

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

TRENT L. NEHLS,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007149

Division of Legal Services and Compliance Case No. 17 AUC 016

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

Trent L. Nehls
Watertown, WI 53098

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 Trent L. Nehls (DOB xx/xx/1971) is registered by the State of Wisconsin as an auctioneer, having registration number 2916-52, first issued on June 13, 2016 and expired as of December 15, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Watertown, Wisconsin 53098.

2. On December 15, 2017, the Department received a complaint alleging that Respondent did not provide timely payment to Complainant after selling Complainant's items at auction. Division of Legal Services and Compliance Case No. 17 AUC 016 was subsequently opened for investigation.

3. On June 13, 2017, Respondent entered into a contract with Complainant to sell Complainant's goods at auction.

4. A review of the auction contract between Respondent and Complainant revealed that the contract failed to include the following items:

- a. Respondent's name, state registration number, business address, and business telephone number.
- b. A general description of the property to be sold at auction, any restrictions relating to conducting the auction, and a statement indicating whether Respondent is authorized to purchase at the auction.
- c. A description of the services to be provided and the consideration for the services, including a statement of which party is responsible for advertising and other expenses.
- d. A statement of whether a buyer's fee or surcharge will be assessed, and the percentage or other amount to be charged to the successful bidder.
- e. The date, dates, or time period during which the items will be sold at auction.

5. On June 20 and June 22, 2017, Respondent sold Complainant's goods at auction.

6. Respondent did not pay Complainant the moneys due from the auction until on or about December 9, 2017.

7. On January 25 and September 26, 2018 and June 5, 2019, the Department mailed Respondent requests for his certificates of completion of the required continuing education (CE).

8. On June 19 and July 8, 2019, the Department emailed Respondent requests for copies of his certificates of completion for the required CE.

9. To date, Respondent has not submitted any certificates of completion of CE.

10. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew his auctioneer registration until December 14, 2023.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 480.14(3)(b) by failing to pay an owner of goods that were sold at auction all moneys due the owner within 30 days after the sale.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code §§ SPS 124.02(1) and (3-6) by failing to include the following in his auction contract:

- a. The registrant's name, trade or business name, state registration number, business address and business telephone number;
- b. A general description of the property to be sold at auction, any restrictions relating to conducting the auction and a statement indicating whether the registrant is authorized to purchase at the auction;
- c. A description of the services to be provided and the consideration for the services. The description must state which party is responsible for advertising and other expenses;
- d. A statement of whether a buyer's fee or surcharge will be assessed and, if so, the percentage or other amount to be charged to the successful bidder;
- e. The date, dates or time period during which the items will be sold at auction.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 128.02(6) by failing to submit certificates of completion of CE to the Department.

6. As a result of the above violations, Respondent Trent L. Nehls is subject to discipline pursuant to Wis. Stat. § 480.24(2)(j).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Trent L. Nehls is REPRIMANDED.

3. Respondent Trent L. Nehls' right to renew his auctioneer registration (no. 2916-52) is LIMITED as follows:

Prior to the consideration of any application for the renewal of Respondent's registration, Respondent shall:

- a. Submit proof of successful completion of at least 12 hours in an educational program as required by Wis. Admin. Code Ch. 128 in the biennium immediately preceding his renewal;

- b. Pay a forfeiture in the amount of \$1,000, and pay the costs of this matter in the amount of \$1,171.

before any application will be considered.

4. Requests for pre-approval, proof of successful course completion, 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://dspsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's credential (number 2916-52), or Respondent's right to renew his credential, 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

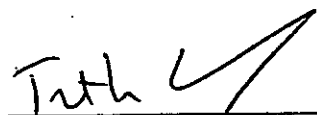
12 January 2021
Date

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.

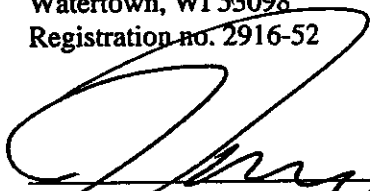
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Trent L. Nehls, Respondent
Watertown, WI 53098
Registration no. 2916-52

Date



Joseph Fischer, Attorney for Respondent
Fischer Law Office
1214 Utah St.
Watertown, WI 53094

10/14/20

Date

Renee M. Parton

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

10/14/2020

Date

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRENT L. NEHLS,
RESPONDENT.

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STIPULATION

ORDER 0007149

Division of Legal Services and Compliance Case No. 17 AUC 016

Respondent Trent L. Nehls 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. Respondent is represented by Attorney Joseph Fischer.

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.