

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

DOUGLAS A. FERRIS,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0004579

Division of Legal Services and Compliance Case No. 14 AUC 010

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

Douglas A. Ferris
1145 County Highway SS
Chetek, WI 54728

Wisconsin Auctioneer Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 registered by the State of Wisconsin as an Auctioneer, having certificate number 90-52, first issued on March 1, 1995 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1145 County Highway SS, Chetek, Wisconsin 54728.

2. On January 23, 2013, Respondent was disciplined by the Board for failure to provide an owner or consigner an accounting of all moneys due the owner or consigner, and for failure to pay the owner or consigner all monies due for goods sold at an auction. Respondent was reprimanded and ordered to pay a forfeiture of \$1,000 and costs of \$550.

3. On May 8, 2014, Respondent entered into a contract with R.C. to conduct an auction of various items owned by R.C. on May 31, 2014.

4. At the conclusion of the May 31, 2014 auction, Respondent told R.C. that he would have another auction to sell the items that had not sold. The second auction was held on September 10, 2014.

5. Respondent charged R.C. \$340.00 for labor costs for loading and unloading the auction items and setup of the items at the May 31, 2014 and September 10, 2014 auctions.

6. Respondent verbally discussed the fees for loading and unloading of auction items and setup of those items at the auctions, but there is no reference in the May 8, 2014 contract to these services and the associated fees.

7. The May 8, 2014 contract did not contain Respondent's state registration number and did not include a statement indicating whether Respondent was authorized to purchase at the auction.

8. 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. Respondent violated Wis. Admin. Code §§ SPS 124.02(1), (3) and (4) by entering into a written contract with an owner or consignor of goods to be sold at auction that does not contain:

- a. the registrant's state registration number;
- b. a statement indicating whether the registrant is authorized to purchase at the auction; and
- c. a description of the services to be provided and the consideration for the services.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Douglas A. Ferris is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Douglas A. Ferris shall pay a FORFEITURE in the amount of \$1,000 and COSTS of this matter in the amount of \$467.00.

4. Payment of the 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's certificate of registration (number 90-52), or Respondent's right to renew his certificate of registration, 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:

Gerry Thiel
A Member of the Auctioneer Board

3/8/16
Date

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DOUGLAS A. FERRIS,
RESPONDENT.

STIPULATION

0004579

Division of Legal Services and Compliance Case No. 14 AUC 010

Respondent Douglas A. Ferris and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Auctioneer Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

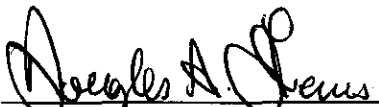
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

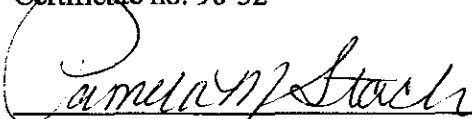
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Douglas A. Ferris, Respondent
1145 County Highway SS
Chetek, WI 54728
Certificate no. 90-52

2-23-16
Date



Pamela M. Stach, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3-1-16
Date