

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE AUCTIONEER BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
FRED CURTIS AND JOHN W. MERWIN,	:	(AS TO FRED CURTIS)
RESPONDENTS	:	<b>ORDER 0000326</b>

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Division of Enforcement Case File Number 07 AUC 019

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

Fred Curtis  
206 West Prairie Street  
Boscobel, WI 53805

Wisconsin Auctioneer Board  
P.O. Box 8935  
Madison, WI 53707-8935

Wisconsin 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 Wisconsin Auctioneer Board (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. Respondent John W. Merwin is licensed in the state of Wisconsin as an Auctioneer, having license number 52-775. This license was first granted to Mr. Merwin on March 14, 1995 and it is current through December 14, 2010.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for John W. Merwin is 305 South Franklin Street, Livingston, WI 53554.

3. Respondent Fred Curtis was licensed in the state of Wisconsin as an Auctioneer, having license number 52-217. This license was first granted to Mr. Curtis on March 1, 1995 and it expired on December 31, 2004.

4. The most recent address on file with the Department for Mr. Curtis is 206 West Prairie Street, Boscobel, WI 53805.

5. On or about October 25, 2007, the Department received a complaint against Fred Curtis alleging unlicensed practice, deceptive advertising and contract violations. A case was subsequently opened for investigation.

6. The Department's investigation revealed that Fred Curtis worked for John W. Merwin as a "ringman" and that on occasion, Mr. Curtis would call an auction for a short period of time to allow Mr. Merwin to take a break.

7. Mr. Merwin admitted in a December 26, 2007 letter to the Department that his advertisements may have made it look like Mr. Curtis was an auctioneer. Mr. Merwin indicated in the December 26, 2007 letter that he now puts "ringman" in front of Mr. Curtis' name.

8. In resolution of this matter, Respondent Fred Curtis consents to the entry of 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 is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent Fred Curtis has violated Wis. Stat. § 480.08(1)(a) by acting as an auctioneer without being registered as an auctioneer.

3. As a result of the violation noted in the Conclusions of Law, Fred Curtis is subject to discipline pursuant to Wis. Stat. § 480.24(2).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of Fred Curtis' Wisconsin auctioneer license (number 52-217) and the right to renew that license is hereby accepted.

IT IS FURTHER ORDERED that:

2. Fred Curtis shall not seek to renew, request reinstatement or re-apply for licensure to practice as an auctioneer in the State of Wisconsin for a minimum of three (3) years from the date of this Order.

3. In the event that Fred Curtis seeks to renew or reinstate his license to practice as an auctioneer in the State of Wisconsin, he shall submit a new application for licensure and meet all then-existing requirements for licensure.

4. If Fred Curtis ever applies for renewal or reinstatement of his Wisconsin auctioneer license then he shall pay costs of investigating and prosecuting this matter, in the amount of ONE HUNDRED NINETY DOLLARS (\$190.00), before any such application may be considered. Payment 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) 267-3817, Fax (608) 266-2264

5. Fred Curtis shall not practice or attempt to practice as an auctioneer in the State of Wisconsin without being licensed in Wisconsin.

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. 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

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

IT IS FURTHER ORDERED that file 07 AUC 019 is hereby closed as to Respondent Fred Curtis.

Dated this 20 day of July, 2010.

WISCONSIN AUCTIONEER BOARD

By: 