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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

RANDY J. BACKES

RESPONDENT

FINAL DECISION AND ORDER

LS0002232AUC

Division of Enforcement Case No. 99 AUC 032

The parties to this action for the purposes of section 227.53 of the Wisconsin statute are:

*Randy J. Backes
6516 LaFayette Road
Waterloo, IA 50701*

*Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Randy J. Backes, (DOB 04/11/64; 6516 Lafayette Road, Waterloo, IA 50701) is duly licensed as an auctioneer in the state of Wisconsin (license #1155). This license was granted on February 5, 1998
2. On or about November 23, 1998, Respondent submitted his Auctioneer Renewal Application for the 1999-2000 biennium. On his application, Respondent indicated that he had passed the test out exam administered by the Department of Regulation and Licensing in satisfaction of the continuing education requirement for the 1997-1998 biennium. A true and correct copy of Respondent's Auctioneer Renewal Application is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.
3. The representation by Respondent referred to in ¶2 above that he had passed the test out exam is false. At the time Respondent submitted his renewal application, he did not fully understand the requirements for renewal.
- 4 In resolution of this matter, Mr. Backes consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Based on the conduct referred to in paragraphs 2 and 3 above, Respondent has violated sec. 480.24(2)(a), Stats. and Wis. Admin. Code secs. RL 126.02(10) and RL 128.02.

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ORDER

1. NOW, THEREFORE, **IT IS HEREBY ORDERED** that the auctioneer's license of Randy J. Backes is SUSPENDED for an INDEFINITE PERIOD OF TIME. This suspension shall last until such time as Respondent presents documentation of successful completion of the education examination conducted by the department in lieu of the educational program set forth in Wis. Admin. Code [s. RL 128.03](#). Documentation shall be submitted to the Department Monitor.
2. The Respondent is responsible for all costs associated with fulfilling the requirements of this Order.
3. The Department Monitor is the designated agent of the Board responsible for receipt of all documentation required by this Order. The Department Monitor may be reached at

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 261-7938

4. This Order shall become effective upon the date of its signing.

WISCONSIN AUCTIONEER BOARD

By:

Richard O. Lust

A member of the Board

March 27, 2000

Date