



BANKSTON & ASSOCIATES
A LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

Larry S. Bankston
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August 14, 2012

Jenna H. Linn
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VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
7011 1570 0000 0122 4395

Robert Edwin Burns
Auction Sells Fast, L.L.C.
4155 Essen Lane, Suite 228
Baton Rouge, LA 70809

RE: Louisiana Auctioneers Licensing Board v. Robert Burns
Docket No.: 12-0005
Our File No.: 1107-0001

Dear Mr. Burns:


Please find enclosed a *Notice of Hearing* regarding the complaint filed against you by New Orleans Auction Galleries, Inc. You are required to appear on September 17, 2012 at 1:00 p.m. The hearing will take place at The Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, Louisiana, 70802.

As you know the Board will be hearing this complaint and determining what penalty, if any, should be imposed. Since the Board members will be conducting this hearing I would strongly suggest that you cease all *ex parte* communications with the individual board members. This restriction will not limit your ability to communicate with the Board through the Public Comment portion of the meetings. It would be inappropriate to have contact or any communications with the Board members until your hearing has been completed. This would include telephone, email, or personal conversations with Board members.

Thank you in advance for your attention to this matter.

Sincerely,

BANKSTON & ASSOCIATES, L.L.C.

By: 

Larry S. Bankston

Enclosure: Notice of Hearing

cc: R. Loren Kleinpeter, Esq.
Sandy Edmonds, Executive Director (via e-mail only)
Stewart F. Peck, Esq.
Greg Bordelon (via certified mail-return receipt requested 7011 1570 0000 0122 4401)
Anna Dow (via e-mail only)

**LOUISIANA AUCTIONEERS
LICENSING BOARD**

DOCKET NUMBER 12-0005

VERSUS

**LOUISIANA AUCTIONEERS
LICENSING BOARD**

ROBERT BURNS

STATE OF LOUISIANA

NOTICE OF HEARING

**TO: Robert Burns
4155 Essen Lane, Suite 228
Baton Rouge, Louisiana 70809**

YOU ARE HEREBY ORDERED TO APPEAR AT 1:00 P.M. ON THE 17TH DAY OF SEPTEMBER, 2012, AT THE LOUISIANA MUNICIPAL ASSOCIATION, 700 NORTH 10TH 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 La. R.S. 37:3107 and La. 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, La. R.S. 37:3101, et seq.

This hearing will be based upon a complaint filed against you by New Orleans Auction Gallery. In addition, the Board has been made aware of emails concerning false statements concerning the employment issues of the executive director.

Specifically, the complaint states that you provided false and defamatory testimony before the Auctioneers Licensing Board regarding New Orleans Auction Galleries, Inc. in violation of La. R.S. 37:3121(A)(3).

Further, the complaint provides that you disseminated documents providing false and misleading statements regarding the New Orleans Auction Galleries, Inc.'s finances and the recoveries available to creditors. Unauthorized solicitation of acceptance or rejection of a bankruptcy plan of reorganization is prohibited under the United States Code Title 11, Section 1125.

Further, through independent examine of emails to various Board members you have continued to raise an issue related to the employment agreement with Sandy Edmonds. You have written to Board members that Patrick Lowery of the Louisiana Department of Civil Service has informed you that the Louisiana Auctioneers Licensing Board and Interior Design Board work arrangements constitute "blatant payroll fraud." Counsel has confirmed from Lowery that such statement was never made to Robert Burns.

These acts may be a violation of La. R.S. 37:3121(A)(3), which states

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license under this Chapter for any of the following causes:

...

(3) Providing false testimony before the board.

and

La. R.S. 37:3121(A), which states

B. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license under this Chapter for any of the following causes:

...

(4) Efforts to deceive or defraud the public.

and

La. R.S. 37:3121(A)(5) which states

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license under this Chapter for any of the following causes:

...

(5) Incompetency or gross negligence.

and

La. R.S. 37:3121(A)(6), which states

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license under this Chapter for any of the following causes:

...

(6) Rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports.

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 to 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 La. R.S. 13:3551 and La. 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 19 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 this district court for the district within which the person so summoned resides or is found, for 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, 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 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, La. R.S. 49:951, et seq., unless superseded by the provisions of the Louisiana Auctioneer Licensing Law, La. 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 14th day of August, 2012, at Baton Rouge, Louisiana.

FOR THE AUCTIONEER
LICENSING BOARD



LARRY S. BANKSTON
ATTORNEY