the Louisiana Auctioneers Licensing Act as stated herein.
4. She agrees to comply with the conditions and orders contained in this document; and
5. She agrees not to seek judicial review of the findings and actions taken in this document.


JEAN VIDOS

2-28-12

DATE



59 days after
"the Board" opted
not to renew Ms. Vidos'
license for 2012, yet
not one word of
"the Board's" decision
was revealed at the 1/23/12
LALB meeting!