

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
:
DANIEL L. ELLIOTT, :
RESPONDENT. : ORDER0000476
:
:

Division of Enforcement Case No. 08 AUC 011

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

Daniel L. Elliott
5111 Hamilton Ave
Sparta, WI 54656

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 Daniel L. Elliott is licensed in the State of Wisconsin as an Auctioneer, having license # 052-219. This license was first granted to him on 3/01/1995 and is current through 12/14/2010. During the period of time between 12/31/2004 and 6/13/2008, Mr. Elliott's Auctioneer license (# 052-219) was expired. The most recent address on file with the

Department of Regulation and Licensing for Mr. Elliott is 5111 Hamilton Ave, Sparta, WI 54656.

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.

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

4. 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."

5. 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."

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

7. In resolution of this matter, Respondent Daniel L. Elliott 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 Daniel L. Elliott has violated Wis. Stat. § 480.08(1)(a) by acting as an auctioneer and using the title of "Registered WI Auctioneer" while his license was expired, as described in paragraphs 3-7 of the Findings of Fact.

3. As a result of these violations, Daniel L. Elliott 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 **Daniel L. Elliott** (license # 052-219) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent **Daniel L. Elliott** shall pay a **FORFEITURE** in the amount of **FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4500.00)** and **COSTS** in the amount of **ONE HUNDRED AND FIFTY FIVE DOLLARS (\$155.00)**, for a total of **FOUR THOUSAND SIX HUNDRED AND FIFTY FIVE DOLLARS (\$4655.00)**.

3. Payment of the costs and forfeiture shall be submitted within 180 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

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. 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 (# 052-219) 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.

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

Dated this 19th day of October, 2010.

WISCONSIN AUCTIONEER BOARD

By: Pat McNamara
