

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FINDINGS OF FACT

1. Myron C. Bowling, (DOB 4/3/52; 2082 Timberman Rd., Hamilton, OH 45013) is duly licensed as an auctioneer in the State of Wisconsin (license #52-1117). This license was first granted on March 18, 1997.
2. Myron Bowling Auctioneers, Inc. (3901 Kraus Ln., PO Box 369, Ross, OH 45061) is duly licensed as an auction company in the State of Wisconsin (license #53-278). This license was first granted on February 18, 2003.
3. Respondents have been conducting auctions in the State of Wisconsin since July 2002.
4. On or about December 8, 2002, Respondent Myron Bowling Auctioneers, Inc. advertised an auction to be held on December 10, 2002 in Milwaukee, Wisconsin.
5. Respondent Myron Bowling Auctioneers, Inc. advertised said auction in the Milwaukee Journal Sentinel and on their website.
6. Neither advertisement contained the name of the auctioneer who was conducting the auction nor the statement, "Wisconsin registered auctioneer."
7. The Milwaukee Journal Sentinel advertisement contained the phrase "buyer's premium."
8. At no time since July 2002 have Respondents maintained or registered with the Department of Regulation and Licensing a common trust account in a bank, savings and loan association, or credit union which is authorized to do business in Wisconsin.
9. The Respondents used (and continues to use) a contract, which contained the phrase "buyer's premium" and did not identify the state registration number for either Respondent.
10. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. Based on the conduct referred to in paragraphs 1, 2 and 3 above, Respondent Myron C. Bowling has violated Wis. Stats. §480.02(2)(f) and 480.24(2)(j), by calling auctions for an unlicensed auction company.
2. Based on the conduct referred to in paragraphs 2, 3, 4 and 5 above, Respondent Myron Bowling Auctioneers, Inc. has violated Wis. Stats. §480.08(1)(b) by conducting auctions as an unlicensed auction company.
3. Based on the conduct referred to in paragraph 6 and 7 above, Respondent Myron Bowling Auctioneers, Inc. has violated Wis. Stats. §480.20 and Wis. Adm. Code §123.03(4) by failing to comply with Wisconsin advertising requirements.

4. Based on the conduct referred to in paragraph 8 above, Respondent Myron Bowling Auctioneers, Inc. has violated Wis. Stats. §480.16 and Wis. Adm. Code §125.035 for failing to maintain and register a trust account with a bank, savings and loan association, or credit union which is authorized to do business in Wisconsin.
5. Based on the conduct referred to in paragraph 9 above, Respondents have violated Wis. Adm. Code §124.02(1) and (5) by failing to comply with the requirements for auction contracts.

ORDER

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

As to Respondent Myron C. Bowling:

IT IS FURTHER ORDERED that the auctioneer's license (#52-1117) of Respondent, Myron C. Bowling, be and hereby is, **SUSPENDED** until such time that Respondent Myron C. Bowling takes and passes the **CONTINUING EDUCATION TEST-OUT EXAM** administered by the Department of Regulation and Licensing pursuant to Chapter RL 128 of the Wisconsin Administrative Code. Upon successful completion, Respondent Myron C. Bowling shall submit proof of the same to the

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

in the form of verification from the Department. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent Myron C. Bowling fails to successfully complete the educational requirements in the manner as set forth above, then and in that event, and without further notice to the Respondent Myron C. Bowling, his auctioneer license shall continue to be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board.

IT IS FURTHER ORDERED that Respondent Myron C. Bowling pay **FULL COSTS** in this matter in the amount of \$350 within 30 days of the date of this Order. Payment 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, PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED that in the event that Respondent Myron C. Bowling fails to pay the \$350 in full costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, his auctioneer's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said full costs have been paid to the Department of Regulation and Licensing and his failure to pay the full costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent Myron C. Bowling pay a FORFEITURE of \$1000.00, within 30 days of the date of this Order. Payment 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, PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Myron C. Bowling fails to pay the \$1000.00 forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Myron C. Bowling his auctioneer license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture have been paid to the Department of Regulation and Licensing and his failure to pay the forfeiture shall be considered a violation of this Order by the Board.

As to Respondent Myron Bowling Auctioneers, Inc.:

IT IS FURTHER ORDERED that the auction company license (#53-278) of Respondent,

Myron Bowling Auctioneers, Inc. be and hereby is, SUSPENDED until such time that the following prerequisites are met:

- (1) Respondent Myron C. Bowling takes and passes the CONTINUING EDUCATION TEST-OUT EXAM as provided above; AND
- (2) Respondent Myron Bowling Inc. establishes a trust account that conforms with the requirements of Wis. Stats. §480.16, including registering the name with the Department of Regulation and Licensing and providing a consent to audit letter to the Department; AND
- (3) Respondents use a contract form that complies with Chapter 124 of the Wisconsin Administrative Code.

IT IS FURTHER ORDERED, that in the event Respondent Myron Bowling Auctioneers, Inc. fails to meet the prerequisites to the lifting of the suspension on its auction company license in the manner set forth above, then and in that event, and without further notice to the Respondent, Myron Bowling Auctioneers, Inc., its auction company's license shall continue to be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board. Upon successful completion of these prerequisites, Respondent Myron Bowling Auctioneers, Inc. shall submit proof of the same to the Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED that Respondent Myron Bowling Auctioneers, Inc. pay FULL COSTS in this matter in the amount of \$350 within 30 days of the date of this Order. Payment 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, PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED that in the event that Respondent Myron Bowling Auctioneers, Inc. fails to pay the \$350 in full costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, its auction company's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said full costs have been paid to the Department of Regulation and Licensing and its failure to pay the full costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent Myron Bowling Auctioneers, Inc. pay a FORFEITURE of \$1000.00, within 30 days of the date of this Order. Payment 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, PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Myron Bowling Auctioneers, Inc. fails to pay the \$1000.00 forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Myron Bowling Auctioneers, Inc. its auction company's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture have been paid to the Department of Regulation and Licensing and its failure to pay the forfeiture shall be considered a violation of this Order by the Board

As to both Respondents:

IT IS FURTHER ORDERED that this Order shall become effective upon the date of its signing.

IT IS FURTHER ORDERED that file 02 AUC 039 be, and hereby is, closed.

WISCONSIN AUCTIONEER BOARD

By:	Richard Lust	12-8-03
	A member of the Board	Date