

## 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

LYNN C. MC DOWELL,  
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0002090

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Division of Enforcement Case No. 11 AUC 014

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

Lynn C. Mc Dowell  
2680 18 ¾ St.  
Rice Lake, WI 54868

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

Division of Enforcement  
Department of Safety and Professional Services  
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 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Lynn C. Mc Dowell (dob 12/07/1943) is licensed in the State of Wisconsin as an Auctioneer, having license number 52-884, first issued on 04/21/1995 and current through 12/14/2012. Mr. Mc Dowell's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2680 18 ¾ St., Rice Lake, WI 54868.

2. On April 18, 2006, Mr. Mc Dowell was disciplined by the Wisconsin Auctioneer Board for using a contract form that did not contain all required elements. Mr. Mc Dowell was ordered to pay a forfeiture and costs.

3. On or about October 17, 2011, the Department received a complaint alleging various auctioneering violations by Mr. Mc Dowell. Division of Enforcement case number 11 AUC 014 was subsequently opened for investigation.

4. The Department's investigation revealed that Respondent Mc Dowell was using consignment sheets as contracts. The consignment sheets did not include the following:

- Licensee name, trade or business name, license number, business address or business phone number;
- Any restrictions on property to be sold;
- Statement regarding licensee ability to purchase at auction;
- Description of service provided;
- Statement on buyer's fee or surcharge; and
- Date(s) or time of auction.

5. During the course of the investigation, Respondent Mc Dowell provided copies of advertisements he had placed on auction websites. The advertising for auctions did not contain the following:

- Statement of 'registered Wisconsin auctioneer' and registration number;
- Terms and conditions for payment; and
- Percentage or amount of buyer's fee or surcharge.

6. In resolution of this matter, Respondent Mc Dowell 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 the Findings of Fact, Respondent Mc Dowell violated Wis. Admin. Code § SPS 124.02 by failing to include required terms and conditions in auction contracts.

3. By the conduct described in the Findings of Fact, Respondent Mc Dowell violated Wis. Admin. Code § SPS 123.03 by failing to include required information in auction advertising.

4. As a result of the above violations, Respondent Mc Dowell 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 hereby accepted.
2. Respondent Lynn C. Mc Dowell is hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent Mc Dowell shall pay a FORFEITURE in the amount of \$500.00.
4. Payment of forfeiture shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
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 forfeiture as ordered, Respondent's license (no. 52-884) 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 forfeiture.

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

WISCONSIN AUCTIONEER BOARD

by: BA Matheson  
A Member of the Board

10-16-12  
Date