

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE AUCTIONEER BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 :  
 :  
RABIN WORLDWIDE  
RESPONDENT :  
 : LS0507193AUC  
 :

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Division of Enforcement Case File #: **02 AUC 022**

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

Attn: Richard Reese  
Rabin Worldwide  
298 San Bruno Avenue  
San Francisco, CA 94105

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 these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Auctioneer Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent Rabin Worldwide is registered as an Auction Company in the State of Wisconsin having license number #053-00180. This license was first granted on 06/05/97.
2. Rabin Worldwide most recent address on file with the Department of Regulation and Licensing (“Department”) is: 298 Bruno Avenue, San Francisco, California, 94015.
3. As a registered auction company in the State of Wisconsin, Rabin Worldwide was and is at all times relevant to this action responsible for compliance under Wisconsin Statutes, chapter 480 and the Wisconsin Administrative Code for Auctioneers and Auction Companies, chapters 123 and 126.
4. On or about August 7, 2002, the Department received a complaint alleging that William Firestone and Capital Recovery Group (CRG), a partnership of Rabin Worldwide were engaging in the unlicensed practice of auctioneering in the State of Wisconsin.
5. The complaint also alleged that CRG’s advertisement for an auction scheduled for August 12, 2002 was in violation of the auctioneering advertising rules under Wisconsin law. A copy of the advertisement is attached as **Exhibit 1** and is incorporated herein by reference.
6. The investigation conducted by the Department revealed that the advertisements for the above-mentioned

auction failed to include the following information:

- (a) the name or trade name of the licensed auctioneer who would be responsible for the auction;
- (b) the statement “Registered Wisconsin Auctioneer” and the state registration number of the auctioneer;
- (c) a statement of the terms and conditions under which the registrant will accept payment by buyers at the auction; and
- (d) the statement “Buyers Fee” or “Buyer’s Surcharge” which indicates a condition of sale for the prospective buyer.

7. The investigation also revealed that CRG was using the auction company license of Rabin Worldwide to conduct auctions in the State of Wisconsin.

8. In resolution of this matter, Rabin Worldwide consents to the entry of the following Conclusions of Law and Order.

### **CONCLUSIONS OF LAW**

1. The Auctioneer Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 480.24.
2. The Auctioneer Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
3. Respondent Rabin Worldwide has violated:
  - a. Wis. Stat. §§ 480.08 (1)(b); 480.24 (2)(e)(f) and Wisconsin Administrative Code, § RL 126.02 (2), by assisting in unlicensed practice when it allowed an unlicensed company and unlicensed person, Capital Recovery Group and William Firestone to use its license number to conduct an auction in the State of Wisconsin;
  - b. Wisconsin Administrative Code, § RL 123.03 (1)-(4), by failing to include the following information in its advertisement:
    - (a) the name or trade name of the licensed auctioneer who would be responsible for the auction;
    - (b) the statement “Registered Wisconsin Auctioneer” and the state registration number of the auctioneer;
    - (c) a statement of the terms and conditions under which the registrant will accept payment by buyers at the auction; and
    - (d) the statement “Buyers Fee” or “Buyer’s Surcharge” which indicates a condition of sale for the prospective buyer.
4. The license of Rabin Worldwide is subject to discipline per Wis. Stat. § 480.24.

### **ORDER**

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

**IT IS FURTHER ORDERED** that Respondent Rabin Worldwide(#053-00180) is hereby **REPRIMANDED** for

the conduct set out above.

**IT IS FURTHER ORDERED**, that Respondent Rabin Worldwide shall pay costs in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within thirty (30) days from the date of this order. Payments shall be made by **certi 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  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event that Rabin Worldwide, fails to timely submit payment of the costs as set forth above, Rabin Worldwide's auction company license # 053-00180 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file# 02 AUC 022 shall be closed as to all Respondents.

Dated at Madison, Wisconsin this 19th day of July, 2005.

**AUCTIONEER BOARD**

Mark Shain  
Member of the Auctioneer Board