

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**  
**BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

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**IN THE MATTER OF AN**

**ADMINISTRATIVE INJUNCTION INVOLVING:**

**DAVID TEPOEL,**

**DECISION AND ORDER**

**RESPONDENT**

**LS0108101AUC**

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The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing or his designee ("Secretary"). The Secretary has reviewed the Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following findings and order of injunction:

**ORDER**

Based on the authority in section 440.21(2) of the Wisconsin Statutes and chapter RL 3 of the Wisconsin Administrative Code, the Stipulation of the parties and the Findings of Fact and Conclusions of Law set forth below,

**THE DEPARTMENT OF REGULATION AND LICENSING HEREBY ISSUES THE FOLLOWING SPECIAL ORDER:**

Effective on the date on which this order is signed by the departmental secretary or his designee,

-the respondent, **David TePoel**, is **ENJOINED AND PROHIBITED** from continuing to engage, directly or indirectly, in conduct which requires a credential under section 480.08 of the Wisconsin Statutes, unless and until he obtains the appropriate credential under chapter 480 of the Wisconsin Statutes.

**ANY VIOLATION OF THIS SPECIAL ORDER MAY RESULT IN A FORFEITURE OF UP TO \$10,000.00 FOR EACH OFFENSE, WITH EACH DAY OF CONTINUED VIOLATION CONSTITUTING A SEPARATE OFFENSE.**

**PARTIES**

The parties to this action under section 227.44 of the Wisconsin Statutes and chapter RL 3 of the Wisconsin Administrative Code, and for the purpose of review under section 227.53 of the Wisconsin Statutes are:

Respondent:

David TePoel

12466 East Danielson Road

Maple, Wisconsin 54854

Complainant:

Wisconsin Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

Regulatory Authority:

Wisconsin Department of Regulation and Licensing

### **FINDINGS OF FACT**

1. David TePoel, "TePoel", maintains an address of 12466 East Danielson Road, Maple, Wisconsin 54854.
2. TePoel is not, and never has been, registered either as an auctioneer or auction company in the state of Wisconsin.
3. At all times relevant hereto, TePoel maintained a business known as "Lazy T Ranch".
4. On or about September 24, 2000, and on an earlier occasion, TePoel acted as an auction company using the trade name of "Lazy T Ranch", within the State of Wisconsin without having a license required under chapter 480 of the Wisconsin Statutes. These activities included soliciting consignments of personal property for sale at an auction managed by TePoel, contracting for the sale at auction of personal property owned by others, contracting with an unlicensed person to call the auction, advertising the sale of property at auction, collecting the proceeds from the sale, collecting a commission from the sale of property owned by others and disbursing funds from the auction. A copy of an advertisement published for the September 2000 auction is attached hereto as **Exhibit A**.

### **CONCLUSIONS OF LAW**

5. Section 480.08(1)(b) of the Wisconsin Statutes states:

"No person may act as an auction company unless the person is registered as an auction company or as an auctioneer under this chapter."

6. TePoel's conduct as described herein is included within the definition of activities requiring registration as either an auctioneer or as an auction company as found in section 480.01 of the Wisconsin Statutes.

Date of Order: August 10<sup>th</sup>, 2001.

### **STATE OF WISCONSIN**

### **DEPARTMENT OF REGULATION AND LICENSING**

Oscar Herrera

Secretary