

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE AUCTIONEER BOARD

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|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : |                          |
| PROCEEDINGS AGAINST               | : | FINAL DECISION AND ORDER |
|                                   | : |                          |
| AUCTION HOUSE OF WEST SALEM,      | : |                          |
| RESPONDENT.                       | : | ORDER00000473            |
|                                   | : |                          |

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Division of Enforcement Case No. 08 AUC 008

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

Auction House of West Salem  
143 S Leonard St  
P.O. Box 12  
West Salem, WI 54669

Auctioneer Board  
P.O. Box 8935  
Madison, WI 53708-8935

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. Respondent Auction House of West Salem is licensed in the State of Wisconsin as an Auction Company, having license # 053-248. This license was first granted to it on 3/13/2001 and is current through 12/31/2010. The most recent address on file with the Department of

Regulation and Licensing for Auction House of West Salem is 143 S Leonard St, P.O. Box 12, West Salem, WI 54669.

2. Auction House of West Salem employed Darol E. Linse as an auctioneer. Mr. Linse's Auctioneer license (#052-790) has been expired since 12/31/2004.

3. The Department of Regulation and Licensing received a complaint on February 26, 2008 against Mr. Linse for acting as an auctioneer without a license.

4. Mr. Linse called 71 auctions for Auction House of West Salem between 2006 and 2008 while his auctioneer license was expired.

5. In resolution of this matter, Respondent Auction House of West Salem 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 Auction House of West Salem has violated Wis. Stat. § 480.24(2)(b) by engaging in conduct evidencing a lack of knowledge or ability to apply professional principles or skills by failing to develop and implement a policy for checking the licensure of its employee auctioneers, as described in paragraph 5 of the Findings of Fact.

3. As a result of these violations, Auction House of West Salem is subject to discipline pursuant to Wis. Stat. § 480.24 and 480.26(2).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The **VOLUNTARY SURRENDER** of the auction company license of Auction House of West Salem (license # 053-248) is hereby **ACCEPTED**.

IT IS FURTHER ORDERED that:

2. Respondent Auction House of West Salem shall not apply to renew or reinstate its Wisconsin Auction Company license.

3. Respondent Auction House of West Salem shall not practice or attempt to practice as an Auction Company without being licensed in Wisconsin.

4. 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.

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

6. File # 08 AUC 008 is hereby closed as to Respondent Auction House of West Salem.

Dated this 19<sup>th</sup> day of October, 2010.

WISCONSIN AUCTIONEER BOARD

By: Pat McNamara  
JR