

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**
 :
DION G. ABADI, : **LS0607252AUC**
UNDER THE HAMMER :
D/B/A DA AUCTIONEERS, INC. :

[Division of Enforcement Case File #: **04 AUC 002**]

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

Dion G. Abadi
4260 Olde Mill Lane
Atlanta, Georgia 30342

Under The Hammer
D/B/A DA Auctioneers, Inc.
3550 Broad Street, Ste. C
Chamblee, Georgia 30341

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

PROCEDEURAL HISTORY

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. Dion G. Abadi (Abadi) is registered as an Auctioneer in the State of Wisconsin having license number #052-2009. This license was first granted on 03/08/01.
2. Abadi’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 4260 Olde Mill Lane, Atlanta, Georgia 30342.
3. Abadi is the owner of Under The Hammer D/B/A DA Auctioneers, Inc. (“Under The Hammer”). Under The Hammer is registered as an Auction Company in the State of Wisconsin having license number #053-0231. This license was first granted on 04/05/00.
4. Under The Hammer’s most recent address on file with the Department is: 3550 Broad Street, Ste. C., Chamblee, Georgia 30341.
5. As a registered auctioneer in the State of Wisconsin, Abadi 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.

6. On or about October 28, 2002, the Auctioneer Board issued a Final Decision and Order to Abadi and Under the Hammer, wherein the Auctioneer Board reprimanded and assessed costs in the amount of five hundred dollars (\$500.00). The discipline was a result of Abadi and Under The Hammer failing to include the name or trade name of an auctioneer responsible for the auction and failing to include the statement that the auctioneer is a “registered Wisconsin auctioneer.”

7. On or about April 1, 2004, the Department received an advertisement of an auction that Abadi and Under The Hammer conducted on March 28, 2004. The advertisement included Abadi’s last name and Under The Hammer’s license number but it did not include the name or trade name of an auction company responsible for the auction. The advertisement also did not include a statement that the auctioneer is a registered Wisconsin auctioneer. A copy of the advertisement is attached as **Exhibit** and is incorporated herein by reference.

8. Department records indicate that Abadi’s auctioneer registration was placed into expired status from January 8, 2003 through November 21, 2005.

9. In resolution of this matter, the Abadi and Under The Hammer consent 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. Respondents Dion G. Abadi and Under The Hammer, D/B/A DA Auctioneers, Inc. have violated:

Wis. Stats. §§ 480.20(1)(2); 480.24(2)(b)(e)(j) and Wis. Admin. Code §§ RL 123.03 (1)(2); 126.02(2) by failing to state in its advertisement the name or trade name of an auction company responsible for the auction and failing to state that the auctioneer is a “registered Wisconsin auctioneer.”
4. Respondent Dion G. Abadi has violated:

Wis. Stat. § 480.08(1)(a) and Wis. Admin. Code § RL 126.02(2) by engaging in the practice of auctioneering without a current auctioneer registration.
5. The licenses of Dion G. Abadi and Under The Hammer D/B/A/ DA Auctioneers, Inc. are 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 Respondents Dion G. Abadi (#052-2009) and Under The Hammer D/B/A DA Auctioneers, Inc. (#053-0231) are hereby **REPRIMANDED** for the conduct set out above.

IT IS FURTHER ORDERED, that the Respondents shall pay a **FORFEITURE** in this matter in the amount of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**.

IT IS FURTHER ORDERED, that the Respondents shall pay **COSTS** in this matter in the amount of **SIX HUNDRED DOLLARS (\$600.00)**.

IT IS FURTHER ORDERED, that a down payment of **SEVEN HUNDRED DOLLARS (\$700.00)** shall be submitted within thirty (30) days from the date of this order and two more payments of **SEVEN HUNDRED DOLLARS (\$700.00)** within every ninety (90) days from the previous payment until the full **TWO THOUSAND ONE HUNDRED DOLLARS (\$2,100)** is paid. Payments 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**

IT IS FURTHER ORDERED, that in the event that the Respondents fail to timely submit payment of the costs as set forth above, Dion G. Abadi's auctioneer registration # 052-2009 and Under The Hammer D/B/A DA Auctioneers Inc.'s auction company registration #053-0231 **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 04 AUC 002 be, and hereby is, closed as to all Respondents.

Dated at Madison, Wisconsin this 25th day of July, 2006.

AUCTIONEER BOARD

Patrick McNamara
Member of the Auctioneer Board