

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**
DEL PETERSON & ASSOC. INC., :
RESPONDENT. : **LS0807222AUC**

Division of Enforcement Case File # 04 AUC 021

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

Del Peterson & Assoc. Inc.
419 West Judy Drive
Fremont, NE 68025

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. **Del Peterson & Assoc. Inc.**, is a licensed auction company in the state of Wisconsin having license # 53-307, which was first granted on 03/01/05. Del Peterson & Assoc. Inc.'s most recent address on file with the Department of Regulation and Licensing is 419 West Judy, Fremont, NE 68025.
2. On or about December 14, 2004, Del Peterson & Assoc. Inc. had an auction for Wisconsin Fertilizer & Chemical Association at Landmark Agronomy Services lot in Evansville, Wisconsin. At the time of this auction, Del Peterson & Assoc. Inc. was not licensed in the state of Wisconsin.
3. Del Peterson & Assoc. Inc. received its initial auction company license from the state of Wisconsin on March 1, 2005.
4. Del Peterson & Assoc. Inc. placed an auction advertisement for an auction on June 23, 2005 at Kewaunee Coop, Luxemburg, Wisconsin. The advertisement failed to list the complete terms and conditions of payment, did not state whether there was a buyer's fee or surcharge, and was missing the phrase 'registered Wisconsin auctioneer.'
5. The contract for the June 23, 2005 auction failed to state whether the registrant could purchase at the auction, and whether there was a buyer's fee or surcharge.

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 **Del Peterson & Assoc. Inc.** has violated:

- a. Wis. Stat. § 480.08(1), by acting as an auction company in the state of Wisconsin without being registered as an auction company.
- b. Wis. Admin. Code §§ RL 123.03(2), 123.03(3) and 123.03(4) by failing to include in the auction advertising the statement 'registered Wisconsin auctioneer,' the complete terms and conditions under which the registrant would accept payment, and percentage or other amount of any buyer's fee or surcharge that was a condition to sale.
- c. Wis. Admin. Code §§ RL 124.02(3) and 124.02(5) by failing to include in the contract a statement indicating whether the registrant was authorized to purchase at the auction and whether a buyer's fee or surcharge would be assessed.

3. The Wisconsin Auctioneer Board has the authority to assess a forfeiture pursuant to Wis. Stat. § 480.26(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Del Peterson & Assoc. Inc.**, auction company license #53-307, is hereby **REPRIMANDED**.

2. **Del Peterson & Assoc. Inc.** shall, within 90 days of the date of this Order, pay a **FORFEITURE** in the amount of ONE HUNDRED DOLLARS (\$100.00).

3. **Del Peterson & Assoc. Inc.** shall, within 60 days of the date of this Order, pay **COSTS** of this proceeding in the amount of TWO HUNDRED DOLLARS (\$200.00).

4. Payment of costs, as well as the forfeiture, 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 Respondent's license. 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 J. McNamara

7/22/08

A Member of the Board

Date