



*Louisiana*

Office of the Governor  
**Auctioneers Licensing Board**

Bobby Jindal  
Governor

July 23, 2012

Kermit Miller, Manager  
Acadia Rice Arena  
159 Cherokee Drive  
Crowley, LA 70526

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

Telephone: 225.295.8420  
Fax: 225.372.8584

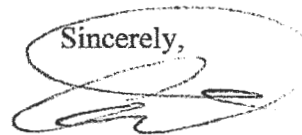
Email: [admin@LALB.org](mailto:admin@LALB.org)  
Web Address: [www.LALB.org](http://www.LALB.org)

**Re: Wade Deshotels**

Dear Mr. Miller:

Please find enclosed a copy of the Cease and Desist Order served upon Mr. Deshotels on Thursday, July 19, 2012. Mr. Deshotels may not auction, and because his business relies on his individual license, it may not conduct auctions. If this situation changes, I will advise you.

If you have any questions, please do not hesitate to contact me or Ms. Edmonds, the board's executive director.

Sincerely,  


Anna E. Dow  
Attorney

Pc: Sandy Edmonds

BY HAND DELIVERY

SERVED UPON Wade Deshotels ON THE 19<sup>th</sup>  
DAY OF July, 2012.

J Steele  
JIM STEELE

OR

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
RECEIPT NUMBER \_\_\_\_\_

# Louisiana Auctioneers Licensing Board

11736 Newcastle Avenue, Bldg. 2, Suite C, Baton Rouge, LA 70816

(225) 295-8420

[www.lalb.org](http://www.lalb.org)

**Auction Business Investigation**

**July 19, 2012**

## **Dealers and Consignment Auction**

**Acadia Rice Arena**

**159 Cherokee Rd.**

**Crowley, LA 70526**

**Wade Deshotels Lic. No. 842**

On July 16, 2012 I, Inv. J. E. Steele was contacted by the Board's attorney, Ms. Anna Dow, regarding an upcoming auction in Crowley. The auctioneer, Wade Deshotels, had failed to renew his license. The Board had also received information he allegedly is selling items to his daughter without properly advancing the bids. She takes them and sells them for more money at another business. This allegation has additional credibility in that when Ms. Dow attempted to contact Mr. Deshotels, the daughter said she had the wrong number. Another issue with Mr. Deshotels is that he has not furnished an updated physical address. I checked the Office of Motor Vehicles database and found he lists his address as 1622 Rail Road in Pine Prairie, LA 70576.

On July 19, 2012 I travelled to the auction site. At first it appeared the auction was largely livestock (chickens, ducks, and rabbits). But, there were several tables set up with general merchandise.

I was looking at the merchandise when Mr. Deshotels asked me if I was looking for somebody. When I replied that I was looking for the auctioneer, he stated he was "one of them". I then advised him of the reason for my visit and personally served him with the cease and desist order prepared by Ms. Dow. He stated there was some mistake as "the boy" had straightened it out with the Board. I informed him that nevertheless he would not be allowed to call the auction.

I then contacted Bobby Manuel. I asked for his license and he showed it to me. I informed him he would be responsible for the entire auction, including accounting. He seemed surprised, but stated he would do that.

When the auction began, Mr. Manuel made the opening announcements. He stated there would be no buyers' premium, so no example was given. He also stated sales tax, if applicable, would be collected. He also stated all checks must be made payable to him and that this was not an absolute auction. There would be a reserve on some items.

The auction continued with few incidents. There were several times the clerks had to check with Manuel, but nothing more than that. I did not see any incidents of Manuel failing to advance the bids. Most of the items were sold for less than twenty dollars. Mr. Deshotels acted as a bid assistant, but did not call any bids. I remained there until all the general merchandise was sold. At that

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point, Mr. Deshotels turned the bird auction over to another bid assistant and took no active part in the auction.

## **Further Investigation**

The auction appeared to have been properly called and there were few incidents. However, it was obvious that without my intervention Mr. Deshotels was going to call at least part of the auction. It was also obvious that Mr. Manuel was not expecting to have to handle the money. There was no change in auction staffing, which would indicate the same methods of accounting were being used after I served the papers on Mr. Deshotels, as before. To determine the Board's instructions were complied with, I suggest we subpoena the records from this auction.

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**Auction Business Investigation**

**July 26, 2012**

## **Dealers and Consignment Auction**

**Acadia Rice Arena**

**159 Cherokee Rd.**

**Crowley, LA 70526**

**Wade Deshotels Lic. No. 842**

On July 26, 2012 I, Inv. J. E. Steele contacted the manager of the Acadia Rice Arena, Mr. Kermit Miller. He stated as far as he knew the auction was going to be conducted as scheduled. I then travelled to the auction site in order to conduct a follow up investigation into the activities of Mr. Deshotels. I was there for the purpose of making sure Mr. Deshotels did not conduct the auction, as scheduled.

