

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * *

WITNESS' CERTIFICATE

I, ROBERT BURNS, the undersigned, do hereby certify that I have read the foregoing deposition taken on July 18, 2014, and it contains a true and accurate transcript of the testimony given by me:

() Without corrections.

(X) With corrections as reflected on the Errata Sheet(s) prepared by me and attached hereto consisting of 1 pages.

Robert Burns

ROBERT BURNS

August 28, 2014

DATE

REPORTED BY: KELLY S. PERRIN, CCR

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: ROBERT BURNS, ET AL v. LOUISIANA AUCTIONEER'S LICENSING BOARD, ET AL
 Case Number:
 Dep. Date: July 18, 2014
 Deponent: ROBERT BURNS
 Place: LOUISIANA

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefore
27	22	proper	per diem	If I said "proper," it should be "per diem."
32	13	2010	2012	misspoke if said "2010."
36	13	transparenc ^e	transparenc ^y	should be transparency
36	23 & 24	. Took a tail	<u>(no period - all same sentence)</u> +0 curtail	I guess I didn't speak clearly.
49	19	facts	fax	should be "fax"

Robert Edwin Burns
 Signature of Deponent

August 28, 2014
 Date

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ROBERT BURNS AND REV. FREDDIE
LEE PHILLIPS

NO. 619707

VERSUS

DIVISION "27"

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

Testimony of

ROBERT BURNS

taken on Friday, July 18, 2014, before Kelly S.
Perrin, Certified Court Reporter in and for the
State of Louisiana, at the offices of Bankston &
Associates, 8708 Jefferson Highway, Suite A, Baton
Rouge, Louisiana.

COURT REPORTERS OF LOUISIANA, L.L.C.
9614 Brookline Avenue, Suite A
Baton Rouge, Louisiana 70809
PHONE (225)201-9650 * FAX (225)201-9651
E-Mail: depos@courtreportersla.com

**READ & SIGN
COPY**

Page 2

I N D E X

1		
2		
3	Page	
4	Caption	1
5	Appearances	3
6	Agreement of Counsel	4
7	Examination	
8	BY MR. BANKSTON	5
9	Reporter's Certificate	54
10	* * * * *	
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Page 4

S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and between counsel that the deposition of ROBERT BURNS, on July 18, 2014 is hereby taken under the Louisiana Code of Civil Procedure for all purposes as permitted under law.

The witness reserves the right to read and sign the deposition. The original is to be delivered to and retained by LARRY S. BANKSTON for proper filing with the Clerk of Court.

All objections, except those as to the form of the question and/or responsiveness of the answers, are reserved until the time of the trial of this cause.

* * *

KELLY S. PERRIN, Certified Court Reporter in and for the State of Louisiana, officiated in administering the oath to the witness.

Page 3

APPEARANCES:

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

BANKSTON & ASSOCIATES, LLC
8708 JEFFERSON HIGHWAY, SUITE A
BATON ROUGE, LOUISIANA 70809
BY: LARRY S. BANKSTON

Reported by:
Kelly S. Perrin, Certified
Court Reporter No. 23035 in and
for the State of Louisiana

Page 5

ROBERT BURNS,
4155 Essen Lane, Apartment 228, Baton Rouge,
Louisiana 70809-2152, after having been first duly sworn by the above-mentioned Certified Court Reporter, did testify as follows:

EXAMINATION
(BEGINNING AT 11:30 A.M.)

BY MR. BANKSTON:

Q Could you give us your full name and address?

A Robert Edwin Burns. If you need me to spell that, I will. Address is 4155 Essen Lane, Apartment 228, Baton Rouge 70809-2152.

Q Are you currently employed?

A No.

Q And are you retired or ...

A Yes.

Q Retired. Are you retired on any disability or Social Security or anything like that?

A No.

Q And are you still active in any way with Auction Sells Fast, LLC?

A I have told Reverend Phillips, who acquired it, I will be happy to be his bid

Page 6

1 assistant if he procures an auction.
 2 **Q And has he indicated that he has procured**
 3 **any auctions?**
 4 A He has not. I hope I turned this thing
 5 off. Just a second.
 6 **Q And when did you sell that company to**
 7 **him?**
 8 A I don't recall exactly when. I know it
 9 was within a month or two, June -- let me make sure
 10 I get the year right now. Well, it would have to
 11 be 2013.
 12 **Q 2013?**
 13 A Yes.
 14 **Q So approximately June?**
 15 A Yes. I can be off a month or two.
 16 **Q And are you familiar with the Louisiana**
 17 **Association of Professional Auctioneers?**
 18 A Yes.
 19 **Q And what is that?**
 20 A That is a trade association that he
 21 formed -- well, that was his idea.
 22 **Q And by he, you're referring to Reverend**
 23 **Phillips?**
 24 A Correct.
 25 **Q And are you a member of Louisiana**

Page 7

1 **Association of Professional Auctioneers?**
 2 A Yes.
 3 **Q Other than you and Mr. Phillips, are**
 4 **there any other members?**
 5 A I don't recall. I'd have to check the
 6 membership page. I think Jon Erik Kramer is.
 7 **Q Jon --**
 8 A Yes.
 9 **Q -- Erik Kramer?**
 10 A Yes.
 11 **Q And who is Jon Erik Kramer?**
 12 A He was a Louisiana auctioneer from -- let
 13 me get approximate time frame. It was the day
 14 after Katrina. Well, it would had to have been
 15 because he was an auctioneer in Louisiana -- don't
 16 hold me to the exact years on this, but some time
 17 between late '08, early '09 through -- I don't
 18 know. I don't remember whether he didn't renew his
 19 license beginning 2013 or 2012 -- about four or
 20 five years.
 21 **Q And where does he live?**
 22 A Now, he lives in Pennsylvania.
 23 **Q And are you aware of any other members of**
 24 **Louisiana Association of Professional Auctioneers?**
 25 A Not that come to mind.

Page 8

1 **Q And you said that about a membership**
 2 **page, where -- who has -- who would have the**
 3 **memberships of the Association?**
 4 A It's --
 5 **Q Reverend Phillips?**
 6 A Well, when you -- explain what you mean
 7 by membership. I mean, there is a page that
 8 anybody can go to.
 9 **Q Oh, you mean a page on the internet that**
 10 **someone can view?**
 11 A Sure. It's option number four, I think,
 12 on the consumer option.
 13 **Q But as it relates to -- are you aware, is**
 14 **there any formal membership application or**
 15 **notification or that you're aware of?**
 16 A Yes.
 17 **Q And where is that located? Is that on**
 18 **the website?**
 19 A Yes, there -- the -- it's a combination,
 20 application and oath.
 21 **Q And who hosts, or what entity, or**
 22 **individual hosts that website?**
 23 A The website -- all of the websites
 24 pertaining to Auction Sells Fast are all registered
 25 in my name with Go Daddy.

