

ROBERT BURNS, REV. FREDDIE LEE
PHILLIPS

NUMBER 619707 DOCKET: 27

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BOARD,
JAMES M. SIMS, TESSA STEINKAMP, GREGORY L.
"GREG" BORDELON

STATE OF LOUISIANA

AMENDMENT TO PLEADINGS

NOW UNTO COURT come Plaintiffs, Robert Edwin Burns and Rev. Freddie Lee Phillips, in proper person, who, in accordance with a Judgment of this Honorable Court signed on September 26, 2013 granting Plaintiffs 30 days from the date of that Judgment in which to amend their pleadings to conform with LA CCP Art. 854, respectfully amend their pleadings as follows:

Paragraphs 1- 6 and paragraphs 20 – 24, as well as Plaintiff's Prayer for Relief remain unchanged from their original Petition. Paragraphs 7 – 19 are deleted and replaced with the following paragraphs (and Exhibit P-5, the minutes of the LALB's meeting of August 2, 2010, is withdrawn from Plaintiffs' original petition):

7.

Petitioner Phillips desired for the November 5, 2012 minutes to reflect verbatim roll calls responses of "I's here" and "I's here, too" by Vice Chairman James Sims and Member Greg Bordelon, respectively.

8.

Mr. Bankston informed Rev. Phillips that no discussion of the prior meetings' minutes would be permitted and instead stated that any such discussion of the November 5, 2012 meeting's minutes would be permitted only at the March 5, 2013 meeting after those minutes had been approved by the LALB at the January 8, 2013 meeting.

9.

The roll call responses were the subject of an article in The Advocate published on Saturday, December 22, 2012. The article was attached to Plaintiff's original Petition and is reiterated in these Amended Pleadings as being Exhibit P-2.

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10.

Petitioner Robert Burns relayed to LALB Counsel Larry Bankston the day after the meeting, Wednesday, January 9, 2013 that Defendants' on-the-fly mandate of refusing to permit discussion of the minutes from the preceding meeting was: #1) absurd, #2) an intentional effort to deny the public the right to speak on agenda items prior to a vote in direct violation of LA R. S. 42:14(D), and #3) inconsistent with past LALB practice. Petitioner Burns referred Mr. Bankston to Exhibit P-3, which was attached to Plaintiffs' original petition and is reiterated in these Amended Pleadings, the agenda for the May 21, 2012 LALB meeting. That agenda clearly depicts approval of **both** the March 19, 2012 minutes (the prior meeting), as well as the January 23, 2012 minutes. The dual-meeting minutes' approval arose from Petitioner Phillips' objection to the January 23, 2012 minutes as he expressed at the March 19, 2012 meeting.

11.

Subsequent to the newspaper article referenced in paragraph nine (9) above, the Louisiana Office of Inspector General, at the request of Governor Jindal's Office, issued a report dated February 20, 2013 on the "I's here" roll call responses. That report was included in the original Petition and is reiterated in these Amended Pleadings as being Exhibit P-4. The report speaks for itself in terms of excuses provided for the roll call responses.

12.

Petitioner Robert Edwin Burns sought to speak on the topic of Per Diem payments, a line-item category of the LALB financials being discussed and voted upon as Item Number 1 under "New Business." Petitioner Burns made known his request to speak on Per Diem payments, only to be told by LALB Attorney Bankston, voicing the sentiments of certain of his client LALB's Membership, namely Defendants Sims, Bordelon, and Steinkamp, that, "Per Diem payments are not on the agenda."

13.

Petitioner Burns stated that Per Diem payments constitute a line item within the financials, a fact readily demonstrated by a copy of those financials, which was attached to the original Petition and is reiterated in these Amended Pleadings as Exhibit P-6.

14.

Notwithstanding Petitioner Burns' attempts to discuss the Per Diem payments, Defendants Sims, Bordelon, and Steinkamp, operating through LALB Legal Counsel, Larry Bankston, denied Petitioner Burns an opportunity to express his sentiments regarding the Per Diem payments.

15.

As referenced in Exhibits P-7 and P-8, email exchanges between Mr. Bankston and Petitioner Burns which were attached to the Memorandum in Opposition to Dilatory Exception and are reiterated in these Amended Pleadings, Mr. Burns expressed his strong-held belief that the Per Diems payments disbursed for the LALB meeting of September 17, 2012 were unauthorized and a violation of Governor Jindal's Executive Order (specifically Executive Order BJ 12-09).

16.

As referenced in Exhibit P-9, an itemization of Mr. Bankston's invoice to the LALB for January of 2013 and which was attached to the Memorandum in Opposition to Dilatory Exception and is reiterated in these Amended Pleadings, Mr. Bankston, on January 14, 2013, sent a letter to Gov. Jindal's Executive Counsel regarding the Per Diem payments referenced by Petitioner Burns. The result of that inquiry letter was that, just as Petitioner Burns had relayed, the payments were illegal in that they violated Gov. Jindal's Executive Order and therefore had to be refunded. The five (5) Board Members in attendance at that meeting did in fact reimburse the LALB \$97 each (for a total of \$585) as a result of Petitioner Burns' continued pursuit of the matter with Defendants and Defendants' counsel.

17.

Defendants' continued adamant stand that Petitioner Burns would not be permitted to address the issue of the Per Diem payments resulted from Defendants' dogmatic determination to retain Per Diem payments to which they were not entitled. That determination constituted the motive behind why Defendants so knowingly and willfully insisted that Petitioner Burns would not be permitted to discuss the Per Diem payments.

18.

Mr. Bankston, despite relaying in writing on December 21, 2012 that Petitioner Burns would be permitted to discuss Per Diem payments on January 8, 2013 (reference Exhibit P-8), nevertheless reneged on his promise and emphatically stated on January 8, 2013 that Petitioner Burns would not be permitted to address the payments. In doing so, Mr. Bankston knowingly and willfully assisted Defendants' dogmatic determination to refuse Petitioner Burns his right to address the Per Diem payments and thereby strive to retain Per Diem payments to which they were not entitled.

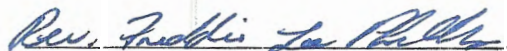
19.

Regarding Petitioner Phillips' desire to express that the minutes of November 5, 2012 should reflect verbatim roll call responses for Defendants Sims and Bordelon, Defendants wanted no discussion of the matter whatsoever because Investigators from the Inspector General's Office were on-site for that meeting, and they conducted interviews of all Defendants regarding the roll call responses. Defendants Sims and Bordelon simply wanted the whole matter to evaporate; therefore, they urged Defense Counsel Bankston to shut down any such discussion, and Mr. Bankston did so in a most authoritative manner.

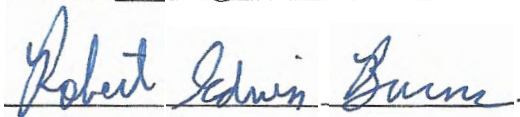
WHEREFORE, petitioners, ROBERT EDWIN BURNS and REV. FREDDIE LEE PHILLIPS, pray that these Amended Pleadings be deemed curative of any prior defect of their original pleadings regarding nonconformity to LA CCP Art. 854.

Respectfully Submitted,

Rev. Freddie Lee Phillips, in proper
person
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Certificate of Service:

We certify that a copy of the foregoing has been served upon counsel for all parties to this proceeding by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 24th day of October, 2013.