I arrived at the arena at 6:15 PM. There were a number of consignors there, but neither Mr. Deshotels nor Mr. Manuel was present. I waited there until 7:00 PM, but neither of the auctioneers had shown up. I checked back at 8:00 PM, and one of the consignors stated the auctioneer wasn't going to come this evening, but would be back the following Thursday. I then returned to Baton Rouge.

No auction was conducted.

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**Auction Business Investigation  
August 2<sup>nd</sup>, 2012**

## **Dealers and Consignment Auction**

**Acadia Rice Arena**

**159 Cherokee Rd.**

**Crowley, LA 70526**

**Wade Deshotels Lic. No. 842**

On August 2<sup>nd</sup>, 2012 I, Inv. J. E. Steele travelled to the Acadia Rice Arena in order to conduct a follow up investigation into the activities of Mr. Deshotels. I was there for the purpose of making sure Mr. Deshotels did not conduct the auction, as scheduled.

The merchandise was essentially the same as in the first auction that I attended: general merchandise, rabbits, chickens, and ducks. The auctioneer was Bobby Manuel and Mr. Deshotels worked the ring, along with another man, who I did not know.

I remained at the auction until 9:00 PM when most of the merchandise had been sold. During that time period, Mr. Manuel was the only auctioneer. Mr. Deshotels only worked the ring.

# Louisiana Auctioneers Licensing Board

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**Auction Business Investigation  
August 23<sup>rd</sup>, 2012**

## **Dealers and Consignment Auction**

**Acadia Rice Arena**

**159 Cherokee Rd.**

**Crowley, LA 70526**

**Wade Deshotels Lic. No. 842**

On August 23<sup>rd</sup>, 2012 I, Inv. J. E. Steele employed a cooperating individual to travel to the Acadia Rice Arena in order to conduct an observation of the auction allegedly conducted by Mr. Deshotels

The cooperating individual was briefed and given photographs of Mr. Deshotels and Bobby Manuel, the other auctioneer who had been calling the auction.

Approx. 10:00 PM the cooperating individual contacted me by phone and stated Bobby Manuel had called the auction and Mr. Deshotels worked the ring. There was nothing else unusual to report.

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**Auction Business Investigation  
September 6<sup>th</sup>, 2012**

**Dealers and Consignment Auction  
Acadia Rice Arena  
159 Cherokee Rd.  
Crowley, LA 70526  
Wade Deshotels Lic. No. 842**

On September 6<sup>th</sup>, 2012 I, Inv. J. E. Steele employed a cooperating individual to travel to the Acadia Rice Arena in order to conduct an observation of the auction allegedly conducted by Mr. Deshotels

The cooperating individual was briefed and given photographs of Mr. Deshotels and Bobby Manual, the other auctioneer who had been calling the auction.

Approx. 9:30 PM the cooperating individual contacted me by phone and stated Bobby Manuel had called the auction and Mr. Deshotels worked the ring.

There was nothing else unusual to report.



# Louisiana Auctioneers Licensing Board

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**Auction Business Investigation  
September 27<sup>th</sup>, 2012**

**Dealers and Consignment Auction  
Acadia Rice Arena  
159 Cherokee Rd.  
Crowley, LA 70526  
Wade Deshotels Lic. No. 842**

On September 27<sup>th</sup>, 2012 I, Inv. J. E. Steele travelled to the Acadia Rice Arena in order to conduct a follow up investigation into the activities of Mr. Deshotels. Prior to leaving, I contacted the staff of the arena to make sure the auction was still scheduled and it was.

The merchandise was essentially the same as in all the other auctions that I attended: general merchandise, rabbits, chickens, and ducks. The auctioneer was Bobby Manuel and Mr. Deshotels worked the ring, along with another man, who I did not know.

I remained at the auction until 9:00 PM when most of the merchandise had been sold. During that time period, Mr. Manuel was the only auctioneer. Mr. Deshotels only worked the ring.

**LOUISIANA AUCTIONEERS  
LICENSING BOARD**

**DOCKET NUMBER 12-005**

**VERSUS**

**LOUISIANA AUCTIONEERS  
LICENSING BOARD**

**WADE DESHOTELS  
LICENSE NUMBER 842**

**STATE OF LOUISIANA**

**NOTICE OF HEARING**

**TO: WADE DESHOTELS  
Post Office Box 317  
Pine Prairie, LA 70576**

**YOU ARE HEREBY ORDERED TO APPEAR AT 1:00 P.M. ON THE 5<sup>TH</sup> DAY OF NOVEMBER, 2012, AT THE LOUISIANA MUNICIPAL ASSOCIATION, 700 NORTH 10<sup>TH</sup> STREET, BATON ROUGE, LOUISIANA, 70802, FOR A HEARING ON THE COMPLAINT FILED AGAINST YOU.**

This hearing is to be held pursuant to the authority granted by LSA-R.S. 37:3107 and LSA-R.S. 37:3121, which grants the Louisiana Auctioneers Licensing Board the authority to refuse to issue, suspend, revoke or impose probationary or other restrictions on any license issued pursuant to the Auctioneers Licensing Law, LSA-R.S. 37:3101 et seq.

This hearing will be based upon the allegation that you have continued to call auctions without a valid auctioneer license.

