

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
ROBERT J. HAGEMANN D/B/A :
BOB HAGEMANN AUCTION SERVICE, : LS0312082AUC
RESPONDENT. :

Division of Enforcement Investigation 01AUC029

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

Robert J. Hagemann d/b/a
Bob Hagemann Auction Service
28421 Rowntree Rd.
Burlington, WI, 53105

Wisconsin 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 disposition of this matter, subject to the approval of the Wisconsin Auctioneer Board ("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. **Robert J. Hagemann** ("Hagemann"), date of birth 05/25/60, is licensed in the State of Wisconsin as an auctioneer, having license # 52-509. This license was first granted to him on 03/01/95. Hagemann's most recent address on file with the Department of Regulation and Licensing is 28421 Rowntree Rd., Burlington, WI 53105. Hagemann is d/b/a Bob Hagemann Auction Service.

2. On or about November 30 , 2001, Tommy Burkett ("Burkett") entered into an Auction Contract with Hagemann for him to conduct a public auction. The auction was to take place on December 4, 2001. Terms of the contract are set forth as follows, "calling or chant only, Nothing to do with consignors, Auctioneer fees of \$300.00 and/or 5%." Hagemann and Burkett signed this contract on November 30, 2001. A copy of the Auction Contract is attached as **Exhibit 1** and is incorporated herein by reference.

3. Hagemann agreed to let Burkett supply the clerks, do the advertising, contract with the consignors, handle the sale tax, and to be responsible for all monies due the consignors. Burkett did not have a Wisconsin Auctioneer or Auction Company license at the time of the sale.

4. Hagemann was contacted about providing records resulting from the auction with Burkett but Hagemann retained none.

CONCLUSIONS OF LAW

1. The Wisconsin Auctioneer Board has jurisdiction to act in this matter pursuant to sec. 480.24, Wis. Stats., and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Respondent **Robert J. Hagemann d/b/a Bob Hagemann Auction Service**
has violated:

a. Wis. Stats. secs. 480.24(2)(f) and 480.24(2)(j) by calling an auction for an unlicensed auction company.

b. Wis. Stats. secs. 480.14(1), 480.14(3)(a) and (b), and 480.24(j), and Wis. Adm. Code sec. RL 124.02 by failing to contract properly for the auction and by allowing a non-licensee to be responsible for advertising, contracting with consignors, handling the sale tax, and responsible for all monies due the consignors.

c. Wis. Stats. sec. 480.18(3), by not retaining records and making them available to the Department or the Board.

ORDER

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

IT IS FURTHER ORDERED that Respondent **Robert J. Hagemann d/b/a Bob Hagemann** license # 52-509, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that Respondent **Robert J. Hagemann** pay a forfeiture in the amount of

\$500.00 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 **Robert J. Hagemann** fails to pay the \$500.00 forfeiture within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **Robert J. Hagemann** 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 forfeiture has 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.

IT IS FURTHER ORDERED, that file 01AUC029 be, and hereby is, closed.

Dated this 8th day of December, 2003.

WISCONSIN AUCTIONEER BOARD

Richard Lust

A member of the Board