

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 :
 : FINAL DECISION AND ORDER
ROBERT N. HELMUTH, :
RESPONDENT. :

ORDER 0006883

Division of Legal Services and Compliance Case No. 18 AUC 007

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

Robert N. Helmuth
Junction City, WI 54443

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 Robert N. Helmuth (dob xx/xx/1997) is registered in the State of Wisconsin as an Auctioneer, having registration number 2883-52, first issued on October 15, 2015 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Junction City, WI 54443.

2. On June 6, 2018, the Department received a complaint alleging that Respondent engaged in deceptive advertising practices for an auction. Division of Legal Services and Compliance Case No. 18 AUC 007 was subsequently opened for investigation.

3. Respondent held an auction on May 23, 2018.

4. The advertisement for this auction did not contain Respondent's name, a statement that he is a registered Wisconsin auctioneer, Respondent's registration number, or the terms and conditions of payment.

5. On September 10, 2018, the Department sent a letter to Respondent requesting a response to the Complaint. No response was received.

6. On August 14, 2019, the Department emailed Respondent requesting Respondent's continuing education certificates of completion for the 2015/2016 biennium. No response was received.

7. On August 30, 2019, the Department emailed Respondent requesting Respondent's continuing education certificates of completion for the 2015/2016 biennium. No response was received.

8. On September 16, 2019, the Department sent a letter to Respondent requesting copies of the certificates of education for any continuing education credits taken during the 2015/2016 biennium.

9. On September 30, 2019, Respondent replied to the Department stating that he had not taken any continuing education credits during the 2015/2016 biennium.

10. Respondent was registered prior to the last six (6) months of the 2015/2016 biennium.

11. On October 17, 2019, the Department sent a letter to Respondent requesting copies of two recent auction advertisements. No response was received.

12. On November 4, 2019, the Department sent a letter to Respondent requesting copies of two recent auction advertisements. No response was received.

13. 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 123.03 by failing to include all required information in auction advertisements.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 128.02(1) by failing to complete twelve (12) credits for the 2015/2016 biennium.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.20(5)(a) by failing to respond within 30 days to a request for information from the Department.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 480.24(2)(j) and Wis. Stat. § 480.26(1).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert N. Helmuth is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent Robert N. Helmuth shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$587.00.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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://dspsmonitoring.wi.gov>

5. In the event Respondent violates any term of this Order, Respondent's registration (number 2883-52), 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: *Jerry F. Hiel / c. A.*
A Member of the Board

7/7/2020
Date

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT N. HELMUTH,
RESPONDENT.

:
:
:
:
:

STIPULATION
ORDER 0006883

Division of Legal Services and Compliance Case No. 18 AUC 007

Respondent Robert N. Helmuth 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.

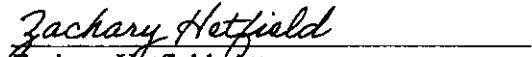
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Robert N. Helmuth, Respondent
Junction City, WI 54443
Credential No. 2883-52

5-16-20
Date


Zachary Hetfield, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53705

5/22/20
Date