Page 9

1 **Q Is there someone who actively manages the**
 2 **website other than you?**
 3 A No.
 4 **Q Okay. So you would be the one to know**
 5 **whether or not there is anybody that shows up on**
 6 **the website, who has filled out their membership,**
 7 **and signed onto the oath; correct?**
 8 A That's correct.
 9 **Q So other than yourself, Reverend**
 10 **Phillips, maybe John Erik Kramer, are you aware of**
 11 **any other members?**
 12 A None come to my recollection.
 13 **Q Do you recall being at a board meeting in**
 14 **which Reverend Phillips had requested that the**
 15 **Louisiana Association of Professional Engineers**
 16 **(sic) be added to the website of the Louisiana**
 17 **Auctioneer's Licensing Board?**
 18 A Well, technically, the answer to that
 19 would be no because you said Louisiana Association
 20 of Professional Engineers.
 21 **Q Oh, Auctioneers. I'm sorry.**
 22 A I don't know very much about engineering.
 23 **Q Auctioneers.**
 24 A But if you would change that to
 25 Auctioneers, yes.

Page 10

1 **Q** **Okay. And do you recall him being**
2 **requested to provide a list of the members?**
3 A At that meeting?
4 **Q** **Yes.**
5 A No.
6 **Q** **Do you recall at any meeting that him**
7 **being asked to provide a list of members to the**
8 **association?**
9 A I don't know that he was asked to provide
10 a list. I know he was asked how many there are. I
11 don't know that he was asked to itemize them.
12 **Q** **Do you recall him telling the Board that**
13 **he did not have that information available?**
14 A I don't recall.
15 **Q** **Okay. On the issue of Louisiana**
16 **Association of Professional Auctioneers, looking at**
17 **the Secretary of State's website, it appears that**
18 **there are no registration concerning organizational**
19 **documents or anything other than a request for a**
20 **trade name.**
21 A I don't -- that's not a -- well, it may
22 have been a request, but we have a trade name
23 registered.
24 **Q** **Are there any documentations, are there**
25 **any organizational documents, bylaws, whatever for**

Page 11

1 **this association?**
2 A I would assume that whatever the
3 Secretary of State gave or whatever was executed
4 that they required, surely. I mean, I know it's on
5 file with them. I don't know if I have a copy or
6 Freddie. Freddie's filing system is sometimes
7 better than mine. So I don't know.
8 **Q** **Well, the only thing on the website for**
9 **the Secretary of State is a request for a trade**
10 **name. There is no nonprofit or even for profit**
11 **association that has been registered under**
12 **Louisiana law with corporate or LLC documents for**
13 **the Louisiana Association of Professional**
14 **Auctioneers; are you aware of that?**
15 A I am.
16 **Q** **Okay. Are you aware that there are no**
17 **documents that have been filed with the Secretary**
18 **of State?**
19 A I am, that pertains to what you just
20 itemized.
21 **Q** **And are there any such documents?**
22 A No.
23 **Q** **Okay.**
24 A Or at least if there are, I don't have
25 them.

Page 12

1 **Q** **Now what is your relationship with**
2 **Freddie Phillips?**
3 A You mean beyond a friend? I mean, what
4 --
5 **Q** **Are you in business with him or do you**
6 **have any ongoing -- other than your indication that**
7 **you and Mr. Phillips, as well as maybe Mr. Erik**
8 **Kramer, are members of the Louisiana Association of**
9 **Professional Auctioneers?**
10 A Freddie and I graduated from the same
11 high school. He was two years behind me, and that
12 being Glen Oaks.
13 **Q** **And you have no current business**
14 **relationship other than your offer to act as an**
15 **assistant to him if he has an auction; correct?**
16 A That's correct.
17 **Q** **And as it relates to Sherry Wilkes, what**
18 **is your relationship with Sherry Wilkes?**
19 A We're friends.
20 **Q** **And do you have any business relationship**
21 **with her?**
22 A No.
23 **Q** **Is she a member of the Louisiana**
24 **Association of Professional Auctioneers?**
25 A At present, she wouldn't qualify.

Page 13

1 **Q** **And why would she not qualify?**
2 A As it is now, requirements for membership
3 is either to have, at the time you apply, either to
4 have been or be a Louisiana licensed auctioneer, or
5 have held such a license within the preceding ten
6 years or to have served as a bid assistant. None
7 of which -- in within the prior ten years. None of
8 which she has done.
9 **Q** **And you qualify because you have**
10 **previously held a license within the previous ten**
11 **years?**
12 A Well, and at the time of my membership
13 application, I was an active auctioneer.
14 **Q** **Now, in reference to -- in reference to**
15 **the Association, you indicated that there is an**
16 **oath. What is this oath?**
17 A Okay. Now I want to try to get them in
18 order because there are a lot on the oath.
19 **Q** **It appears on the website?**
20 A Yeah. Well, there is a link within
21 someone's profile, and you can pull it up. But I
22 pretty well have them memorized.
23 I see you're taking notes, so number one,
24 adamant opposition to Shill, that's S-H-I-L-L,
25 bidding.

Page 14

1 **Q Okay.**
 2 A Number two, voluntary disclosure of any
 3 past felony conviction, along with any penalty
 4 imposed; number three, voluntary disclosure of any
 5 action taken by the LALB; number four -- give me
 6 just a second. I feel like I'm taking a quiz.
 7 Give me a second.
 8 Oh, number four is actively supporting a
 9 return of continuing -- auction continuing
 10 education. Number five is -- number five is
 11 actively promoting expanded diversity within the
 12 auction profession, specifically to include more
 13 minority participation as well as an effort to
 14 attract younger -- I don't know how I would define
 15 younger. I consider younger now, it's all relative
 16 in their twenties. And then number six is actively
 17 monitoring LALB meetings by way of the video
 18 archives, discussions of topics within the video
 19 archives.
 20 **Q Okay. So in order to become a member,**
 21 **you have to agree to these --**
 22 A Yes.
 23 **Q -- considerations?**
 24 A Yes.
 25 **Q And if there are any more or less, it**

Page 15

1 **would all be on the website?**
 2 A Well, yeah. I can assure you that there
 3 are no more.
 4 **Q Okay.**
 5 A It just took me a little while on number
 6 four because I am now 50 myself, and it doesn't
 7 come to me as quick as it used to.
 8 **Q All right. Who is Philip Mayeaux?**
 9 A Philip Mayeaux is a friend.
 10 **Q And is he an auctioneer?**
 11 A No.
 12 **Q Do you know why he has an interest in the**
 13 **Auctioneer Licensing Board?**
 14 A He served as a bid assistant for both
 15 myself and Dave Gilmore.
 16 **Q And where is he -- where does he reside?**
 17 A I'm assuming you mean Mr. Mayeaux as
 18 opposed to Mr. Gilmore?
 19 **Q Uh-huh.**
 20 A Spring, Texas.
 21 **Q Do you know whether or not he has been**
 22 **actively involved as a bid assistant in Louisiana**
 23 **in the past two years at all or --**
 24 A No, he's lived in Spring, Texas for three
 25 and a half years now.

