

June 23, 1986

State of Louisiana
Louisiana Auctioneers
Licensing Board
P.O. Box 94185
Baton Rouge, La.
70804

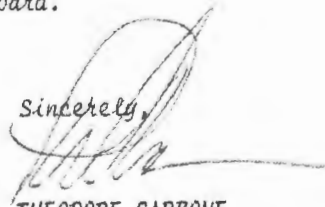
Esteemed Members of the Board:

Thank you for allowing me to attend the meeting scheduled on June 26, 1986. It distresses me to have to stand in front of the board to lodge a formal complaint against a fellow Auctioneer.

My primary Goal is to settle this as quickly and fairly as possible. Although prior attempts have not been fruitful, maybe with the board's influence Mr's Hemphill and Kunstler may reconsider.

Whereas I am not looking for vengence I feel the board should be aware of the actions taken by these people, and I would be happy to leave the rest up to the descretion of the Esteemed Members of the Board.

Sincerely,



THEODORE CARBONE

TC/dm

Hemphill and Kunstler was offered an opportunity to liquidate Mr. Bob Whites assets. These assets included personal belongings i.e. automobiles, home furnishings, antiques and real estate. Along with his personal assets they were offered the opportunity of liquidating his corporate assets which included two manufacturing facilities with machine tools and farm equipment.

Mr. Hemphill first contacted me prior to signing any deals or signing any contracts. I was asked to come down to appraise all the equipment and assist in the deal using my technical knowledge of that equipment, They had absolutely no experience in machinery or equipment of any type. I flew down initially as early as the beginning of February under the auspices that when they signed the deal I would Participate and be a partner. I personally found this agreeable because I have worked under similar financial arrangements many times before. Their initial offering to me was a minimum of (\$10,000.00) Ten Thousand Dollars based on the total profit of the deal. There were in toto three Auction sales for Mr. Bob White, the first and third located in New Iberia, La. and the second in Liberty Mississippi. From the inception I found their attitudes and morals not consistent with honest business people or Auctioneers.

At the point of the third sale it became evident to me that not only were they unethical but also dishonest. There were employees as well as customers that expressed extreme regret and dissatisfaction with Mr. Kunstlers method of operations. I literally took these sales from clean-up work, through the setting-up, description write-ups, lotting and tagging. advertising, some Auctioneering, acting as a ring man and also checked out and handled the release of equipment after the sale. In short I supervised every major portion of the sales from start to finish.

Shortly after the second sale it appeared to me they had no intention of honoring their end of the contract. I approached both partners on this and they both assured me it was without grounds. I decided at that point I had no option but to see the third sale through, even though I knew in my heart they were planning on not paying me any money at all.

(PLEASE attach copies of any correspondence, *see attached*
Date of formal complaint filed in any court: *NA*
(Please attach copies of any documents filed in any court.)

After the third sale my worst fears came to light, even though through the course of the three sales I literally paid their bills out of my own pocket, I actually incurred a net loss of approximately \$1200.00 which I was not reimbursed. No attempt was made at any point after the last sale to recompense me for either my expenses paid out on their behalf nor did they pay me for my personal equipment that they sold in their sales or any profits due me from the receipts of those sales.

When I first came down they supplied me with a 1971 Ford which was owned by Mr. Hemphill, which they provided me as a company vehicle. Shortly after I was here I inspected a 1975 GMC 1 Ton truck which we purchased to facilitate moving equipment for the Auction Sales. Mr Hemphill decided to sell his Ford in the First Auction Sale due to a shortage of cash on his part. At which time the truck became my company car. Along with the company vehicle Mr. Hemphill also gave me a texaco credit card for buying gas. The allegation that they rented this truck to me for \$145.00 a day is totally untrue and is only meant to cloud the issue and hide the fact that they have refused to settle with since April. The law allows them 15 days to produce and accounting and settle with their clients. I just received an accounting on the 15th of June, approximately two months after the sale.

The commission (\$450.00) that they are charging me now, was discussed in detail prior to me bring this machine down from Pennsylvania. I was told that there would be no commission charged if the equipment was sold and certainly not if it was not sold. Again they are trying to build their case on the strength that I owe them more money then they owe me. I would like at this point for the board to consider this affidavit, in view of the fact that I worked for these people for three months and for the committee to keep in mind that I have not received any profit nor have I been reimbursed any of my expenses. Because of their actions they have put me in terrible financial trouble.

THEODORE CARBONE

AUCTIONEERS FORM 2 - Complaint

COMPLAINT

(Please fill in blanks with as much information as is known.)

1. Complainant

Name: Theodore Carbone
Street Address:
Mailing Address: P.O. Box 9315
City: New Iberia
State: LA ZIP: 70560
Telephone Number: Area Code (318) Number: 364-6127
Responsible Party to Contact for Information:
as above

2. This complaint is filed against the auctioneer identified below:

Auctioneer: Joseph A. Kuntsler # 675-8586
Company Name: Hemphill & Kuntsler & Co. Auctioneers
Street Address: 7844 Greenwell Springs Road
Mailing Address: Same
City: Baton Rouge
State: LA 70800
Telephone Number: Area Code (504) Number: 273-0700

3. Information concerning actual sale:

Date of alleged sale(s): April 24 - May 15, 1986 - 3 auctions
Place: New Iberia (2); 1 - Liberty, Miss
Time of Day: 10:00 a.m.
Name of auctioneer who conducted auction:
Joseph A. Kuntsler
Tom Baudry

✓ Items sold: (Attach itemized list or brochure if available)

Amount of money items sold for: \$1200 approx.
Fee paid to auctioneer: N/A
Amount due you: \$11050.32 - 0 -
Amount already paid to you: - 0 -
Amount disputed by auctioneer: -
Was there a written contract between you and the auctioneer? Yes _____ No: If yes, please attach a copy of the contract.

4. Attempts to collect:

Date of demand letter(s) asking for payment: May 20, 1986
(Please attach copies of any correspondence.)
Date of formal complaint filed in any court: N/A
(Please attach copies of any documents filed in any court.)

Responses by auctioneer: (Please attach copies of any correspondence or court pleadings submitted by auctioneer.)

None

Auctioneer, Joseph A.

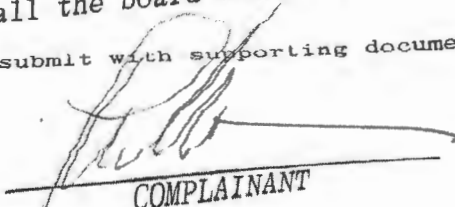
06/15

Would you appear at a formal hearing before the Board concerning this allegation? Yes: No:

If there have been more than one sale for which you state that the auctioneer owes you money, please fill out a complaint form for each sale. If there are no written documents supporting your claim, please submit an affidavit signed by you indicating the facts of the sale.

THE LOUISIANA AUCTIONEERS LICENSING BOARD DOES NOT AGREE TO PROSECUTE EVERY AUCTIONEER AGAINST WHOM A COMPLAINT IS FILED. Filling out this form with as much information as is known will expedite the investigation of the auctioneer. If enough information is provided by you, a hearing will be scheduled. If you have any questions concerning this form or our procedures, please call the board office at (504) 342-9171.

Please sign and submit with supporting documents.


COMPLAINANT

Kunstler, Joseph A.

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