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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JANET M. ZASTROW D/B/A :
ZASTROW AUCTION, :
RESPONDENT. : LS0701302AUC

Division of Enforcement Case File # 05 AUC 003

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

Janet M. Zastrow
1520 Franklin St.
Wausau, WI 54403-5111

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

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

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 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. **Janet M. Zastrow d/b/a Zastrow Auction** is a registered auctioneer in the State of Wisconsin, having registration # 52-746 which was first granted on 03/10/97. Ms. Zastrow's most recent address on file with the Department of Regulation and Licensing is 1502 Franklin S., Wausau, WI 54403-5111.
2. At all times relevant to the facts set forth below, Ms. Zastrow was the owner of Grand Avenue Auction House in Wausau WI.
3. On or about June 16, 2004, Deloris Haas entered into an Auction Contract with Ms. Zastrow for her to conduct a public auction as Seller's agent. According to the terms of the contract, the date of the auction was "as per auctioneer." The contract also set forth the following terms:
PLACE OF AUCTION: 1930 Grand Ave., Wausau, WI 54403. . . COMPENSATION: Owner shall pay GRAND AVENUE AUCTION 30% of the gross proceeds of the sale. . . BUYER'S FEE: A Buyer's fee of 0% will be charged. . . PAYMENT: All payment from Business account will be made in 24 hours. All payment from Trust Account will be made in 30 days. Seller will be paid within 24 hours.
4. The first auction was held on or about July 19, 2004. Ms. Haas received the proceeds from that auction in the amount of \$87.64. Along with the check was a list of goods that were sold and a note stating that the rest of the items would be sold on July 31, 2004.
5. Ms. Haas went to the Grand Avenue Auction House before July 31, 2004 to see what items of hers were scheduled to be sold on July 31, and did not see any items that belonged to her.
6. Ms. Haas received a second list of about 15 items that were sold by Ms. Zastrow on August 16, 2004. The proceeds for the second auction totaled \$75.90. After looking at the settlement sheet, Ms. Haas realized that the auction was not held at Grand Avenue Auction House as agreed to in the contract, but rather was held in Little Chicago—a small farming community near Wausau.
7. Ms. Haas was not notified in advance, nor did she authorize, that the second auction for her remaining items would be held in Little Chicago.
8. Ms. Haas contacted Ms. Zastrow regarding items that were to be auctioned but were not listed on the settlement sheet. On or about February 15, 2005, Ms. Haas received a note from Ms. Zastrow stating that Ms. Haas had received all proceeds from both auctions. On or about February 28, 2005, Ms. Haas received a letter from Ms. Zastrow stating that the items of hers that did not sell at the auctions were donated to The Neighbors Place, a second hand resale shop in Wausau. Ms. Haas did not authorize Ms. Zastrow to donate her items if they did not sell at the auction nor was such statement included in the written auction contract.
9. The Department requested a copy of the receipt for the items Ms. Zastrow donated to The Neighbors Place but Ms. Zastrow did not comply.
10. After reviewing three different auction advertisements that were placed by Ms. Zastrow in a local newspaper, the Department found the following violation: the ads did not include a statement of the terms and conditions under which the registrant will accept payment by buyers at the auction.
11. On or about June 7, 2006, Ms. Zastrow notified the Department that she sold the Grand Avenue Auction House and has retired from the auction business.
12. In resolution of this matter, Ms. Zastrow agrees to voluntarily surrender her auctioneer registration.

CONCLUSIONS OF LAW

1. The Wisconsin Auctioneer Board has jurisdiction to act in this matter pursuant to §480.24, Wis. Stats. The Wisconsin Auctioneer Board and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. **Janet M. Zastrow d/b/a Zastrow Auction** has violated:
 - a. Wis. Admin. Code § RL 124.02(6) by failing to include the date, dates or time period during which the items will be sold at auction in the auction contract;
 - b. Wis. Stat. §§ 480.14(3)(a) and Wis. Admin. Code § RL 126.02(6) by failing to accurately report the results of the auction performed for Ms. Haas and for making a false statement on the written auction contract regarding the location of the second auction;
 - c. Wis. Stat. § 124.02(intro) by failing to state in the written contract that unsold good would be donated to The Neighbors Place;
 - c. Wis. Stat. §§ 480.18(3) and 480.24(2)(j) by failing to provide the Department a receipt for Ms. Haas' items that were donated to The Neighbors Place;
 - d. Wis. Admin. Code § RL 123.03(3)(4) by failing to include a statement of the terms and condition of payment in the auction advertising.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The **VOLUNTARY SURRENDER** of the auctioneer registration of **Janet M. Zastrow d/b/a Zastrow Auction**, registration # 52-746, is hereby accepted.
2. All rights and privileges granted to **Janet M. Zastrow d/b/a Zastrow Auction**, auction registration # 52-746 are forever terminated, effective on the date of this order. Janet M. Zastrow d/b/a Zastrow Auction shall not practice or attempt to practice as an auctioneer or company after the date of this order.
3. Janet M. Zastrow d/b/a Zastrow Auction shall not seek to renew her auctioneer registration or reapply for licensure as an auctioneer or auction company with the State of Wisconsin in the future.
4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
5. This Order is effective on the date of its signing.

WISCONSIN AUCTIONEER BOARD

By: Patrick McNamara 1/30/07
A Member of the Board Date