Page 16

1 **Q Now we're here today on a suit entitled**
 2 **Robert Burns and Reverend Freddie Lee Phillips**
 3 **versus Auctioneer's Licensing Board, James Sims,**
 4 **Tessa Steinkamp, Gregory Bordelon, Suit Number**
 5 **619707. You're familiar -- and I presume you are**
 6 **the individual that drafted this suit?**
 7 A Well, we worked together on it.
 8 **Q Okay. And when you say we, you're**
 9 **referring to Freddie Phillips; correct?**
 10 A Correct.
 11 **Q Okay. And in a number of words, how**
 12 **would you describe what this suit is about?**
 13 A When you say a number, you mean try to
 14 hold it to 30 or 40?
 15 **Q (Nods head.)**
 16 A In essence -- in a nutshell, it is us
 17 being denied the opportunity to address items on
 18 the agenda.
 19 **Q And your demand is that you are**
 20 **requesting that the individual members, being**
 21 **Steinkamp, Sims, and Bordelon, pay an award of \$100**
 22 **to yourself and a \$100 to Reverend Phillips;**
 23 **correct?**
 24 A Plus a prorated share of our court costs.
 25 **Q And you have also proceeded against the**

Page 17

1 **Board itself as well as these three members;**
 2 **correct?**
 3 A Correct.
 4 **Q And you have asked for an assessment of**
 5 **one-third share of defendant's costs being posed**
 6 **upon each of those individuals; correct?**
 7 A Yes.
 8 **Q I'm going to ask you to look over the**
 9 **petition on some of the issues that were involved**
 10 **here. The first item that we're talking about in**
 11 **the petition, paragraph three, is you indicating**
 12 **that you're referring to the January 3rd, 2013**
 13 **(sic) meeting in which you attached a copy of the**
 14 **Board agenda; is that correct?**
 15 A No, because you said January 3rd and I'm
 16 virtually certain it's January 8th.
 17 **Q Excuse me, January 8th, as P1; correct?**
 18 A Yes.
 19 **Q Now in that paragraph four, it says, as**
 20 **clearly indicated on January -- after call of -- to**
 21 **order and roll call, the second item on the agenda**
 22 **is public comment on the following agenda items; is**
 23 **that correct that there was a procedure for public**
 24 **comments listed as item number two?**
 25 A Item two does say public comments on the

Page 18

1 following agenda items. It immediately is after
 2 the call to order and roll call.
 3 **Q Now at that meeting, Reverend Phillips**
 4 **requested that the public comment be changed and**
 5 **moved from the second item to the third item; in**
 6 **other words, allowing the approval of the minutes**
 7 **to be -- come before public comment; correct?**
 8 A I do believe I recall him asking --
 9 making that request, yes.
 10 **Q And that, in fact, in subsequent**
 11 **meetings, that was in fact done.**
 12 A It was done.
 13 **Q And --**
 14 A It posed a problem because you have to
 15 provide the public comment period prior to the
 16 taking of a vote on any item. I didn't want to
 17 embarrass him later, but there was not much choice.
 18 **Q Didn't want to embarrass whom?**
 19 A Reverend Phillips about, you know, that
 20 you're going to -- if you move the -- if you move
 21 the approval of the minutes prior to the public
 22 comment, then there's no way you can provide an
 23 opportunity to comment on something -- well, you
 24 can't -- the more appropriate thing is, it would
 25 have forced the Board into an automatic violation

Page 19

1 because you're not allowing public comment on the
 2 roll call -- I mean, whatever the first item is.
 3 I'm not sure.
 4 **Q Okay. So --**
 5 A Just a minute -- I'm sorry. Approval of
 6 the minutes.
 7 **Q Okay.**
 8 A Sorry. Go ahead.
 9 **Q I'm trying to --**
 10 A Approval of the minutes.
 11 **Q I don't understand what you're --**
 12 A I meant approval of the minutes.
 13 **Q Okay. So--**
 14 A If you -- and you have to forgive me,
 15 because I'm on not as much sleep as I normally get
 16 last night. But if you have moved --
 17 **Q Approval of minutes?**
 18 A If you have moved approval of minutes
 19 above public comment and they've been approved, and
 20 the law says you're supposed to allow a period of
 21 public comment prior to the vote, then it sets up
 22 an automatic violation.
 23 **Q And you did not support Reverend**
 24 **Phillips's request to move approval of minutes from**
 25 **the second -- from the third item up to the second**

Page 20

1 **item; correct?**
 2 A Well, when you say didn't support, I mean
 3 I didn't voice anything.
 4 **Q And you didn't join with him in that**
 5 **request to make that change?**
 6 A No.
 7 **Q Now at the time of the January 8th**
 8 **meeting of 2013, the approval of minutes was from**
 9 **the previous meeting of November 5th, 2012;**
 10 **correct?**
 11 A Yes.
 12 **Q And --**
 13 A You should note January 8th dealt with
 14 the approval of the November 5th meeting minutes;
 15 that's what you are asking, right?
 16 **Q Correct.**
 17 A All right.
 18 **Q And your petitioner in this case, along**
 19 **with yourself, Reverend Phillips asked for this**
 20 **change to be made; correct?**
 21 A You're referring again to the change in
 22 order?
 23 **Q Yes.**
 24 A Well, yeah, he -- when he wasn't feeling
 25 he was being able to comment on it, he was trying

Page 21

1 to find a way to be able to, thereby suggesting
 2 that the order be changed.
 3 **Q Do you recall Reverend Phillips being**
 4 **told that since the minutes had not been previously**
 5 **approved, there was no formal document that could**
 6 **be reviewed for approval because it was not in fact**
 7 **accepted by the Board at that particular moment?**
 8 A You said that he would be able to comment
 9 on the minutes of the November 5th, 2012 meeting at
 10 the March, whatever the next date was. Because at
 11 that point, they would be approved. The contention
 12 is that you can make the suggestion of what ought
 13 to be in them, and that practice was in fact done
 14 in either May or March of 2012.
 15 At which time, he brought out the fact
 16 that -- and all that should be in the lawsuit and
 17 exhibits. There was an improper justification for
 18 going into the executive session. Not only did the
 19 Board commend him on pointing that out, but they
 20 deferred approving the minutes. And in the May, if
 21 I remember correctly, 2012 meeting, they approved
 22 both sets.
 23 **Q Well, that really wasn't my question.**
 24 **But my question was, were there minutes that were**
 25 **in a state in which they were subject to being**

