

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

PATRICK J. BARRETT,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006467

Division of Legal Services and Compliance Case No. 17 AUC 014

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

Patrick J. Barrett
5821 Griffith Ave.
Wisconsin Rapids, WI 54494

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 Patrick J. Barrett (DOB May 10, 1961) is registered by the State of Wisconsin as an auctioneer, having registration number 354-52, first issued on March 1, 1995 and current through December 14, 2020. This registration was expired from December 15, 2018 through March 10, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5821 Griffith Avenue, Wisconsin Rapids, Wisconsin 54494.

2. On March 21, 2017, the Board issued Final Decision and Order 0005233 to Respondent, who was found to have violated Wis. Stat. § 480.08(1)(a). Respondent received a reprimand for this violation.

3. On November 1, 2017, the Department received a complaint from A.S. alleging that his goods did not attain sufficient sales prices at an auction conducted by Respondent. Division of Legal Services and Compliance Case No. 17 AUC 014 was subsequently opened for investigation.

4. During the investigation of this matter, the Department reviewed the contract between Respondent and A.S. and found that the contract failed to contain a statement indicating whether the registrant was authorized to purchase at the auction.

5. The Department's investigation also revealed that Respondent called approximately 10 auctions while his registration was expired.

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. § 480.08(1)(a) by acting as an auctioneer while his registration was expired.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 124.02(3) by entering into a written contract with an owner or consignor of goods to be sold at auction that failed to contain a statement indicating whether the registrant is authorized to purchase at the auction.

4. As a result of the above violation, Patrick J. Barrett is subject to discipline pursuant to Wis. Stat. §§ 480.24(2)(j) and 480.26(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Patrick J. Barrett is REPRIMANDED.

3. Respondent Patrick J. Barrett shall, within ninety (90) days from the date of this Order, pay a FORFEITURE in the amount of \$1,000, and pay the COSTS of this matter in the amount of \$938.

4. Payment of 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

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

5. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's registration (No. 354-52), or Respondent's right to renew his 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. 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.

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

WISCONSIN AUCTIONEER BOARD

by:

Jerry Thiel
A Member of the Board

10/8/2019
Date

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PATRICK J. BARRETT,
RESPONDENT.

STIPULATION

ORDER 0006467

Division of Legal Services and Compliance Case No. 17 AUC 014

Respondent Patrick J. Barrett 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.

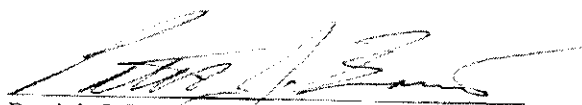
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division.

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.



Patrick J. Barrett, Respondent
5821 Griffith Avenue
Wisconsin Rapids, WI 54494
Registration no. 354-52

9/25/19
Date



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

9.26.19
Date