

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
 :
VERNON W. WHEAT,
RESPONDENT : **LS0507192AUC**
 :

Division of Enforcement Case File #'s: **02 AUC 034; 03 AUC 001; 03 AUC 005; 03 AUC013**

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Vernon W. Wheat
6655 Pool Hill Road
Fulshear, TX 77441

Auctioneer Board
P.O. Box 8935
Madison, WI 53708 8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708 8935

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Auctioneer Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Vernon W. Wheat is registered as an Auctioneer in the State of Wisconsin having license number #052-02053. This license was first granted on 09/19/01.
2. Mr. Wheat's most recent address on file with the Department of Regulation and Licensing ("Department") is: 6655 Pool Hill Road, Fulshear, TX 77441.
3. As a registered auctioneer in the State of Wisconsin, Mr. Wheat was and is at all times relevant to this action responsible for compliance under Wisconsin Statutes, chapter 480 and the Wisconsin Administrative Code for Auctioneers and Auction Companies, Chapter 126.
4. On or about August 14, 2002, the Department received a complaint against United States Liquidators, Inc., (U alleging that USL was engaging in the unlicensed practice by holding an auction in Madison, Wisconsin on August 17, 2002 wit Wisconsin registered auction company license. A copy of the advertisement is attached as **Exhibit 1** and is incorporated herein reference.
5. An investigation conducted by the Department revealed that on August 17, 2002, USL was not registered as a Wisconsin auction company. The investigation also revealed that Mr. Wheat was the registered auctioneer who conducted the above-noted auction.
6. Department records indicate that USL became a registered auction company (#053-00271) on or about August 22, 2002.

7. In resolution of this matter, Mr. Wheat consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Auctioneer Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 480.24.
2. The Auctioneer Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
3. Respondent Vernon W. Wheat has violated:

Wis. Stat. § 480.08 (1)(b) and Wisconsin Administrative Code, § RL 126.02 (2), by assisting in unlicensed practice when he conducted an auction with an auction company that was not licensed to conduct Auctions within the state of Wisconsin.
4. The license of Vernon W. Wheat is subject to discipline per Wis. Stat. § 480.24.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that Respondent Vernon W. Wheat (#052-05023) is hereby **REPRIMANDED** for the conduct set out above.

IT IS FURTHER ORDERED, that Respondent Vernon W. Wheat shall pay costs in this matter in the amount of **THIRTY HUNDRED DOLLARS (\$300.00)** within thirty (30) days from the date of this order. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event that Vernon W. Wheat fails to timely submit payment of the costs as set forth above, Vernon W. Wheat's auctioneer license # 052-02053 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that files. 02 AUC 034, 03 AUC 001, 03 AUC 005, and 03 AUC 013 be, and hereby is, closed as to Vernon W. Wheat.

Dated at Madison, Wisconsin this 19th day of July, 2005.

AUCTIONEER BOARD

Mark Shain
Member of the Auctioneer Board