Page 22

1 **reviewed by the general public before the meeting?**
 2 A If they had chosen to provide copies, and
 3 since they don't -- in fact, I believe you said
 4 that they would be posted when they aren't. So
 5 that's available to the general public, no.
 6 **Q So the answer to the question is no,**
 7 **they're not provided to the public prior to the**
 8 **meeting?**
 9 A That's correct.
 10 **Q Okay. So would there be anything for the**
 11 **public to review prior to the adoption of the**
 12 **minutes on that particular meeting date?**
 13 A No.
 14 **Q And is it correct that the subsequent**
 15 **meetings that may have been had, there was an**
 16 **opportunity given to Reverend Phillips to comment**
 17 **specifically about the formally adopted minutes of**
 18 **November -- the November meeting?**
 19 A You talking about at the March --
 20 **Q Correct.**
 21 A -- 2013? I believe that there was some
 22 limited discussion in that regard, I think. I
 23 would have to go back and look at the video.
 24 **Q So to the extent as far as you know,**
 25 **Reverend Phillips was given the opportunity at the**

Page 23

1 **subsequent meeting to comment on the issue of what**
 2 **was contained in the minutes of the meeting from**
 3 **the January 8th adoption of the November 5th**
 4 **minutes; correct?**
 5 A Yes, which is ironic considering that's
 6 not an item on the agenda.
 7 **Q So you have any complaint the fact that**
 8 **he was given the opportunity to do that or --**
 9 A That's not my portion of the pleadings.
 10 That question would be better addressed to him.
 11 **Q Okay. So your complaint is only related**
 12 **to this suit, is only related to those items in**
 13 **which you believe you were not given the**
 14 **opportunity to speak on; correct?**
 15 A Well, that's the reason that I am a
 16 plaintiff.
 17 **Q And what items were you specifically not**
 18 **allowed to speak on?**
 19 A Well, there's approval of financials.
 20 And that, we did have in advance to look at,
 21 something I have insisted upon that I will extend
 22 appreciation to Greg Bordelon. He's the one that
 23 said I want them to have this prior to the meeting.
 24 And per diem payments were clearly reflected in it,
 25 and they clearly reflected payments for

Page 24

1 September 17th, 2012, which Governor Jindal had
 2 explicitly prohibited.
 3 **Q I'm trying to get to this portion.**
 4 A It's okay. Take your time.
 5 **Q It's in reference to Reverend Phillips.**
 6 A Yeah.
 7 **Q And I'm trying to get to the part where**
 8 **you --**
 9 A That's no problem. I'm perfectly content
 10 to wait.
 11 **Q Okay. This is somewhat out of order.**
 12 **You talk about in paragraph 15, at the outset of**
 13 **the August 2nd meeting of 2010, LALB meeting,**
 14 **Petitioner Burns made a motion that the minutes be**
 15 **expanded beyond the executive director's practice**
 16 **of merely making notation, motions, seconds and**
 17 **votes; the motion was seconded by Petitioner**
 18 **Phillips; the motion failed by a vote of four to**
 19 **two. What does that have to do with your**
 20 **allegations of open meetings law violations against**
 21 **the Board?**
 22 A You're going to have to address that
 23 question to Reverend Phillips. He specifically
 24 wanted that in there. And if you will recall, we
 25 removed it as part of the last dilatory exception.

Page 25

1 **Q So that section has been removed?**
 2 A Correct.
 3 **Q Okay.**
 4 A As well as the exhibit that pertains to
 5 the seconds and minutes. If you want the
 6 rationale, I'm going to have to ask you to ask
 7 Reverend Phillips. He wanted it in, so I typed it
 8 in.
 9 **Q So when speaking of paragraph 16, it**
 10 **talks about Exhibit 5.**
 11 A That's been removed.
 12 **Q That's been removed also?**
 13 A I'm almost certain. Go look at it if you
 14 wouldn't mind or let me look at it.
 15 **Q Yeah. Yeah, that's in reference to the**
 16 **2010 meeting.**
 17 A Right.
 18 **Q Okay. That's been removed.**
 19 **Okay. Paragraph 18 is the one we need to**
 20 **get to. Petitioner Burns sought to speak on the**
 21 **topic of per diem payments. A line item category**
 22 **of the LALB financials was discussed and voted upon**
 23 **as item one under new business; correct?**
 24 A Well, I don't have it in front of me, but
 25 I'll take your word for it. It's probably number

Page 26

1 one. If you want me to see it, but I'm sure you're
 2 right.
 3 **Q If I quoted it as -- it's number 18 here.**
 4 A Yeah, but I mean in the actual exhibit
 5 itself. You have the agenda that -- well, here it
 6 is, P6. Well, no, that's the actual -- this must
 7 be -- since it starts with P6, is this just an
 8 addendum we did or --
 9 **Q That's all P6.**
 10 A Oh, this is -- this must be -- it sure
 11 is. There's no front and back. Where is one to
 12 five?
 13 Oh, there's one. There it is. You have
 14 it circled. I don't know why I was going onto
 15 Exhibit 6.
 16 **Q So it's your contention that because the**
 17 **financials -- are you saying that there is a line**
 18 **item category of per diem payments within the**
 19 **financials?**
 20 A May I see it?
 21 **Q (Tenders document to witness.)**
 22 A Per diem payments falls -- she doesn't
 23 have numbers for the lines, but per diem payments
 24 is approximately one-half the way down the page on
 25 the income statement. It's broadly -- well, it's

Page 27

1 lined item individually. It has its own category
 2 within itself in between payroll and operating
 3 expenses.
 4 **Q And you were told at the meeting that the**
 5 **per diem payments were not on the agenda; correct?**
 6 A That's what you told me.
 7 **Q And what was your issue with the per diem**
 8 **payments?**
 9 A Governor Jindal had issued an executive
 10 order, BJ12 -- I'm not going to be able to give you
 11 a number off his executive order, 912 or -- I'm not
 12 even going to speculate on which number it is. I
 13 just can't remember. But at any rate, he had
 14 issued an executive order freezing all per diem
 15 payments to all boards and commissioners that did
 16 not have specific statutory authority saying that
 17 the Board shall make such payments.
 18 **Q And it is your contention that the Board**
 19 **received that executive order from the Governor and**
 20 **ignored it?**
 21 A You're putting words in my mouth there.
 22 I mean, it's my contention that the proper payments
 23 that were made for September 17th, 2012 were in
 24 violation of that executive order.
 25 **Q Were you made aware or ever know that the**

