

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
LONNIE G. NIXON,	:	LS0302242AUC
d/b/a NIXON AUCTIONEERS,	:	
RESPONDENT.	:	

Division of Enforcement Case No. 02 AUC 018

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Lonnie G. Nixon
Nixon Auctioneers
PO Box 296
Laurel, NE 68745-0296

Division of Business Licensure & Regulation
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 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 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 Lonnie G. Nixon (Nixon) of P.O. Box 296, Laurel, Nebraska 68745-0296, is and was at all time material to the complaint registered as a Registered Wisconsin Auctioneer (52 1159), and had been so

registered under the provisions of ch. 480, Wis. Stats., since June 11, 1996; and is the owner of and d/b/a Nixon Auctioneers.

2. On or about July 3, 2002, the Department received inquiries from a consumer and the Auctioneer Board Chairperson complaining about an auction that Respondent had advertised and conducted on July 6, 2002, and raised issues regarding the advertisements and conduct of the auction.

3. The advertisements on their faces indicated various violations of related auctioneer's requirements and regulations.

4. Respondent admits to, and takes full responsibility for not complying with the required auctioneer's rules and regulations regarding advertisements.

CONCLUSIONS OF LAW

1. The Wisconsin Auctioneer Board has jurisdiction to act in these matters pursuant to sec. 480.24, Wis. Stats.

2. The Wisconsin Auctioneer Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent has variously violated sec. 480.20 (1)(2), Wis. Stats., Advertising of auctions. No person may advertise that an auction will be conducted unless the advertisement includes all of the following:

(1) The name of the auctioneer who will conduct the auction and the name of any auction company that is managing the auction.

(2) A statement that the auctioneer under sub. (1) is a "Registered Wisconsin Auctioneer."

4. Respondent has variously violated sec. 480.24 (2)(d), Wis. Stats., (2)(d) Advertised in a manner which is ... misleading.

5. Respondent has variously violated sec. RL 123.02, Wis. Adm. Code. No registrant may advertise in a manner which is false, deceptive or misleading.

6. Respondent has variously violated secs. RL 123.03 (1)-(4), Wis. Adm. Code. Contents of advertising. All advertisements that an auction will be conducted shall contain the following information:

(1) The name or trade name of an auctioneer responsible for the auction conducted pursuant to the contract required under s. 480.14(1), stats., and the name of any auction company that is managing the auction.

(2) A statement that the auctioneer is a "registered Wisconsin auctioneer" and the state registration

number of the auctioneer.

(3) A statement of the terms and conditions under which the registrant will accept payment by the buyers at the auction.

(4) The percentage or other amount of any buyer's fee or surcharge which is a condition of sale.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. Respondent Lonnie G. Nixon is reprimanded and will pay \$250.00 in forfeitures.

2. The \$250.00 forfeiture shall be payable by cashier's check or money order made payable to the Department of Regulation and Licensing, and shall be payable on or before 30 days after the effective date of the Board's order adopting the Stipulation Agreement; (the effective date of the Board's order is the date the Final Decision and Order is signed by the Board's chairperson or his designee), and submitted to the Department's Monitor.

Marlene Meyer

Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708 8935

AUCTIONEER BOARD

By: Richard Lust

2-24-03

On behalf of the Board

Date