

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

MARK W. BINGHAM AND ALL AMERICAN
SALES & AUCTIONS LLC,
RESPONDENTS.

FINAL DECISION AND ORDER

ORDER 0006466

Division of Legal Services and Compliance Case No. 18 AUC 001

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

Mark W. Bingham
115 East Puerner Street
Jefferson, WI 53549

All American Sales & Auctions LLC
115 East Puerner Street
Jefferson, WI 53549

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 Mark W. Bingham (DOB 4/24/1970), is registered by the State of Wisconsin as an Auctioneer, having registration number 2660-52, first issued on August 11, 2011 and current through December 14, 2020. Respondent Mark W. Bingham's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 115 East Puerner Street, Jefferson, Wisconsin 53549.

2. Respondent All American Sales & Auctions LLC is licensed by the State of Wisconsin as an auction company, having license number 412-53, first issued on June 16, 2011 and current through December 14, 2020. Respondent All American Sales & Auctions LLC's most recent address on file with the Department is 115 East Puerner Street, Jefferson, Wisconsin 53549.

3. Respondent Mark W. Bingham is the owner of Respondent All American Sales & Auctions LLC.

4. On April 16, 2013, the Wisconsin Auctioneer Board issued Final Decision and Order 0002394 to Respondents, who were found to have violated Wis. Admin. Code §§ SPS 124.02(1), (3), (4), (5), and (6), SPS 124.03 and SPS 125.035. Respondents received a reprimand for these violations.

5. On January 16, 2018, the Department received a complaint alleging that Respondent Mark W. Bingham was engaged in the practice of auctioneering with an expired license. A search of Department records showed that Respondent Mark W. Bingham and Respondent All American Sales & Auctions LLC's credentials expired on December 15, 2014. Division of Legal Services and Compliance (Division) Case Number 18 AUC 001 was subsequently opened for investigation.

6. On June 29, 2017, Respondent All American Sales & Auctions LLC renewed its auction company license.

7. On February 28, 2018, Respondent Mark W. Bingham renewed his auctioneer license.

8. On April 23, 2018, Respondent Mark W. Bingham admitted that he had been operating as an auctioneer with an expired license, and that he had performed approximately 50 auctions while his license was expired. Respondent Mark W. Bingham stated that he was unaware that his license had been expired.

9. On April 23, 2018, Respondent Mark W. Bingham admitted that he conducted 42 auctions while Respondent All American Sales & Auctions LLC's auction company license was expired.

10. 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, Respondent Mark W. Bingham violated Wis. Stat. § 480.08(1)(a) by acting as an auctioneer while his registration as an auctioneer was expired.

3. By the conduct described in the Findings of Fact, Respondent All American Sales & Auctions LLC violated Wis. Stat. § 480.08(1)(b) by acting as an auction company while its license as an auction company was expired.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark W. Bingham is REPRIMANDED.

3. Respondent All American Sales & Auctions LLC is REPRIMANDED.

4. Respondent Mark W. Bingham shall, within 90 days after the date of this Order, pay one-half of the COSTS of this matter in the amount of \$263.

5. Respondent All American Sales & Auctions LLC shall, within 90 days after the date of this Order, pay one-half of the COSTS of this matter in the amount of \$263.

6. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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

You may also submit this information online via DSPS' Monitoring Case Management System at:
<https://app.wi.gov/DSPSMonitoring>.

7. In the event Respondents violate any term of this Order, Respondents' credentials (nos. 2660-52 and 412-53), or Respondents' right to renew their credentials, 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:

Jerry Thiel
A Member of the Board

Date

10/8/2019

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK W. BINGHAM AND ALL AMERICAN
SALES & AUCTIONS LLC,
RESPONDENTS.

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STIPULATION

ORDER 0006466

Division of Legal Services and Compliance Case No. 18 AUC 001

Respondents Mark W. Bingham and All American Sales & Auctions 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.

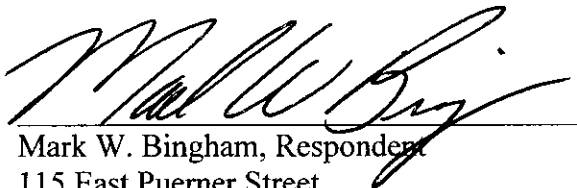
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Auctioneer Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive 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.

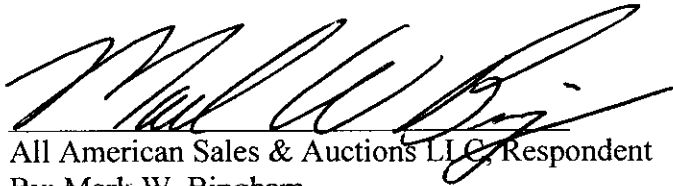
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



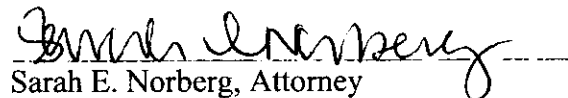
Mark W. Bingham, Respondent
115 East Puerner Street
Jefferson, WI 53549
License no. 2660-52

9-24-19
Date



All American Sales & Auctions LLC, Respondent
By: Mark W. Bingham
115 East Puerner Street
Jefferson, WI 53549
License no. 412-53

9-24-19
Date



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

9.26.19
Date