

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
	:	
LARRY H. JOSTAD,	:	
RESPONDENT.	:	ORDER 0000474
	:	

Division of Enforcement Case Nos. 08 AUC 008 and 08 AUC 011

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

Larry H. Jostad
N9311 McIntosh Rd
Mindoro, WI 54644

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 Larry H. Jostad is licensed in the State of Wisconsin as an Auctioneer, having license # 052-386. This license was first granted to him on 3/01/1995 and is current through 12/14/2010. The most recent address on file with the Department of Regulation and Licensing for Mr. Jostad is N9311 McIntosh Rd, Mindoro, WI 54644.

2. Larry H. Jostad is the owner of A to Z Auctions. Mr. Jostad employed Daniel L. Elliott as an auctioneer for A to Z Auctions. During the period of time between 12/31/2004 and 6/13/2008, Mr. Elliott's Auctioneer license (# 052-219) was expired.

3. Mr. Jostad also employed Darol E. Linse as an auctioneer for A to Z Auctions. Mr. Linse's Auctioneer license (#052-790) has been expired since 12/31/2004.

4. The Department of Regulation and Licensing received a complaint on February 26, 2008 against Mr. Linse for acting as an auctioneer without a license. The Department also received a complaint on April 7, 2008 against Mr. Elliott for acting as an auctioneer without a current license.

5. An advertisement listed in the La Crosse Tribune for an auction held on April 12, 2008 listed Mr. Elliott as the "Registered WI Auctioneer" and provided his license number and phone number. The advertisement also identified the auction manager as "A to Z Auctions-Larry Jostad #386 & Sandy Berger."

6. An advertisement listed in the La Crosse Tribune for an auction held on May 31, 2008 listed Mr. Elliott as the "Registered WI Auctioneer" and provided his license number and phone number. The advertisement also identified the auction manager as "A to Z Auctions-Larry Jostad #386 & Sandy Berger."

7. Mr. Jostad placed the advertisements for the April 12, 2008 and May 31, 2008 auctions. He did not have a policy for checking the licensure of his employee auctioneers. Mr. Elliott was his main auctioneer.

8. Mr. Elliott called 162 auctions for A to Z Auctions between 2005 and 2008 prior to the renewal of his auctioneer license.

9. Mr. Linse called one auction for A to Z Auctions on April 15, 2005 while his auctioneer license was expired.

10. In resolution of this matter, Respondent Larry H. Jostad 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 Larry H. Jostad 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 when

failing to develop and implement a policy for checking the licensure of his employee auctioneers, as described in paragraph 7-9 of the Findings of Fact.

3. As a result of these violations, Larry H. Jostad is subject to discipline pursuant to Wis. Stat. § 480.24 and 480.26(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The auctioneer license of **Larry J. Jostad** (license # 052-386) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent **Larry H. Jostad** shall pay a **FORFEITURE** in the amount of **ONE THOUSAND DOLLARS (\$1000.00)** and **COSTS** in the amount of **TWO HUNDRED AND THIRTY DOLLARS (\$230.00)**, for a total of **ONE THOUSAND TWO HUNDRED AND THIRTY DOLLARS (\$1230.00)**.

3. Payment of the costs and forfeiture shall be submitted within 120 days from the date of this order. 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) 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. 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 forfeiture as set forth above, the Respondent's license (# 052-386) 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.

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

Dated this 19th day of October, 2010.

WISCONSIN AUCTIONEER BOARD

By: Pat McNamara
 PM