

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**
LANCE A. KLUG, :
RESPONDENT. : **LS0407272AUC**

Division of Enforcement Investigation 02 AUC 015

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

Lance A. Klug
W5725 Ralph Rd.
Fort Atkinson, WI 53538

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. Lance A. Klug ("Klug"), date of birth 11/28/49, is licensed in the State of Wisconsin as an auctioneer having license #52-176. This license was first granted to him on 03/01/95. Klug's last reported address on file with the Department of Regulation and Licensing is W5725 Ralph Rd., Fort Atkinson, WI 53538.
2. On or about June 2, 2002, Klug called an auction for Peter Schaab (Schaab) in Genoa City, WI. There was no written auction contract between Schaab and Klug.
3. Klug agreed to let Schaab supply the clerks, do the advertising, handle the sales tax and to have all monies paid by buyers paid directly to Schaab.
4. Schaab did not have a Wisconsin Auctioneer Company license at the time of the auction.
5. The advertisement for the auction failed to include the terms and conditions for acceptance of payment at the auction.
6. Klug did not retain any records resulting from the auction with Schaab.

CONCLUSIONS OF LAW

1. The Wisconsin Auctioneer Board has jurisdiction to act in this matter pursuant to §480.24, Wis. Stats.

2. The Wisconsin Auctioneer Board and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
3. Klug has violated:
 - a. §480.24(2)(f), Wis. Stats. by calling an auction for an unlicensed auction company.
 - b. §480.14(1), Wis. Stats. and §RL 124.02, Wis. Admin. Code by failing to contract properly for the auction.
 - c. §123.03(3) Wis. Admin. Code for failing to properly advertise the auction.
 - d. §§480.18(1) and (3), Wis. Stats. by not retaining the auction records and making them available to the Department or the Board.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent Lance A. Klug #52-176, be, and hereby is, REPRIMANDED.
2. That Respondent Lance A. Klug pay partial costs in the amount of \$300.00 within 30 days of the date of this Order.
3. That any and all petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

4. That violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice as an auctioneer in Wisconsin. Should the Department determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Department may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.
5. That file 02 AUC 015 be, and hereby is, closed.

Dated this 27th day of July, 2004.

WISCONSIN AUCTIONEER BOARD

Richard Lust
A member of the Board