Page 28

1 **Board did not know of the executive order or was**
 2 **told of the executive order?**
 3 A The executive order, or at least
 4 reference to it, was pretty extensive in the
 5 November 5th, 2012 LALB meeting.
 6 **Q And did the Board subsequently make the**
 7 **board members aware of the issue and the per diem**
 8 **payments were recovered?**
 9 A The Board became aware because I
 10 repeatedly drilled home that the appropriate -- the
 11 payments were inappropriate. I contacted Kendall
 12 Miley at Boards and Commissions. She expressed
 13 appreciation for me staying on top of that, and
 14 she -- she informed me that as a result, her office
 15 had communicated to the LALB insisting that those
 16 payments be refunded, and they were.
 17 **Q So your issue was to say what at this**
 18 **meeting?**
 19 A That they were not in compliance with --
 20 actually, what my issue was to say what I was --
 21 had already told you previously in an email in
 22 which you told me and you responded saying I would
 23 most welcomed to discuss that matter at the
 24 January 8th, 2013 meeting. I have no idea why you
 25 changed your mind and said that I would not be

Page 29

1 permitted to discuss it. But my issue was these
 2 statements were not in conformity with his
 3 executive order.
 4 **Q And are you aware of when the individual**
 5 **members returned the payments for the per diem?**
 6 A Well, I spoke with Ms. Miley in the
 7 latter part of the first quarter of 2013. It was
 8 at that point she told me that they had been.
 9 Since we're talking about the January 8th meeting,
 10 and the financial clearly reflects that at that
 11 point they had not been. I would assume that the
 12 demand that was made by that office was made and
 13 complied with some time between January 8th, 2013
 14 and late March of 2013.
 15 **Q So you were -- you were -- strike that.**
 16 **As of the January 8th meeting of 2013,**
 17 **were you aware of whether or not the Board had made**
 18 **arrangements to have those items refunded or not?**
 19 A You told me --
 20 **Q Had you been told anything?**
 21 A No. To the contrary, you said it was not
 22 your obligation as the Board's attorney to discuss
 23 the matter with me via email or otherwise and that
 24 I was free to bring up such concerns at the January
 25 8th meeting. That was in an email you sent to me

Page 30

1 dated December 23rd, 2012. Given that, I felt I
 2 would be able to address the issue. I wasn't.
 3 **Q The question was, were you made aware**
 4 **before the January 8th meeting of 2013 that the**
 5 **Board had made arrangements to have board members**
 6 **that were advanced per diem payments to refund**
 7 **those in accordance with the executive order?**
 8 A Okay. That question was a little long.
 9 Can you either rephrase --
 10 **Q Were you made aware on or before January**
 11 **8th, 2013 that the Board had made arrangements or**
 12 **indicated to the board members that had been paid,**
 13 **that those payments would be refunded in accordance**
 14 **with the executive order?**
 15 A No.
 16 **Q Okay. Were you ever made aware?**
 17 A By -- was I ever made aware --
 18 **Q That --**
 19 A By --
 20 **Q That the arrangements might have been**
 21 **made to refund the per diem payments?**
 22 A I was never made aware of arrangements
 23 that were made. I was told after the fact that not
 24 only were -- not only had there been a demand made
 25 for them to be refunded, but they in fact had

Page 31

1 already been.
 2 **Q You said you were made aware of the**
 3 **demand, the demand by whom?**
 4 A Kendall Miley told me that her office had
 5 made it clear that those payments were to be
 6 refunded.
 7 **Q And had that been made clear to the**
 8 **Board?**
 9 A Well, she didn't specify to whom. She --
 10 I would -- it might likely be you who she made that
 11 communication to, but she said we appreciate your
 12 diligence on this. They were made aware of the
 13 fact the payments could not be made and they have
 14 issued refunds -- they have written checks to
 15 reimburse the Board.
 16 **Q So the issue is that the executive order,**
 17 **which was prepared by Bobby Jindal, which I think**
 18 **is marked --**
 19 A Oh, I put the order in as an exhibit.
 20 **Q I don't think so.**
 21 A I don't think I did either.
 22 **Q When was the executive order issued by --**
 23 A Well, if you have your email that I sent
 24 to you, because I don't remember that, the date of
 25 it, I had erroneously put in one. And I'm

Page 32

1 speculating now, so I'm -- if you have an email,
 2 that date will show the one that I had originally
 3 said the date. And I think it was early August,
 4 and then he had made it clear -- or I just made a
 5 mistake on the date. But he made it clear that
 6 perhaps it was -- I don't know who made it clear
 7 payments had to be refunded.
 8 **Q But you don't recall when the executive**
 9 **order had been issued?**
 10 A Not without being able to reference that
 11 email. I'm pretty good with dates, but I can't --
 12 now we're talking -- I don't know. That was in
 13 20 -- that was mid 2010. We're going on two years
 14 now.
 15 **Q And the purpose of the public comment was**
 16 **to do what on this issue?**
 17 A That in my opinion payments weren't
 18 appropriate, and it would have needed to be
 19 refunded and I have no doubt that, well, that my
 20 comments would not have been well received.
 21 **Q Why would that be?**
 22 A Well, I'm sure no one wants to know,
 23 we're going to have to give back money.
 24 **Q Were there any other issues of public**
 25 **comment that you were not given the opportunity to**

Page 33

1 **speak on?**
 2 A I do not believe that to be the case.
 3 That was my main topic to bring up. I remember --
 4 I have to go back and look at the video, but I know
 5 that was my number one issue.
 6 **Q Have there been any board meetings --**
 7 **this would be a board meeting that we had on**
 8 **January the --**
 9 A Eighth.
 10 **Q -- 8th; correct?**
 11 A Correct.
 12 **Q And the financials that we're having that**
 13 **you were reviewing were from July 1 through January**
 14 **the 6th of 2013; correct?**
 15 A I'm sure -- I'm sure you're reading the
 16 date right, and I'll accept you at your word on
 17 that.
 18 **Q And how many meetings had been held**
 19 **between July 1, 2012 and January 6th of 2013?**
 20 A January 8th. Inclusive or exclusive?
 21 **Q Well, the financials were through**
 22 **January 6th.**
 23 A Oh, okay. All right. I see what you're
 24 saying. In through the sixth, three.
 25 **Q Three meetings?**

Page 34

1 A Yes.

2 **Q So that would have been the --**

3 A July, September, and November.

4 **Q Okay. And the issue was only the**

5 **September -- or the November meeting as it relates**

6 **to per diem?**

7 A No, November was not the issue at all.

8 September was.

9 **Q And why was November not an issue?**

10 A It's clear they weren't paid.

11 **Q Okay. So there was a period of time in**

12 **which you were complaining about was the fact that**

13 **the executive order had or had not been delivered**

14 **to the Board?**

15 **Are you aware whether the executive order**

16 **was actually delivered to the Board prior to its**

17 **being issued for that meeting in September?**

18 A I don't know when the Board got word of

19 anything. I just know on the November 5th meeting,

20 which is the only meeting I've not attended because

21 I wasn't aware that it happened until after the

22 fact. But in listening to the audio of that, all I

23 know is there was some strong displeasure voiced

24 over Governor Jindal's decision, particularly on

25 the part of Board Member James Sims. So I don't

Page 35

1 know when they got informed.

