

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**
TERRY R. LOCKE, :
D/B/A G & L AUCTION SERVICE, :
RESPONDENT. : **LS0707243**

Division of Enforcement Case File # 05 AUC 024

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

Terry R. Locke
d/b/a G & L Auction Service
967 Ehlers Rd.
Neenah, WI 54956

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. **Terry R. Locke, d/b/a G & L Auction Service**, is a licensed auctioneer in the State of Wisconsin having license # 52-395, which was first granted on 03/01/95. Mr. Locke's most recent address on file with the Department of Regulation and Licensing is 967 Ehlers Rd., Neenah, WI 54956.

2. In October and November 2005, Patricia Manchester Wieneke contacted Mr. Locke regarding furniture items that she was interested in selling. Mr. Locke explained that she could include her items along with another household auction he was conducting in December.

3. On or about November 27, 2005, Mr. Locke picked up the furniture from Ms. Manchester Wieneke's residence in order to sell it at the household auction being held on December 3, 2005. Ms. Manchester Wieneke was not home during the time Mr. Locke picked up her furniture, but her husband was.

4. When the furniture was picked up, Mr. Locke told Mr. Wieneke that a contract would be mailed out to Ms. Manchester Wieneke.

5. Mr. Locke sold Ms. Manchester Wieneke's property at auction on December 3, 2005, without having a

signed written contract with her prior to the sale.

6. After hearing nothing further from Mr. Locke and receiving no contract from G & L Auction, Ms. Manchester Wieneke contacted Mr. Locke on December 6, 2005. When Mr. Locke informed Ms. Manchester Wieneke that the auction was held on December 3, 2005, and her items were sold, Ms. Manchester Wieneke was surprised to learn that her items were sold without her ever having received an auction contract to sign.

7. After December 6, 2005, Ms. Manchester Wieneke received an auction contract in the mail from G & L Auction, along with the proceeds for the items that were sold on December 3, 2005.

8. Mr. Locke maintains that a contract was mailed to Ms. Wieneke prior to the December 3, 2005 auction.

9. Mr. Locke was previously disciplined by the Board in 1997 for violations which included failing to enter into a written contract with a seller prior to conducting the auction.

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. Respondent **Terry R. Locke d/b/a G & L Auction Service** has violated:

a. Wis. Stat. § 480.14(1), and Wis. Admin. Code § RL 124.02, by failing to enter into a signed written contract with Patricia Manchester Wieneke prior to conducting the auction on December 3, 2005.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Terry R. Locke, d/b/a G & L Auction Service**, auctioneer's license #52-395, is hereby **REPRIMANDED**.

2. **Terry R. Locke, d/b/a G & L Auction Service**, shall, within 90 days of the date of this Order, pay **FORFEITURE** in the amount of FIVE HUNDRED DOLLARS (\$500.00).

3. **Terry R. Locke d/b/a G & L Auction Service**, shall, within 60 days of the date of this Order, pay **COST** of this proceeding in the amount of SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00).

4. 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. 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.

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

WISCONSIN AUCTIONEER BOARD

By: Patrick McNamara
A Member of the Board

7/24/07
Date