

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

Auction & Estate Services  
1145 Hinsdale Ave.  
Beloit, WI 53511

Wisconsin Auctioneer Board  
P.O. Box 8935  
Madison, WI 53708

Department of Regulation and Licensing  
Division of Enforcement  
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 disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

- Auction & Estate Services is a licensed auction company in the State of Wisconsin, license # 53-84, which was first granted on 03/01/95. Auction & Estate Services' most recent address on file with the Department of Regulation and Licensing is 1145 Hinsdale Ave., Beloit, WI 53511.
- At all times relevant to the facts set forth below, Robert Bue was the owner of Auction & Estate Services. Mr. Bue is not a licensee.
- On or about January 4, 2006, an auditor with the Department of Regulation and Licensing, audited the Auction & Estate Services' trust account bookkeeping records. During the audit the auditor discovered the following discrepancies in the trust account:  
The check register was not maintained. Some deposits were subtracted when they should have been added. The balance in the check register was approximately \$1600.00 less than reconciled bank statement balance;  
The bank reconciliation was not performed. On several occasions the business checking account was overdrawn during April, May and June 2005;  
The validation was not completed. For a period from December 2004 through June 2005, the trust account had approximately \$1600.00 more than what was recorded in the check register; and  
The account summary sheets were not completed. No auction summary sheets were completed for weekly consignments sales. No accounting was found for auctioneer funds held in trust, nor was there an accounting for any sales tax liability.
- Mr. Bue informed the Department that he has shut down Auction & Estate Services and closed the trust account, and is in the process of selling the real estate for the auction company. The last auction for Auction & Estate Services was conducted on February 14, 2006.
- In resolution to this matter, Mr. Bue wishes to voluntarily surrender the auction company license of Auction & Estate Services.

CONCLUSIONS OF LAW

- The Wisconsin Auctioneer Board has jurisdiction to act in this matter pursuant to §480.24, Wis. Stats. The Wisconsin Auctioneer Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
- By the conduct described above in ¶3, Auction & Estate Services has violated:
  - Wis. Admin. Code § RL 125.12(1) by failing to maintain a check register;
  - Wis. Admin. Code § RL 125.12(2) by failing to perform a bank reconciliations;
  - Wis. Admin. Code § RL 125.12(3) by failing to complete trust account validations; and
  - Wis. Admin. Code § RL 125.12(4) by failing to complete an account summary sheet.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- The VOLUNTARY SURRENDER of the auction company license of Auction & Estate Services, license # 53-84, is hereby accepted.
- All rights and privileges granted to Auction & Estate Services, license # 53-84 are forever terminated, effective on the date of this order. Auction & Estate Services shall not practice or attempt to practice as an auction company after the date of this order.
- Auction & Estate Services shall not seek to renew its auction company license or reapply for licensure as an auction company with the State of Wisconsin in the future.
- 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 Respondents' licenses. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
- This Order is effective on the date of its signing.

WISCONSIN AUCTIONEER BOARD

By: Patrick J. McNamara 10/24/2006  
A Member of the Board Date