2 Obviously, they were not happy. In fact,

3 Hal McMillan said he didn't know that if that

4 didn't change that he wouldn't resign. Sims, I

5 believe, said he ought to go and reduce his own

6 salary.

7 **Q Other than that one, did you have an**

8 **opportunity at any subsequent meeting to discuss**

9 **the per diem issue during the public comment?**

10 A Well, I'd have to go look at my phone

11 records for exactly when in March Ms. Miley told me

12 that. But depending on the time frame, and I'm

13 fairly sure the issue was resolved, because the

14 board meeting, I think, was in late March. So at

15 that point, it would have been moot.

16 **Q That wasn't my question. Did you have**

17 **any subsequent opportunity to discuss during the**

18 **public comment period in any subsequent meeting the**

19 **issue of per diem?**

20 A I understood your question quite clearly.

21 And my response is, there would have been no need

22 to discuss it because the refunds had been made.

23 It's not applicable.

24 **Q So the answer is yes or no, and then you**

25 **can explain your answer. But you need to answer**

Page 36

1 **yes or no, and then you can explain your answer.**

2 A Yes, I suppose I could have discussed it

3 in March. The point is I wanted to discuss it in

4 January and was told in writing I could, and then

5 was told verbally at the meeting I could not.

6 **Q You also indicated in paragraph 23 that**

7 **Hal McMillan is not named as a defendant in the**

8 **case. Could you explain to me that position that's**

9 **taken in these pleadings?**

10 A Yes. Give me just a second to get these

11 drops in. Of all the members on the Board, Hal

12 McMillan has been by far the most supportive of

13 transparency. He voted against all of the rules

14 that were implemented by the LALB with regard to

15 public comment. He was adamantly opposed to me not

16 being able to get near an electrical outlet to

17 videotape the meetings. In fact in March 2012, he

18 made a motion that I be permitted to plug in, as I

19 always had been, for that meeting, and he failed to

20 even get a second.

21 He made the statement when this public

22 comment policy was adopted, he was not happy at all

23 with efforts that he saw the Board making. Took a

24 tail such comments that he wanted to hear from

25 members of the public. I guess you can in theory

Page 37

1 say he had an obligation to walk out or whatever,

2 but I don't feel there's grounds when he has been

3 that adamant that he supports public comment and

4 public discussion. I don't recall an instance

5 where he's ever said, don't comment.

6 **Q And this reference to the procedures of**

7 **your taping is in reference to a new lawsuit that**

8 **you've recently filed; correct?**

9 A It's one of the elements, yes.

10 **Q What other elements of that lawsuit is**

11 **there other than a complaint about the policies and**

12 **procedures adopted concerning the videotaping or**

13 **recording of the meetings?**

14 A Well, I think fairly clearly, we have

15 been subjected to a harassing environment. And I

16 think the lawsuit is replete with examples of that.

17 **Q Okay. And the harassing was being done**

18 **by whom?**

19 A The board members failing to -- actually,

20 high level of partisanship, that there's no

21 hesitation to tell Reverend Phillips or I that we

22 may be required to leave a meeting, because

23 clearly, they don't like the videotaping. In fact,

24 Ms. Steinkamp said at the last meeting that he's up

25 here videotaping people who don't want to be

Page 38

1 videoed.

2 **Q You don't see --**

3 A I'm not quite finished, Mr. Bankston.

4 **Q Okay.**

5 A Public members uttering the words, we're

6 tired of these fucking disruptions. I'm sorry.

7 That's what he said. And there's not one

8 admonition whatsoever made by any member of that

9 board, any law enforcement official, or any lawyer.

10 Public members sticks a sheet of paper right in

11 front of the camera.

12 I'm here to tell you if Reverend Phillips

13 or I demonstrated that kind of disrespect for the

14 Board or for any member of the public, I can assure

15 we would be removed from the premises. Yet, the

16 defendants in these various matters, not only don't

17 admonish them, they are sympathetic to the plight.

18 Revised Statute 4223 clearly gives the

19 right for these meetings to be videotaped whether

20 members of the public like it or whether board

21 members like it. And we don't have to be subjected

22 to a harassing environment to exercise that right.

23 **Q And do you think that the individual**

24 **public members who do not want to be able to be**

25 **videotaped during their public comment have the**

Page 39

1 **inability or the prohibition from shielding**

2 **themselves or the camera from looking at them --**

3 **being looked at by your taping?**

4 A You have to -- you were reasonably clear,

5 but I didn't quite --

6 **Q Do you believe the individual public that**

7 **may be commenting in a similar matter here, that**

8 **you have a right to videotape them?**

9 A Yes.

10 **Q And do you believe that they have the**

11 **right to shield their face if they want to?**

12 A In my opinion, no. But we have

13 repeatedly -- I mean, they set this table up where

14 any speaker stands on the back side. You show me

15 an instance where I'm getting the speaker's front

16 side. Apparently, even that, we don't get facial

17 shots. You know that. We don't get facial shots

18 of where one of the staff -- well, the staff as

19 well as one of the attorneys. It would be very

20 easy in that size room.

21 I can very easily reconfigure those

22 tables into a horseshoe type format where the

23 audience sits toward the front. And they would be

24 looked at and addressed directly, instead of having

25 their backs to them. So you're talking about

Page 40

1 making a concerted effort to block the camera's

2 view by an associate, absolutely not.

3 **Q So you believe that the individual has no**

4 **privacy rights when they are speaking at the --**

5 **during the public comment section?**

6 A I think that's the reason it says public.

7 If you want to conduct privately, go to a

8 fraternity, go to a sorority. These are public

9 meetings. And as conditioned, you are afforded the

10 liberty we are all afforded to speak comes with the

11 obligation to be willing to be videotaped in the

12 interest of transparency.

13 **Q And what transparency are you referring**

14 **to?**

15 A Transparency about public deliberations,

16 public matters.

17 **Q Well, that individual who is a member of**

18 **the public, he's not deliberating at all.**

19 A He may not be deliberating, but he or she

20 may not be deliberating. But he or she are giving

21 their viewpoints on an item that is being

22 deliberated by the Board. Otherwise, they wouldn't

23 be permitted to speak.