Specifically, your license to auction in the State of Louisiana lapsed on December 31, 2011. You have failed to renew that license. You do not have a current license or bond to call an auction in this state. Further, it is believed that you have called numerous auctions since January 1, 2012.

Further, you have failed to respond to a subpoena which was issued on July 25, 2012, with a return date of August 31, 2012, to produce certain documents. You have failed to do so.

The auction of items without a license may be a violation of the Louisiana Auctioneers Licensing Statute, specifically Section 3105 which provides that auctions be conducted by a duly licensed auctioneer and auction firm.

The failure to respond to a subpoena issued by the Board may be a violation of Section LSA-R.S. 37:3112 (B)(4), which states that the Board has the authority to authorize and issue subpoenas to require attendance and testimony and the production of documents for the purpose of enforcing the laws relative to auctions and securing evidence of violations thereof.

## PENALTIES AND RULES OF THE HEARING

Disciplinary action as defined by the Louisiana Auctioneer Licensing Law includes the following:

- a. Suspension of your license.
- b. Revocation of your license.
- c. Refusal to renew your license.
- d. The imposition of probation or other restrictions on your license.
- e. A fine of \$500.00 for each violation if the violation is found to be true. Each individual act or sale is a separate offense and may result in a fine.

Opportunity shall be afforded to all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

A failure to appear may result in the imposition of any of the above disciplinary actions.

The Board does have the power to issue subpoenas on behalf of itself or the licensee. No subpoenas shall be issued until the party who wishes to subpoena the witness first deposits with the Board a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to LSA-R.S. 13:3551 and LSA-R.S. 13:3671.

A subpoena issued pursuant to this Section shall be served by any agent of the agency, by the Sheriff, by any other office authorized by law to serve process in the State of Louisiana, by certified mail, return receipt requested, or by any person who is not a party and who is at least 18 years of age. Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the Board with reference to the value of the time employed and the degree of learning or skill required.

Whenever any person summoned by the Board neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt. It shall be the duty of the judge to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and upon such hearing, the judge shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempt, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

The Board or a subordinate presiding officer or any party to a proceeding before it may

take the depositions of witnesses, within or without the state and may conduct discovery in all manners as provided by law in civil actions. Depositions so taken and admissions, responses, and evidence produced pursuant to discovery shall be admissible in any proceeding affected by the Administrative Procedure Act. The admission of such depositions, admissions, responses, and evidence may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the agency or presiding officer in accordance with the rules of evidence provided in this Chapter.

All proceedings regarding disciplinary action by the Louisiana Auctioneers Licensing Board shall be subject to the Administrative Procedure Act, LSA-R.S. 49:951 et seq., unless superseded by the provisions of the Louisiana Auctioneer Licensing Law, LSA-R.S. 37:3101 et seq. The licensee does have the right to be represented by counsel in these proceedings, although representation by counsel is not mandatory.

All requests for subpoenas or other matters regarding the above hearing should be made to the Auctioneer Licensing Board at 11736 Newcastle, Building 2, Suite C, Baton Rouge, Louisiana, 70816.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2012, at Baton Rouge, Louisiana.

FOR THE AUCTIONEER  
LICENSING BOARD

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ANNA E. DOW  
ATTORNEY

pc: Sandy Edmonds

# BILLING INVOICE

Jim Steele

Baton Rouge, LA 70815

Auction Business Observation	8.23.2012	5.5 hrs. @	\$25.00	\$137.50
Acadia Rice Arena - Wade Deshotels				
Expenses		166 mi. @	\$0.51	\$84.66
Auction Business Observation	9.06.2012	5 hrs. @	\$25.00	\$125.00
Acadia Rice Arena - Wade Deshotels				
Expenses		166 mi. @	\$0.51	\$84.66
Auction Business Observation	9.27.2012	6 hrs. @	\$25.00	\$150.00
Acadia Rice Arena - Wade Deshotels				
Expenses		166 mi. @	\$0.51	\$84.66

Total Hourly:	\$412.50
Total Expenses:	\$253.98
Total:	\$666.48

# BILLING INVOICE

Jim Steele

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Invoice Date: 8.06.2012

Auction Business Observation	7.26.2012	5 hrs. @	\$25.00	\$125.00
Acadia Rice Arena - Wade Deshotels				
Expenses		166 mi. @	\$0.51	\$84.66
Auction Business Observation	8.02.2012	6 hrs. @	\$25.00	\$150.00
Acadia Rice Arena - Wade Deshotels				
Expenses		0 mi. @	\$0.51	\$0.00

Total Hourly:	\$275.00
Total Expenses:	\$84.66
Total:	\$359.66

# BILLING INVOICE

Jim Steele

Baton Rouge, LA 70815

Invoice Date: 7.20.2012

Auction Business Observation	8.19.2012	6 hrs. @	\$25.00	\$150.00
Acadia Rice Arena - Wade Deshotels				
Expenses				\$0.00

Expenses				\$0.00
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Total Hourly:	\$150.00
Total Expenses:	\$0.00
Total:	\$150.00