

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**
RAINBOW AUCTION & REALTY, AND :
JON S. SCHUSTER :
RESPONDENTS. : **LS0701301AUC**

Division of Enforcement Case File # 06 AUC 009

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

Rainbow Auction & Realty
716 2nd Ave.
Onalaska, WI 54650

Jon S. Schuster
716 2nd Ave.
Onalaska, WI 54650

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

PROCEDURAL HISTORY

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

1. **Rainbow Auction & Realty** is a licensed auction company in the State of Wisconsin, license # 53-18, which was first granted on 03/01/95. The auction company's most recent address on file with the Department of Regulation and Licensing ("Department") is: 716 2nd Ave., Onalaska, WI 54650.

2. On January 1, 2005, Rainbow Auction & Realty auction company license expired and was not renewed until January 23, 2006.

3. **Jon S. Schuster** is a licensed auctioneer in the State of Wisconsin, license # 52-61, which was first granted on 03/01/95. Mr. Schuster's most recent address on file with the Department is: 716 2nd Ave., Onalaska, WI 54650.

4. On January 1, 2005, Mr. Schuster's auctioneer license expired and was not renewed by him until January 30, 2006.

5. On June 6, 2005, Rainbow Auction Realty and Mr. Schuster held an auction for Tom & Rita Anderson in New Amsterdam, WI. A copy of the advertisement for the Anderson's auction is attached as **Exhibit A** and is incorporated herein by reference.

6. During the Department's investigation, Mr. Schuster admitted that he performed six auctions during the time his license was expired.

7. In resolution of this matter, Jon S. Schuster and Rainbow Auction & Realty consent to 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 the Wisconsin Auctioneer Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. **Rainbow Auction & Realty** has violated; Wis. Stat. § 480.08(1)(b), and Wis. Admin. Code § RL 126.02, by conducting auctions while the auction company license was expired.

3. **Jon S. Schuster** has violated; Wis. Stat. §§ 480.08(1)(a) and 480.24(2)(j) by practicing as an auctioneer without having a valid Wisconsin auctioneer license, and by calling auctions for an unlicensed auction company between January 1, 2005, and January 30, 2006.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Rainbow Auction & Realty**, auctioneer's license #53-18, is hereby **REPRIMANDED**.

2. **Jon S. Schuster**, auctioneer's license #52-61, is hereby **REPRIMANDED**.

3. **Rainbow Auction & Realty** and **Jon S. Schuster** shall jointly and severally, within 30 days of the date of this Order, pay a **FORFEITURE** in the amount of \$300.00.

4. **Rainbow Auction & Realty** and **Jon S. Schuster** shall jointly and severally, within 30 days of the date of this Order, pay **COSTS** of this proceeding in the amount of \$125.00.

Payment of costs, as well as forfeitures, shall be made by certified check or money order, made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

5. In the event that either of the Respondents fails to timely submit any payment as ordered, such violation may

be construed as conduct imperiling public health, safety and welfare and the Respondents' licenses SHALL BE SUSPENDED without further notice or hearing, and SHALL REMAIN SUSPENDED until Respondents have complied with the terms of this Order. 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.

6. This Order is effective on the date of its signing.

WISCONSIN AUCTIONEER BOARD

By: Patrick McNamara
A Member of the Board

1/30/2007
Date