

## 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

DOUGLAS A. FERRIS,  
RESPONDENT.

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:  
:  
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FINAL DECISION AND ORDER

ORDER 000226<sup>1</sup>

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 AUC 008

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

Douglas A. Ferris  
1145 Cty. Hwy. SS  
Chetek, WI 54728

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 Douglas A. Ferris (dob April 9, 1959) is licensed in the State of Wisconsin as an Auctioneer, having license number 52-90, 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 1145 Cty. Hwy. SS, Chetek, WI 54728.

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

2. On or about June 7, 2012, the Department received a complaint regarding an auction that Respondent called on April 14, 2012. Division of Enforcement case number 12 AUC 008 was subsequently opened for investigation.

3. The Department's investigation revealed that Respondent failed to enter into a written contract with the owner or consignor of goods prior to conducting an auction of the owner's/consignor's goods on April 14, 2012.

4. Respondent provided the owner or consignor of goods an accounting of all moneys due the owner or consignor on June 8, 2012, 75 days after the auction.

5. Respondent provided the proceeds of the auction to the owner or consignor on June 8, 2012, 75 days after the auction.

6. 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. Stat. § 480.14(1) and Wis. Admin. Code § SPS 124.02 by failing to enter into a written contract prior to conducting an auction.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. §§ 480.14(3)(a) and (b) by failing, within 30 days of conducting an auction, to:

- a. provide an owner or consignor an accounting of all moneys due the owner or consignor; and
- b. to pay the owner or consignor all moneys due for goods sold at an auction.

4. 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 Douglas A. Ferris is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$1,000.00 and COSTS of this matter in the amount of \$550.00.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

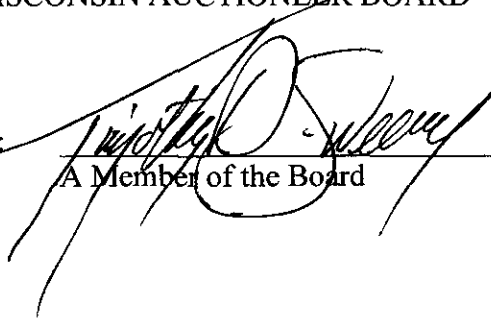
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 forfeiture and costs as ordered, Respondent's license (no. 52-90) 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 and costs.

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

WISCONSIN AUCTIONEER BOARD

by:

  
A Member of the Board

1-23-13  
Date