

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM F. BUE,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0000328**
:

Division of Enforcement Case File # 08 AUC 003

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

William F. Bue
1358 Cleveland Ave.
Beloit, WI 53511

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 William F. Bue is licensed in the state of Wisconsin as an Auctioneer, license # 52-629. This license was first granted to him on 03/01/1995 and is current through 12/14/2010.
2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Mr. Bue is 1358 Cleveland Ave., Beloit, WI 53511.
3. On or about February 5, 2008, a complaint was received by Department alleging unlicensed practice, failure to pay for or account for items consigned to auction, practice and advertising under a name which was not registered as a trade name, and contract violations. A case was subsequently opened for investigation.

4. The Department's investigation revealed that William F. Bue's auctioneer license was expired from 01/09/2007 through 11/22/2007. Mr. Bue admitted to holding 23 consignment auctions while his license was expired.

5. The Department's investigation revealed that Mr. Bue's auction contract, dated 10/29/2007, did not say who was responsible for advertising, did not provide a description of what was to be sold, and did not specify a buyer's premium.

6. The Department's investigation revealed that the sellers for the 10/29/2007 auction were not paid within 30 days. The auction took place on 11/06/2007, so the sellers should have been paid by 12/06/2007 and were not paid until sometime in 2008.

7. The Department's investigation revealed that Mr. Bue was operating under "Bue's Auction Service" or "Auction & Estate Services" even though neither name was registered as a trade name or auction company at the time of the auction at issue. Bue's Estate Auctions, LLC became registered as an auction company in Wisconsin (license # 53-380) on 3/19/2010.

8. In resolution of this matter, Respondent William F. Bue 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. By the conduct described in paragraph 4 of the Findings of Fact, Respondent William F. Bue has violated Wis. Stat. § 480.08(1)(a) by practicing as an auctioneer with an expired auctioneer credential. As a result, Mr. Bue is subject to discipline pursuant to Wis. Stat. § 480.24(2).

3. By the conduct described in paragraph 5 of the Findings of Fact, Respondent William F. Bue has violated Wis. Admin. Code § RL 124.02 by failing to include required elements in his contract. As a result, Mr. Bue is subject to discipline pursuant to Wis. Stat. § 480.24(2).

4. By the conduct described in paragraph 6 of the Findings of Fact, Respondent William F. Bue has violated Wis. Stat. § 480.14(3) by failing to pay a consignor of goods within 30 days after the sale of goods at auction. As a result, Mr. Bue is subject to discipline pursuant to Wis. Stat. § 480.24(2).

5. By the conduct described in paragraph 7 of the Findings of Fact, Respondent William F. Bue has violated Wis. Stat. § 480.08(1)(b) by acting as an auction company without being registered as an auction company. As a result, Mr. Bue is subject to discipline pursuant to Wis. Stat. § 480.24(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent William F. Bue's license to practice as an auctioneer in the state of Wisconsin (# 52-629) be, and hereby is, SUSPENDED for a period of five (5) days beginning twenty (20) days from the date of this Order.

2. Respondent William F. Bue shall pay COSTS in the amount of FOUR HUNDRED TWENTY DOLLARS (\$420.00) and a FORFEITURE in the amount of TWO HUNDRED FIFTY DOLLARS (\$250.00).

IT IS FURTHER ORDERED that:

3. Payment of the costs and forfeiture, which total SIX HUNDRED SEVENTY DOLLARS (\$670.00), shall be paid within ninety (90) days from the date of this Order.

4. Payment of the costs and forfeiture 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. 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. 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. In the event Respondent fails to timely submit payment of the costs and payment of the forfeiture as ordered and as set forth above, the Respondent's license (# 52-629) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture.

IT IS FURTHER ORDERED, that file, 08 AUC 003 be, and hereby is, closed.

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

Dated this 20 day of July, 2010.

WISCONSIN AUCTIONEER BOARD

By: 