

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONALD A. WAGNER,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002263

Division of Legal Services and Compliance¹ Case No. 12 AUC 007

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

Donald A. Wagner
P.O. Box 157
Ripon, WI 54968

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 Donald A. Wagner (dob January 27, 1944) is licensed in the State of Wisconsin as an Auctioneer, having license number 52-457, first issued on March 1, 1995, and current through December 14, 2012. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 157, Ripon, WI 54968.

2. On or about May 9, 2012, the Department received a copy of a consumer complaint filed with the Department of Agriculture, Trade, and Consumer Protection regarding

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

an auction performed by Respondent. Division of Legal Services and Compliance Case Number 12 AUC 007 was subsequently opened for investigation.

3. On January 13, 2012, Respondent entered into a contract with a seller for a personal property auction to be held on January 29, 2012.

4. A review of the auction contract revealed that Respondent failed to include the following required elements in the contract:

- a. The address of the owner or consignor; and
- b. A general description of the property to be sold at auction.

5. In resolution of this matter, Respondent 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 violated Wis. Admin. Code § SPS 124.02 by failing to include the following in an auction contract:

- a. The address of the owner or consignor; and
- b. A general description of the property to be sold at auction.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Donald A. Wagner is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$236.00.

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

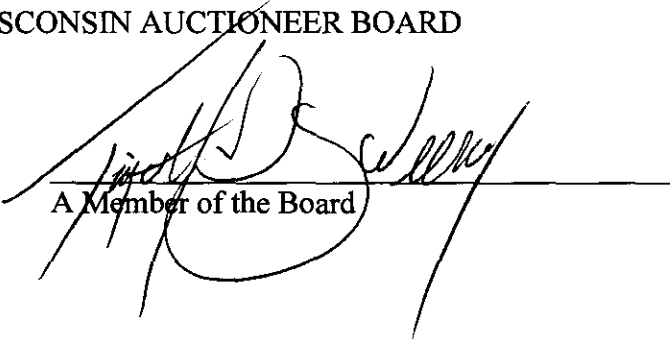
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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. 52-457) 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