

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD**

IN THE MATTER OF :
THE DISCIPLINARY PROCEEDINGS :
AGAINST :
 :
LYNN C. McDOWELL, : **FINAL DECISION AND ORDER**
D/B/A MAC'S AUCTION SERVICE : **Case #LS 0604182AUC**
RESPONDENT. :

Division of Enforcement Case #03 AUC 025

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

Lynn C. McDowell d/b/a Mac's Auction Service
1890 22-22¼ Street
Rice Lake, WI 54868

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 and Licensing
1400 East Washington Avenue
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 decision of this matter, subject to the approval of 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. Lynn C McDowell, d/b/a Mac's Auction Service, (DOB 12/7/1943) is duly licensed as a auctioneer in the State of Wisconsin (license # 52-884). This license was first granted on April 21, 1995, and is current until December 31, 2006. Mr. McDowell does business as Mac's Auction Service, which is not separately licensed as an auctioneer company.

2. Respondent's most recent address on file with the Department of Regulation and Licensing is 1890 22-22¹/₄ Street, Rice Lake, WI 54868. The Department has learned that Mr. McDowell currently resides at 1680 18³/₄ Street, Rice Lake, WI 54868.
3. During the summer of 2003, Shane Strenke contacted Mr. McDowell about auctioning goods from his residence and business.
4. The contract between Mr. Strenke and Mac's Auction Service did not include the following:
 - Mr. McDowell's auctioneer license number;
 - Mr. McDowell's telephone;
 - Whether Mr. McDowell and his staff could purchase at the auction; and
 - A statement regarding a buyer's fee or surcharge.
5. In resolution of this matter, Mr. McDowell consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Auctioneer Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 480.24, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44 (5).
2. The conduct described in paragraph 4 above constitutes a violation of Wis. Admin. Code § RL 124.02 (1), (3), and (5).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Lynn C. McDowell, d/b/a Mac's Auction Service (license #52-884) shall pay a forfeiture of \$100 and partial costs of \$500 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
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
FAX (608) 266-2264

IT IS FURTHER ORDERED that Lynn C. McDowell shall, within 30 days from the date of this Order, use a contract form that complies with Wis. Admin. Code chapter 124.

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 li-

cense. 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 submit timely payment of the forfeiture and partial costs as set forth above, or fails to use a contract form that complies with Wis. Admin. Code chapter RL 124, Mr. McDowell's license (#52-884) SHALL BE SUSPENDED, without further notice or hearing ,until Respondent has complied with the terms of this Order.

This Order is effective on the date of its signing.

By: Patrick McNamara
A Member of the Board

4/18/06