

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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RECEIVED

MAY 27 2020

STATE OF WISCONSIN  
BEFORE THE AUCTIONEER BOARD

DIV LEGAL SERVICES & COMPLIANCE  
DEPT SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ARNOLD H. LANGE,  
RESPONDENT.

FINAL DECISION AND ORDER

**ORDER 0006882**

Division of Legal Services and Compliance Case No. 18 AUC 008

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

Arnold H. Lange  
Merrill, WI 54452

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 Arnold H. Lange (Birth Year 1935) is registered by the State of Wisconsin as an auctioneer, having registration number 230-52, first issued on March 1, 1995 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Merrill, Wisconsin 54452.

2. On October 20, 2015, Respondent was reprimanded (Final Decision and Order #0004308) in Case Number 14 AUC 003 for failing to pay the owner of items sold at auction for more than 30 days and failing to include in the contract the date or time period in which items would be sold at auction in violation of Wis. Stat. § 480.14(3)(b) and Wis. Admin. Code § SPS 124.02(6).

3. On June 11, 2018, the Department received a complaint alleging that Respondent had improperly handled the auction of Complainant's goods. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 AUC 008 for investigation.

4. Complainant provided an auction contract dated September 11, 2016. This contract was signed by Respondent but not by Complainant and indicated that Complainant would pay labor costs in the amount of \$12.00 and that the auction would take place in September.

5. Respondent provided an auction contract dated September 11, 2016. This contract was signed by both Respondent and Complainant and indicated that Complainant would pay labor costs at a rate of \$10.00 per hour and that the auction would take place "soon."

6. Neither contract specified an amount for advertising costs. Complainant was charged \$100.45 for advertising.

7. On December 14, 2016, Respondent sold Complainant's goods at 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 124.02(4) by conducting an auction and failing to provide a description of services and consideration for those services, which must include an explanation of advertising expenses in the written contract.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 124.02(6) by conducting an auction and failing to include the date, dates or time period during which items would be sold at auction in the written contract.

4. By the conduct described in the Findings of Fact, Respondent engaged in conduct which evidences lack of knowledge or ability to apply professional principles or skills pursuant to Wis. Admin. Code § SPS 126.02(4) by engaging in false, fraudulent, deceptive or misleading billing practices.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. §§ 480.24(2)(b) and (j), and 480.26(2).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Arnold H. Lange is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Arnold H. Lange shall pay a FORFEITURE in the amount of \$1,000, and the COSTS of this matter in the amount of \$1,167.

4. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

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

5. In the event Respondent violates any term of this Order, Respondent's registration (number 230-52), 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 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.

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

WISCONSIN AUCTIONEER BOARD

by:   
A Member of the Board

7/7/2020  
Date

STATE OF WISCONSIN  
BEFORE THE AUCTIONEER BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ARNOLD H. LANGE,  
RESPONDENT.

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STIPULATION  
**ORDER 0006882**

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Division of Legal Services and Compliance Case No. 18 AUC 008

Respondent Arnold H. Lange 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.

Arnold H. Lange  
Arnold H. Lange, Respondent  
Merrill, WI 54452  
Credential No. 230-52

May 20, 2020  
Date

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

05/27/2020  
Date