

## 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

WILLIAM F. CAIN,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002262.

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 AUC 006

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

William F. Cain  
752 Tallgrass Lane  
Plymouth, WI 53073

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

Division of Legal Services and Compliance  
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 William F. Cain (dob July 12, 1955) is licensed in the State of Wisconsin as an Auctioneer, having license number 52-504, first issued on March 1, 1995 and current through December 14, 2012. Respondent Cain's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 752 Tallgrass Lane, Plymouth, WI 53073.

2. On October 4, 2011, a Department auditor conducted an audit of Respondent Cain's trust account. The audit revealed, in part, the following:

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

- a. Respondent failed to maintain account summary sheets (ledgers) for each individual auction; and
  - b. Respondent failed to validate reconciled bank statements, account summary sheets, and his check register.
3. On October 4, 2011, the Department auditor requested follow-up documents from Respondent Cain by mid-November 2011 to show his compliance with Wis. Admin. Code § SPS 125.12. Respondent Cain failed to provide the requested materials.
  4. The Department auditor again requested the documents from Respondent Cain on approximately ten occasions (via e-mail, mail and telephone) between October 18, 2011 and April 26, 2012, yet Respondent Cain failed to provide the requested materials.
  5. On April 26, 2012, the Department auditor referred the matter to the Division of Legal Services and Compliance and case number 12 ACC 006 was subsequently opened for investigation.
  6. After several attempts by a Department investigator, all of the requested documents were obtained from Respondent Cain in September 2012.
  7. The Department auditor reviewed the documents that were received in September 2012 and found them to be mostly compliant with Wis. Admin. Code § SPS 125.12.
  8. On October 1, 2012, the Department investigator informed Respondent Cain of the remaining deficiencies in his documents, and asked him to correct the documents and provide corrected versions to the Department.
  9. Corrected versions of Respondent Cain's documents were received by the Department on October 3, 2012.
  10. In resolution of this matter, Respondent Cain consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The 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 Cain violated Wis. Admin. Code §§ RL (now SPS) 125.12(3)-(4) by failing to perform validations and maintain proper account summary sheets in his trust account bookkeeping system.
3. By the conduct described in the Findings of Fact, Respondent Cain violated Wis. Stat. § 480.18(3) by failing, upon reasonable notice, to make records available to the Department for inspection.

4. As a result of the above violations, Respondent Cain is subject to discipline pursuant to Wis. Stat. §§ 480.24(2)(b) and (j).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Cain is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent Cain shall pay COSTS of this matter in the amount of \$667.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

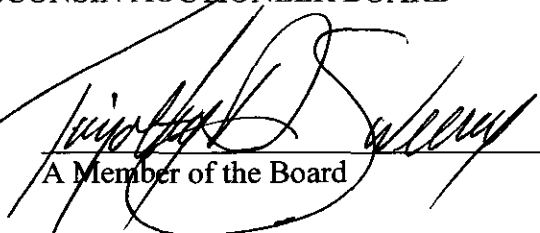
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 as ordered, Respondent's license (no. 52-504) 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.

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

WISCONSIN AUCTIONEER BOARD

by:

  
A Member of the Board

  
Date