

**LOUISIANA AUCTIONEERS LICENSING BOARD
NOTICE OF ALLEGATIONS OF FAILURE TO COMPLY**

RED BARN AUCTION - LICENSE NUMBER 1566

August 22, 2011

**TO: Sue White
Red Barn Auction
P O Box 223
Starks, Louisiana 70661**

You have failed to comply with the Louisiana Auctioneers Licensing Statute as follows:

You were served with a subpoena by the Louisiana Auctioneers Licensing Board on July 14, 2011. That subpoena required you to submit the following documents:

All records pertaining to an auction conducted on or about March 26, 2011, in Starks, Louisiana, including but not limited to all clerk sheets, consignor sheets, all records showing deposits and disbursements from the escrow account, consignor's contracts, settlement sheets, receipts to buyers, real property purchase agreements, any document showing lot numbers, item numbers, amounts of sale and commission amounts, sales tax licenses, all sales tax records, occupational licenses, and applicable licenses, such as used motor vehicle licenses or firearm dealer licenses.

A return on that subpoena was filed by you on or about August 16, 2011. That response only contained a report on a consignor identified as #71, Ivan Droddy. It did not contain any of the above documents, which you were required to produce.

Section 3112 (B)(4) of the Louisiana Auctioneers Licensing Law provides that the Board may issue subpoenas for the production of documents for the enforcement of the law in Louisiana. A failure to respond to the subpoena may be a violation of Section 3121 (A)(9), which says


This may be a violation of the Louisiana Auctioneers Licensing Statute, specifically Section 3121 (A) (9), which states

LSA-R.S. 37:3121 (A) (9) states that the board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license issued under this Chapter for any of the following causes: . . .

Violation of any provision of this Chapter or any rules or regulations of the board or rules of conduct promulgated by the board.

Pursuant to Section 961(C) of Title 49, the Administrative Procedure Act, you have fifteen (15) days in which to show that you have complied with the requirements of the Louisiana Auctioneers Licensing Act. Please address any responses which you have to the Louisiana Auctioneers Licensing Board, 5222 Summa Court, Suite 352, Baton Rouge, Louisiana 70809.

FOR THE BOARD



Anna E. Dow
Attorney

Louisiana Auctioneers Licensing Board

5222 Summa Court, Number 352 Baton Rouge, Louisiana 70809
(225) 763-5568

SUBPOENA

TO: Kathleen "Sue" White
Red Barn Auction
4374 Highway 12
Starks, Louisiana 70661

You have been ordered by the Louisiana Auctioneers Licensing Board to produce the following records at the offices of the Louisiana Auctioneers Licensing Board, 5222 Summa Court, Suite 352, Baton Rouge, Louisiana 70809, on or before August 15, 2011:

All records pertaining to an auction conducted on or about March 26, 2011, in Starks, Louisiana, including but not limited to all clerk sheets, consignor sheets, all records showing deposits and disbursements from the escrow account, consignor's contracts, settlement sheets, receipts to buyers, real property purchase agreements, any document showing lot numbers, item numbers, amounts of sale and commission amounts, sales tax licenses, all sales tax records, occupational licenses, and applicable licenses, such as used motor vehicle licenses or firearm dealer licenses.

IF YOU DO NOT produce the above records by the date stated herein, you will be violating the law and may be subject to penalties. **THIS IS YOUR ONLY NOTICE.**

ORDERED BY the Louisiana Auctioneers Licensing Board pursuant to LSA-R.S. 37:3112 (B)(4), on this 6th day of July, 2011.

Louisiana Auctioneers Licensing Board

By: 

Anna E. Dow
Attorney to the Board

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

August 14, 2011

To:

Louisiana Auctioneers Licensing Board

5222 Summa Court Number 352

Baton Rouge, Louisiana 70809

In reply to the Subpoena served:

I regret I have not replied sooner to your request of information. I have been out of town with some medical problems.

I have a small town auction, with most items being auctioned off being yard sale left overs. The only records I have are of the auction itself. I have an escrow account set up, but do not actually use it. Most all consignment proceeds are picked up the night of the sale. I do not hold sellers money except if they are not there, I place the cash monies in an envelope and they usually pick the money proceeds, within a day or so. There are so many item usually brought in, I assign the sellers a table. There are usually so many small items, it would be very hard to itemize each item.

This compliant was filed by Mr. Ivan Droddy. This gentleman showed up with a large amount of items to be auctioned off. He had never been to the auction, I had never met him, ect. He showed up with several tables full of "stuff" including two washers and two dryers, many wooden mini blinds, a container of quilt

scrapes and sewing notions, and many other items. He left me the phone number of a neighbor down the street, because he had no phone for contact. He called several times the next week wanting his "money". He stated he need money for medicine so I paid his for the washers and dryers, to help him. He was unable to be at the next two auctions. I normally will not auction items off unless the sellers are present. His items remained in my way for four weeks. On April 30th auction Mr. Droddy was to be at the auction. He arrived just as the auction was starting. As he was getting his Auction number, he ask to please auction his items off , but he could not stay because his blood sugar was bad, and he left. I proceeded with the auction and auctioned some of his items off. I got no interest in his mini blinds and several other items. After the auction a facet was brought back, had broken parts and I returned the customers money and the pay envelope showed the deduction. Mr. Droddy came by the next Monday for his money. I was not present, my workers said he was very unhappy that I did not sell all his items, I did sell the container of quilt scrapes as one unit, according to him I should have itemized and saved his container. He had never stated that before, only after the fact. He picked up all Items except a file cabinet which is still at the auction house. He called me a couple of days later, upset that he deserved more money. I am assuming he then contacted the Auction Board.

I am at fault for not having him sign a consignment sheet. It was in front of him when he got sick and left. I tried to help this gentleman in every way I could. I am sorry he was unhappy.



Sue White #1566

P.O. Box 223

Starks, Louisiana 70661

Please advise me what to do next.

From: Cady, Stacie [stacie.cady@cpsb.org]
Sent: Friday, October 07, 2011 12:58 PM
To: admin@LALB.org
Subject: RED BARN AUCTION/KATHLEEN "SUE" WHITE

ANNA DOW,

SUE WHITE DID REGISTER WITH OUR OFFICE. WE DO NOT HAVE A JUDGMENT AGAINST HER, BUT WE DO HAVE A TAX LIEN FILED FOR SOME DELINQUENT PERIODS AND SHE IS ALSO NOT CURRENT IN PAYING HER SALES TAX.

SINCERELY,

STACIE CADY
COMPLIANCE MGR
PHONE 337-217-4280 EXT 3406
FAX 337-217-4281

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