

STATE OF LOUISIANA

SUIT NO. 671252 SECTION: 24

VERSUS

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

BROWN'S AUCTION COMPANY, L.L.C.
AND JACOB BROWN

STATE OF LOUISIANA

PETITION

NOW INTO COURT, through undersigned counsel, comes the STATE OF LOUISIANA ("State"), which, with respect represents:

1.

Made defendants herein are:

- (a) Brown's Auction Company, L.L.C. ("Brown's Auction"), a Louisiana limited liability company domiciled in the Parish of St. Landry, State of Louisiana; and,
- (b) Jacob Brown, a person above the age of majority domiciled in the Parish of Lafayette, State of Louisiana.

2.

On or about April 18, 2017, the State of Louisiana awarded a contract to Brown's Auction in East Baton Rouge Parish to perform auctioneering services ("Auctioneering Contract") for the Louisiana Property Assistance Agency ("LPAA"), an office in the Louisiana Division of Administration.

3.

Under the terms and conditions of the Auctioneering Contract, Brown's Auction was obligated to do the following in connection with every auction:

- a. deposit with LPAA the LPAA estimated gross sales from a scheduled auction;
- b. submit a final accounting to LPAA no later than five (5) working days following the auction;
- c. pay LPAA for all items sold at the LPAA auction less the deposit, with any adjustments necessary to Brown's Auction's commission fee of 5.4% to be computed by LPAA staff with revised payments due either party to be made within forty-eight (48) hours of the final accounting;

4.

Prior to the July 2017 LPAA auction, Brown's deposited with LPAA the LPAA estimated gross sales amount of \$215,000.00.

5.

The July 2017 auction took place in East Baton Rouge Parish on July 8, 2017.

6.

The gross sales amount of the July 2017 auction totaled \$255,730., leaving a balance owed by Brown's Auction to LPAA in the amount of \$26,920.58 after applying the 5.4% commission fee.

7.

On or about July 18, 2017, Brown's Auction issued to LPAA Brown's Auction's Whitney Bank check number 2502, dated July 18, 2017, in the sum of \$26,920.58 ("Brown's Auction's July Auction Check"), made payable to "D.O.A. L.P.A.A.", and signed by Jacob Brown.

8.

After the State deposited Brown's Auction's July Auction Check in East Baton Rouge Parish, Brown's July Auction Check in the amount of \$26,920.58 was returned to LPAA for insufficient funds on or about August 1, 2017.

9.

Despite LPAA's numerous requests to Brown's Auction and Jacob Brown for payment owed to the State, Brown's Auction and/or Jacob Brown have unlawfully retained and converted the State's funds from the July 2017 auction totaling \$26,920.58.

10.

Prior to the September 2017 LPAA auction, Brown's Auction deposited with LPAA the LPAA estimated gross sales of \$250,000.00.

11.

The September 2017 auction took place in East Baton Rouge Parish on September 9, 2017.

12.

The gross sales amount of the September 2017 auction totaled \$421,165.00, leaving a balance owed by Brown's Auction to the State in the amount of \$148,422.09 after applying the 5.4% commission fee.

13.

On or about September 21, 2017, Brown's Auction issued to LPAA Brown's Auction's Whitney Bank check number 2514, dated September 21, 2017, in the sum of \$148,422.09 ("Brown's Auction's September Auction Check"), made payable to "D.O.A.L.P.A.A.", and signed by Jacob Brown.

14.

After the State deposited Brown's Auction's September Auction Check in East Baton Rouge Parish, Brown's Auction's September Auction Check in the amount of \$148,422.09 was returned to LPAA for insufficient funds on or about October 13, 2017.

15.

Despite LPAA's numerous requests to Brown's Auction and Jacob Brown for payment and return of the State funds, Brown's Auction and/or Jacob Brown have unlawfully retained and converted the State's funds from the September 2017 Auction totaling \$148,422.09.

16.

Brown's Auction and Jacob Brown have intentionally and willfully withheld the State's funds from the LPAA auctions in July 2017 and September 2017, and are jointly and in solido liable to the State of Louisiana in the sum of \$175,342.67.

WHEREFORE, the State of Louisiana prays that defendants be cited and served with a copy of this Petition and ordered to answer same, and that, after all due proceedings, there be judgment herein in favor of the State of Louisiana and against Brown's Auction Company, L.L.C. and Jacob Brown in the sum of \$175,342.67, plus all additional damages as are reasonable in the premises, together with legal interest from the date of judicial demand until finally paid, all attorney fees recoverable under law, for all costs of these proceedings, and for any other and further legal and equitable relief as the court deems necessary and proper.

RESPECTFULLY SUBMITTED:
OFFICE OF GENERAL COUNSEL
DIVISION OF ADMINISTRATION
STATE OF LOUISIANA

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