

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
DALE R. MEYERS,	:	LS0504192AUC
RESPONDENT.	:	

Division of Enforcement Case No. 04 AUC 001

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

Dale R. Meyers
W160 N8924
Madison Avenue
Menominee Falls, WI 53051

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Auctioneering Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Auctioneering Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dale R. Meyers (“Respondent”), (DOB 06/26/1947) was duly licensed as an Auctioneer in the state of Wisconsin (52-1858). The license was first granted on 06/02/1999. The license expired on 12/31/2004.
2. Respondent's most recent address on file with the Wisconsin Auctioneer Board is W179 N8586 Village Court, Menominee Falls, WI, 53051. Per information on file with the State of Wisconsin, Department of Corrections, Respondent’s current address is W160 N8924 Madison Avenue, Menominee Falls, WI 53051.
3. On or about November 9, 2002, Respondent sold at auction the personal property of F.W. Respondent was doing business as Kettle Moraine Auction Co. Subsequently, Respondent failed to remit any funds to F.W. based upon the sale of the personal property.
4. On or about May 26, 2004, a criminal complaint was filed against Respondent, alleging that he did, “by virtue of his employment, having possession of money of another intentionally retained possession of such money without the owner’s

consent, contrary to his authority, and with the intent to convert it to his own use, contrary to Section 943.20(1)(b) & (3)(a), Wisconsin Statutes.” The complaint further alleges that Respondent retained the proceeds of an auction sale conducted on behalf of M.S. on or about June 29, 2003. Moreover, the complaint alleges that Respondent admitted to a police officer that he was “paying off old auction debts with new auction money.”

5. On or about September 9, 2004, Respondent was convicted of one count of a violation of Wis. Stat. § 943.20(3)(a), theft in a business setting.

6. Per Wis. Stat. § 480.24(2)(c), an auctioneer is subject to discipline if he or she has “been arrested or convicted of an offense committed while registered under this chapter. Further, it is a violation of Wis. Admin. Code § RL 126.02(2), a licensee is subject to discipline for “Violating a law or rule of any jurisdiction, the circumstances of which substantially relate to the practice under the registration.”

CONCLUSIONS OF LAW

1. The Wisconsin Auctioneer Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 480.24.

2. The Wisconsin Auctioneer Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

3. By retaining the funds of current auction clients to pay the proceeds of auctions owed to former clients, and, consequently, by being convicted of a violation of Wis. Stat. § 943.20(3)(a), as set forth in paragraphs 3-5, above, Respondent violated Wis. Stat. § 480.24(2)(c), and engaged in two or more violations of Wis. Admin. Code § RL 126.02(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The VOLUNTARY SURRENDER of the right of DALE R. MEYERS to renew his license to practice as an auctioneer in the State of Wisconsin and shall be, and hereby is, accepted.
2. Respondent shall pay partial costs of the Division of Enforcement in investigating this matter, in the amount of \$100.00.
3. Payments required by this order, and all indicia of licensure in the possession of the respondent shall be mailed 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. 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 Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, or fails to timely submit proof of completion of education as set forth above, the Respondent's license (90-49932) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order, and with the suspension called for in this Order not to begin until the other terms of the Order have been complied with.

5. This Order is effective on the date of signing.

WISCONSIN AUCTIONEER BOARD

By:	Mark Shain	4-19-05
	A Member of the Board	Date