24 **Q I want to make sure I'm clear on the**

25 **issue of the change in the agenda that was**

Page 41

1 **requested by Reverend Phillips, your cohort in this**

2 **lawsuit, that you believe now that the change made**

3 **at the request of Reverend Phillips for future**

4 **meetings in which the minutes are approved, and**

5 **then public comment comes after that is a violation**

6 **of the statute on open meetings law?**

7 A No, sir. It sets up the potential for

8 any party to file a lawsuit because you can't

9 comment. The law says you must provide a period of

10 public comment prior to the -- and I might add,

11 this is your responsibility to have known this and

12 yet you want to know why I didn't speak up. You

13 know, we have two attorneys in there that

14 supposedly know Title 42, at least in theory. So

15 you should be far more knowledgeable of that than

16 me.

17 But, yes, that certainly opened up -- I

18 mean, a kindergartner could figure that out, that

19 by moving it up and having the vote taken and then

20 starting public comment thereafter makes it out --

21 it sets it up for one lawsuit after another at

22 every meeting because you've set yourself up for

23 it. And, actually, as a courtesy to the Board, I'm

24 saying that, you know, you can't do this. But,

25 yes, it did mean Reverend Phillips had requested

Page 42

1 for that to be undone. But --

2 **Q So I'm -- could you answer my question?**

3 **Is it your belief that it is a violation of the**

4 **open meetings law for there to be the request that**

5 **Reverend Phillips asked of changing public comment**

6 **to come after the approval of the minutes?**

7 A No, comma, but it sets up a violation by

8 its structure.

9 **Q What do you mean it sets up? Either it**

10 **is or it's not a violation of open meetings law.**

11 **In your opinion, and you haven't been able to**

12 **give -- here's your opportunity to give your**

13 **opinion on lots of things, so I'm asking your**

14 **opinion in reference to that.**

15 **Is the request made by Reverend Phillips**

16 **to move the issue of approval of the minutes to**

17 **item number two to be before public comment; is**

18 **that a violation?**

19 A If you -- yes, if you --

20 **Q Okay. Yes.**

21 A Yes. If you place an agenda -- you can

22 always change the rules, I suppose, in midstream

23 and say, I didn't realize, we made a mistake, we're

24 going to allow public comment on something that

25 technically we shouldn't because it's out of order.

Page 43

1 But it -- that's why I said it sets up the

2 potential. If you are just producing the document,

3 no, it's not a violation.

4 If you go forward and say, here's our

5 document, here's the order, we're not changing it,

6 and then -- am I going too fast? Sometimes I do

7 and they tell me that.

8 Is it allowed for you to read back what I

9 was saying, starting with if?

10 (Court reporter complies with request.)

11 A Yes, right there. Can you tell me where

12 I left off?

13 (Court reporter complies with request.)

14 A Okay. Thank you.

15 If you produce the document and say,

16 here, here are the order we're going in and we're

17 not changing it, then, yes, it's a violation

18 because you did not afford the opportunity to allow

19 public comment on an agenda item prior to a vote be

20 taken on.

21 **BY MR. BANKSTON:**

22 **Q And you advised Reverend Phillips that**

23 **his suggestion would be a violation of the open**

24 **meetings law?**

25 A Yes.

Page 44

1 **Q And what is -- been his response?**

2 A He said he didn't -- well, this was

3 immediately prior to. And, Lord, God, I'm trying

4 to remember which meeting this was. May of 2012.

5 **Q What do you remember?**

6 A What meeting -- well, I'm asking you. I

7 don't know if you can answer a question. We were

8 at the Attorney General's office for a meeting May

9 the 20th -- I don't remember the date. But, anyway

10 May of 2013, I think it was the 20th, but that is

11 the meeting at which I said, look, it's got to be

12 fixed. Okay. And I told Freddie that beforehand,

13 I said, this is not meant to embarrass you, but

14 this is not going to work. Okay.

15 And I sent an email saying, look, it was

16 nice of the Board to fulfill Reverend Phillips's

17 request. But, unfortunately, it sets up a

18 violation if you're going to hold to this and do

19 this, so you're going to have to go back to the way

20 it was.

21 **Q And who did you send that email to?**

22 A I don't remember, Mr. Bankston. It was

23 probably you, but it may have been Sandy.

24 **Q So it would be your suggestion that the**

25 **public comment provision be the second item, as it**

Page 45

1 **was in the January 8th, 2013 meeting?**

2 A Yes, it was where it needed to have been

3 all along. I mean, if you look at the video,

4 Reverend Phillips himself was confused about

5 whether -- I mean it was several.

6 **Q So you want it before?**

7 A Well, no, no. Well, after -- I mean, you

8 know, I'm not -- I think -- I don't want to --

9 you'll have to ask him as to whether he just came

10 up with -- I know the bottom line is he was trying

11 to find any kind of way to comment on an item,

12 specifically the rule of the minutes. And so he

13 was basically trying any Hail Mary to be able to

14 comment on it.

15 And I mean, I don't -- you have to ask

16 him, but he probably thought of that on the fly.

17 And I'm sure the Board responded on the fly that,

18 okay, we could look at that. And the only problem

19 is that in itself sets up a violation acquiescence

20 to it.

21 **Q And it's my understanding that he did**

22 **comment on the, what you refer to as the roll call**

23 **issue at the subsequent meeting; correct?**

24 A I don't remember the specifics of it, but

25 I assume he did. Because I know James Sims at one

Page 46

1 point said, what about the roll call. So I'm
 2 assuming that my recollection is that, yeah, there
 3 was at least some limited window to discuss the
 4 roll call from November 5th, 2012 under the premise
 5 that those minutes had now been approved.
 6 **Q And you commented during the board**
 7 **meeting, did you not, that there were no minutes**
 8 **for you to comment on because they had not been**
 9 **provided?**
 10 A You talking about January 8th again now;
 11 correct?
 12 **Q Yes.**
 13 A Yes.
 14 **Q So can you tell me how you can comment on**
 15 **something that had not been approved?**
 16 A Well, I said the -- I said the roll call
 17 was not of concern to me for regarding the minutes.
 18 I said it is what it is and what got said in here
 19 got said in here. And then I moved my focus to the
 20 per diem payments.
 21 **Q And you were also -- raised concern in**
 22 **the public comment section where you commented on**
 23 **the issue of going into executive session by the**
 24 **Board, correct, related to your litigation?**
 25 A I believe I did. I'm not -- I haven't

Page 47

1 watched that video in a while, so ...
 2 **Q But you did in fact speak during the**
 3 **public comment. In fact, you got up twice; didn't**
 4 **you?**
 5 A The second time I got up was to -- the
 6 electric. The third time it was to give the Board
 7 one last opportunity to allow me to comment on
 8 those per diem payments. And I was being shouted
 9 down that -- in fact, you said that I was
 10 responsible for security being there. I was
 11 bending over backwards to try to give the Board the
 12 opportunity to let me comment on this. And I made
 13 the comment, that's captured on video, that said
 14 every effort for me to discuss this has been shut
 15 down.
 16 **Q And, again, back to my question, you**
 17 **raised an objection to the Board going into**
 18 **executive session to discuss the lawsuit that you**
 19 **had previously filed against the Board?**
 20 A I think so.
 21 **Q And what was the --**
 22 A I don't recall.
 23 **Q What was the basis of your objection to**
 24 **going into executive session?**
 25 A I don't recall.

