

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

NICHOLAS C. SCHAETZEL AND
QIC BID, LLC,
RESPONDENTS.

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FINAL DECISION AND ORDER

0005687

Division of Legal Services and Compliance Case No. 16 AUC 004

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

Nicholas C. Schaetzel
2903 Bellflower St.
Wausau, WI 54401

Qic Bid, LLC
3540 N. 126th St., Unit J
Brookfield, WI 53005

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 Nicholas C. Schaetzel (DOB 02/25/1984) is registered by the State of Wisconsin as an auctioneer, having registration number 2199-52, first issued on October 9, 2003 and current through December 14, 2018. Respondent Schaetzel's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2903 Bellflower Street, Wausau, Wisconsin 54401.

2. Respondent Qic Bid, LLC is registered by the State of Wisconsin as an auction company, having registration number 469-53, first issued on December 30, 2014 and expired on December 15, 2016. Respondent Qic Bid, LLC's most recent address on file with the Department is 3540 North 126th Street, Unit J, Brookfield, Wisconsin 53005.
3. Respondent Schaetzel is an auctioneer at Respondent Qic Bid, LLC.
4. On June 3, 2015, Respondents sold numerous items of S.D.'s restaurant equipment at auction.
5. On July 23, 2015, S.D. commenced a small claims action against Respondents relating to the proceeds from the auction (Door County Circuit Court Case Number 2015SC000239).
6. On April 8, 2016, the Department received a complaint from S.D. alleging that, after Respondents sold his restaurant equipment at auction, the resulting proceeds were reduced due to inappropriate deductions made by Respondents. Division of Legal Services and Compliance Case No. 16 AUC 004 was subsequently opened for investigation.
7. On June 7, 2016, Door County Circuit Court Case Number 2015SC000239 was transferred to Waukesha County Circuit Court, and opened as Case Number 2016SC002399.
8. On June 26, 2016, the Department sent a letter to Respondent Schaetzel's address of record, requesting copies of auction records and a response to the complaint.
9. On July 13, 2016, Respondent Schaetzel provided some documents to the Department, but did not produce a copy of the contract entered into with S.D.
10. On September 1, 2016, Waukesha County Circuit Court Case Number 2016SC002399 was dismissed without prejudice due to S.D.'s failure to appear at the hearing.
11. On May 11, 2017, the Department sent an email to Respondent Schaetzel's email address of record requesting a copy of the contract and additional information for the Department's investigation.
12. On May 31, 2017, the Department sent an email to Respondent Schaetzel's email address of record inquiring as to when he would be providing the requested information.
13. On June 5, 2017, Respondent Schaetzel indicated he was having trouble locating the contract and requested information.
14. On August 3, 2017, the Department sent an email to Respondent Schaetzel's email address of record requesting a copy of the contract and additional information for the Department's investigation.
15. Respondents did not provide a copy of the contract or the additional information as requested.

16. 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. Stat. § 480.18(1) by failing to maintain complete and accurate records of the auction for at least two years.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 480.18(2) by failing to retain complete and accurate records of the auction for at least two years after the termination of any litigation related to the auction.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 480.18(3) by failing to make the auction records available for inspection and copying by the department or the board.

5. 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 Nicholas C. Schaetzel is REPRIMANDED.

3. Respondent Qic Bid, LLC is REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Nicholas C. Schaetzel shall pay one-half of the COSTS of this matter in the amount of \$395.

5. Within 90 days from the date of this Order, Respondent Qic Bid, LLC shall pay one-half of the COSTS of this matter in the amount of \$395.

6. 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 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 (Nos. 2199-52 and 469-53), 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

Date

4/10/18

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NICHOLAS C. SCHAETZEL AND
QIC BID, LLC,
RESPONDENTS.

STIPULATION

0005687

Division of Legal Services and Compliance Case No. 16 AUC 004

Respondents Nicholas C. Schaezel and Qic Bid, LLC 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.

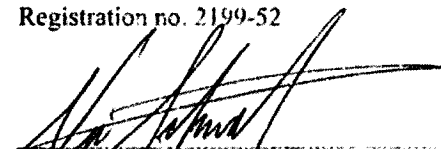
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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.

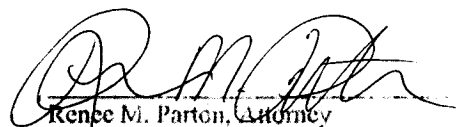
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Nicholas C. Schaezel, Respondent
2903 Bellflower St.
Wausau, WI 54401
Registration no. 2199-52

12.14.17
Date


Qic Bid, LLC, Respondent
By: Authorized Representative
3540 N. 126th St., Unit 1
Brookfield, WI 53005
Registration no. 469-53

12.14.17
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7193
Madison, WI 53707-7193

12/27/2017
Date