

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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
RABIN WORLD WIDE,	:	
RESPONDENT.	:	ORDER 0000956

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Division of Enforcement Case File Number 09 AUC 013

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

Attn: Drew Hynes  
Rabin World Wide  
731 Sansome Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94111

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

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 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 Rabin World Wide, is registered in the state of Wisconsin as an auction company having registration number 53-180. This registration was first granted to it on 06/05/97. The registration is current through 12/14/12.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Rabin World Wide is: 731 Sansome Street, 2<sup>nd</sup> Floor, San Francisco, California 94111.

3. As a registered auction company, Respondent Rabin World Wide was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 480 and the Wisconsin Administrative Code for Auctioneers and Auction Companies, Chapters RL 123 and 125.

4. On June 27, 2009, the Department received a consumer complaint alleging that an auction conducted by Respondent Rabin World Wide was handled unprofessionally and that proceeds were not disbursed in a timely manner. A complaint was subsequently opened for investigation.

5. On March 25, 2009, an auction was held by Respondent Rabin World Wide in Sturtevant, Wisconsin. The advertising for the March 25, 2009 auction was missing the following contents: (a) the name of the auctioneer responsible for conducting the auction; (b) a statement that the auctioneer is a 'registered Wisconsin auctioneer' and the state registration number of the auctioneer; (c); a statement regarding the terms and conditions under which the registrant will accept payment by buyers at the auction; and (d) the percentage or other amount of any buyer's fee or surcharge which is the condition of sale.

6. The investigation revealed that a Wisconsin registered auctioneer called the March 25, 2009 auction and the company handled the disbursement of proceeds from the auction. There was no signed auction contract between both parties although it is agreed that all parties to the transaction saw copies of the contract.

7. Proceeds from the auction were not disbursed to the Complainant until April 30, 2009, over one month after the auction. There was nothing in writing to indicate that it was permissible to disburse the proceeds to the Complainant later than twenty-four (24) hours after the sale. Additionally, the proceeds from the auction were not kept in a trust account.

8. On July 19, 2005, Respondent Rabin World Wide received disciplinary action from the Wisconsin Auctioneer Board for advertising violations and unlicensed activity. The discipline received by Respondent Rabin World Wide was in the form of a reprimand and costs in the amount of one thousand dollars (\$1,000.00).

9. In resolution of this matter, Respondent Rabin World Wide 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 five (5) of the Findings of Fact, Respondent Rabin World Wide has violated Wis. Admin. Code § RL 123.03(1-4) by failing to include the proper contents in its advertisement of the March 25, 2009 auction.
3. By the conduct described in paragraph six (6) of the Findings of Fact, Respondent Rabin World Wide has violated Wis. Stat. § 480.14(1) by failing to enter into a written contract with the owner of the goods that were for sale at the March 25, 2009 auction.
4. By the conduct described in paragraph seven (7) of the Findings of Fact, Respondent Rabin World Wide has violated Wis. Stat. § 480.16 and Wis. Admin. Code § RL 125.035 by failing to maintain a trust account for its auctioneering business and register the trust account with the Department.
5. As a result of the violations noted in the Conclusions of Law, Rabin World Wide is subject to discipline pursuant to Wis. Stat. § 480.24(2)(j).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached stipulation is accepted.
2. Respondent Rabin World Wide is hereby **REPRIMANDED**.
3. Respondent Rabin World Wide shall pay COSTS in the amount of **SEVEN HUNDRED DOLLARS (\$700.00)** and a FORFEITURE in the amount of **ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00)** for a total amount of **TWO THOUSAND DOLLARS (\$2,000.00)** within 90 days of the date of this Order.
4. Payment of the costs and forfeiture shall be made 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 registration. 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 ordered and as set forth above, then Respondent's license (number 53-180) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of costs and forfeiture.

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

Dated this 19 day of July, 2011.

WISCONSIN AUCTIONEER BOARD

By:  KA