Page 48

1 **Q The item that you have attached, P1, did**
 2 **reflect that there were ongoing, at this time as of**
 3 **January 8th, at least two or three lawsuits pending**
 4 **either against the Board or the Board's general**
 5 **counsel?**
 6 A Repeat that.
 7 **Q On January 8th, 2013, which is the**
 8 **meeting that you're complaining about, there were**
 9 **litigation cases in which you had instituted**
 10 **against the Board or the Board's general counsel?**
 11 A Yes, one was filed with regard to that
 12 September 2012 meeting, and that was against the
 13 Board.
 14 **Q And you also --**
 15 A Going back to your previous question --
 16 **Q Well, let me finish my question here.**
 17 A Okay. Well, wait a minute. Wait a
 18 minute. You also asked about, and it's still in
 19 your current question, you referenced and/or the
 20 attorney that -- you referenced that; did you not?
 21 **Q Yes.**
 22 A And my response would be, yes. I would
 23 also challenge the fact that Robert Burns versus
 24 Anna Dow is even on any agenda. She is an
 25 individual, and I sued an individual. That lawsuit

Page 49

1 is between she and I.
 2 **Q And what's the basis of that lawsuit?**
 3 A Defamation.
 4 **Q And this was defamation that took place**
 5 **during a board meeting?**
 6 A That was the -- well, now we're going way
 7 back. There were multiple elements. You either --
 8 you --
 9 **Q Do you allege that any defamation took**
 10 **place during the Board meeting or --**
 11 A Defamation, yes. Yes, defamation took
 12 place in the fact that Ms. Dow decided that a
 13 complaint launched by Barbara Bonnette, in theory
 14 against the Board, it was all over a half a page,
 15 was replete with blatantly inaccurate statements.
 16 And Ms. Dow made zero efforts, never said to this
 17 day she made any effort to substantiate anything
 18 that Ms. Bonnette -- and I might add, all flies in
 19 there by the facts signed Ms. Bonnette literally
 20 about 24 hours or 48 hours before the meeting
 21 convened. They didn't even give me time to get the
 22 notice that, hey, your character may be discussed
 23 and this, that, and the other. And instead of
 24 prudently putting it off before the next meeting,
 25 she forged ahead with it.

Page 50

1 **Q Okay.**

2 A Now, that was one aspect. The other

3 aspect is this business of calling out the State

4 Police Terrorism Unit to my home.

5 **Q Okay. During the public comment period**

6 **of the January 8th, 2013 meeting, did you state**

7 **that you were, quote, not going to comment on the**

8 **minutes?**

9 A I said I don't have any concern with the

10 minutes. So as far as I said that with regard to

11 the roll call, I said it is what it is. And what

12 got said on that roll call got said. It is what it

13 is.

14 **Q My question was, do you recall saying,**

15 **quote, I'm not going to comment on the minutes,**

16 **closed quote; do you recall saying that?**

17 A I feel pretty good that I did.

18 **Q And during the public comment section,**

19 **didn't you state that you did not know what was in**

20 **the proposed meeting minutes?**

21 A Yes.

22 **Q Okay. And so your issue is really**

23 **nothing to do with the comment period as it relates**

24 **to the minutes in this litigation?**

25 A That's right.

Page 52

1 * * *

2 WITNESS' CERTIFICATE

3

4 I, ROBERT BURNS, the undersigned, do

5 hereby certify that I have read the foregoing

6 deposition taken on July 18, 2014, and it contains

7 a true and accurate transcript of the testimony

8 given by me:

9 () Without corrections.

10

11 () With corrections as reflected on

12 the Errata Sheet(s) prepared by me

13 and attached hereto consisting of

14 _____ pages.

15

16 _____

17 ROBERT BURNS

18 _____

19 DATE

20

21 REPORTED BY: KELLY S. PERRIN, CCR

22

23

24

25

Page 51

1 **Q Okay. And you are not seeking any claim**

2 **for damages other than the statutory award set**

3 **forth in the statute; correct?**

4 A That's all you can seek. But to answer

5 your question, yes. Oh, wait, you're not seeking

6 any other, so I guess the answer is no. If you're

7 asking that's all you're seeking?

8 **Q That's all you're seeking?**

9 A Yeah.

10 **Q And you have in fact not been damaged as**

11 **a result of these actions that you allege in the**

12 **petition?**

13 A Well, absolutely, I've been damaged.

14 **Q And could you explain how you've been**

15 **damaged?**

16 A Because my First Amendment Right to

17 address a public body about its own internal

18 financials was violated.

19 **MR. BANKSTON:**

20 Okay. All right. That's all the

21 questions I have.

22 (ENDING AT 12:54 P.M.)

23

24

25

Page 53

1 REPORTER'S CERTIFICATE

2 I, KELLY S. PERRIN, a Certified Court

3 Reporter, Certificate #23035, in good standing with

4 the State of Louisiana, as the officer before whom

5 this testimony was taken, do hereby certify that

6 ROBERT BURNS, to whom oath was administered, after

7 having been duly sworn by me upon authority of R.S.

8 37:2554, did testify as hereinbefore set forth in

9 the foregoing 52 pages;

10 That this testimony was reported by me in

11 stenographic machine shorthand by Computer-Aided

12 Transcription, transcribed by me or under my

13 personal direction and supervision, and is a true

14 and correct transcript to the best of my ability

15 and understanding;

16 That the transcript has been prepared in

17 compliance with transcript format guidelines

18 required by statute or by rules of the board, that

19 I have acted in compliance with the prohibition on

20 contractual relationships, as defined by Louisiana

21 Code of Civil Procedure Article 1434 and in rules

22 and advisory opinions of the board; that I am not

23 of counsel nor related to any person participating

24 in this cause and am in no way interested in the

25 outcome of this event.

1 This certification is valid only for a
 2 transcript accompanied by my handwritten or digital
 3 signature and the image of my State-authorized seal
 4 on this page.

5 Signed:

6
7 KELLY S. PERRIN,CCR
8
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25