

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
PEOPLES MOTORS, INC.,	:	LS0504193AUC
RESPONDENT.	:	

Division of Enforcement Case No. 04 AUC 009

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

Peoples Motors, Inc.
1265 South Gilbert Road
Gilbert, AZ 85296

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

Auctioneer 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 Auctioneer 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. Peoples Motors, Inc. ("Respondent"), was duly licensed as an Auction Company in the state of Wisconsin (53-283). This license was first granted on 07/03/2003. This license expired on 12/31/2004.
2. Respondent's most recent address on file with the Wisconsin Auctioneer Board is 1265 South Gilbert Road, Gilbert, AZ 85296.
3. On or about July 10, 2004, Respondent held an auction in Iola, WI. Respondent sold at auction automobiles on behalf of individuals and business to members of the general public.
4. Respondent's advertisements made in advance of the auction described in paragraph 3, above, failed to state the name of the auctioneer who would be conducting the auction; a statement that the person; the name of the auctioneering company managing the auction, using instead a separate name; a statement of the terms and conditions of payment; and a

statement of the amount or percentage of the fee or surcharge which was a condition of the sale.

5. Respondent permitted an auctioneer who was not licensed in the state of Wisconsin to conduct the auction described in paragraph 3, above.

CONCLUSIONS OF LAW

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

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

3. Respondent, by its conduct as described in paragraph 4 of the findings of fact, above, committed one or more violations of the following statutory and regulatory sections: Wis. Stat. § 480.20(1), (2); Wis. Admin. Code § 123.03(1), (2), (3) and (4); thereby subjecting itself to discipline per Wis. Stat. § 480.26(2)(j).

4. Respondent, by its conduct as described in paragraph 5 of the findings of fact, above, aided and abetted the conduct of an auction by an unlicensed individual in violation of Wis. Stat. § 480.08(1)(a), and thereby committed a violation of Wis. Admin. Code § 126.02(2); thereby subjecting itself to discipline per Wis. Stat. § 480.24(2)(j).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Respondent, PEOPLES MOTORS, INC., to practice as an auctioneer company in the State of Wisconsin be, and hereby is, REPRIMANDED.
2. Respondent shall pay partial costs of this matter in the amount of \$800.00 within sixty (60) days of the date of signing of this order.
3. All payments required by this Order shall be 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

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

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