

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

TERRY R. LOCKE AND
LEA G. LOCKE,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
:
:

0005542

Division of Legal Services and Compliance Case Nos. 16 AUC 005 and 17 AUC 003

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

Terry R. Locke
967 Ehlers Road
Neenah, WI 54956

Lea G. Locke
967 Ehlers Road
Neenah, WI 54956

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 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 Terry R. Locke (DOB April 22, 1950) is registered by the State of Wisconsin as an auctioneer, having registration number 395-52, first issued on March 1, 1995 and current through December 14, 2018. This registration was expired from December 15, 2016 through April 17, 2017. Respondent Terry R. Locke's most recent address on file with the

Wisconsin Department of Safety and Professional Services (Department) is 967 Ehlers Road, Neenah, Wisconsin 54956.

2. Respondent Lea G. Locke (DOB May 26, 1945) is registered by the State of Wisconsin as an auctioneer, having registration number 394-52, first issued on March 1, 1995 and current through December 14, 2018. This registration was expired from December 15, 2016 through April 17, 2017. Respondent Lea G. Locke's most recent address on file with the Department is 967 Ehlers Road, Neenah, Wisconsin 54956.

16 AUC 005

3. On May 13, 2016, the Department received a complaint from K.T. regarding Respondents' auction services. Division of Legal Services and Compliance Case No. 16 AUC 005 was subsequently opened for investigation.

4. On November 30, 2015, K.T. signed a contract with Respondents to sell her mother's furnishings and personal items at an auction on an unspecified date in February, 2016.

5. During the investigation of this matter, the Department reviewed the contract between Respondents and K.T. and found the contract failed to contain the following information: (a) the registrants' business address, and (b) the date of the auction.

6. During the Department's investigation of this matter, it was discovered that Respondents' registrations had expired on December 15, 2016.

17 AUC 003

7. On April 10, 2017, the Department received an anonymous complaint alleging that Respondents were advertising and performing auctions while their registrations were expired. Division of Legal Services and Compliance Case No. 17 AUC 003 was subsequently opened for investigation.

8. Respondents called two auctions while their registrations were expired.

9. In resolution of this matter, Respondents consent 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, Respondents violated Wis. Admin. Code §§ SPS 124.02(1) and (6) by entering into a written contract with an owner or consignor of goods to be sold at auction that failed to contain:

a. the registrants' business address, and

b. the date, dates or time period during which the items will be sold at auction.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 480.08(1)(a) by acting as auctioneers while their registrations were expired.

4. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 480.24(2)(j).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Terry R. Locke is REPRIMANDED.

3. Respondent Lea G. Locke is REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Terry R. Locke shall pay a FORFEITURE in the amount of \$750, and one-half of the COSTS of this matter in the amount of \$237.

5. Within 90 days from the date of this Order, Respondent Lea G. Locke shall pay one-half of the COSTS of this matter in the amount of \$237.

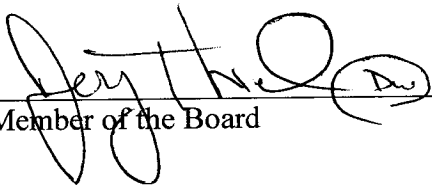
6. Payment of the forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. In the event Respondents violate any term of this Order, Respondents' **registrations** (numbers 395-52 and 394-52), or Respondents' right to renew their registrations, may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN AUCTIONEER BOARD

by: 
A Member of the Board

12/12/17
Date

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TERRY R. LOCKE AND
LEA G. LOCKE,
RESPONDENTS.

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STIPULATION

00055 42

Division of Legal Services and Compliance Case Nos. 16AUC 005 and 17 AUC 003

Respondents Terry R. Locke and Lea G. Locke and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

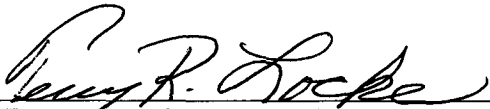
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
 - the right to a hearing on the allegations against Respondents, 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 Respondents;
 - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
 - the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondents agree 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. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

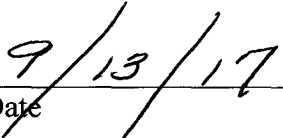
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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 Respondents, 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.

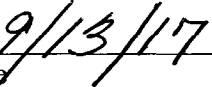
~~7. Respondents are informed that should the Board adopt this Stipulation, the~~
Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


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

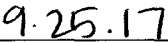

Terry R. Locke, Respondent
967 Ehlers Road
Neenah, WI 54956
Registration no. 395-52


Date


Lea G. Locke, Respondent
967 Ehlers Road
Neenah, WI 54956
Registration no. 394-52


Date


Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date