

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

RALPH M. BOCHEK,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008447

Division of Legal Services and Compliance Case No. 21 AUC 005

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

Ralph M. Bocek
Sturgeon Bay, WI 54235

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 Ralph M. Bocek (Birth Year 1957) is licensed by the State of Wisconsin as an auctioneer, having license number 308-52, first issued on March 1, 1995 and current through December 14, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Sturgeon Bay, Wisconsin 54235.

2. On August 17, 2021, the Department received a complaint alleging that Respondent had improperly performed an auction. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 AUC 005 for investigation.

3. In October 2020, Respondent applied to renew his auctioneer license, but the renewal application was not processed due to the renewal fee not being paid.

4. On December 15, 2020, Respondent's auctioneer license expired.

5. On March 13, 2021, Respondent entered into a contract with Complainant's family to sell goods at auction, which Respondent conducted on May 22, 2021.

6. On May 10, 2022, the Department contacted Respondent to inform him that he was performing auctioneer services with an expired license.

7. On June 6, 2022, Respondent renewed his auctioneer license.

8. A Department review of the auction contract for the May 22, 2021 auction found the following deficiencies:

- a. The contract failed to specify the terms and conditions upon which the auctioneer accepts the goods for sale as required by Wis. Admin. Code § SPS 124.02.
- b. The contract failed to contain a statement of whether a buyer's fee or surcharge would be assessed, as required by Wis. Admin. Code § SPS 124.02(5).
- c. The contract failed to contain a statement by the seller that he or she has title and right to sell all property to be sold at auction free of encumbrances and liens, as required by Wis. Admin. Code § SPS 124.02(7).

9. On August 26, 2022, a Department investigator contacted Respondent and informed him of the deficiencies in the contract, and requested a copy of an updated contract template that Respondent would use going forward, and that contains all of the required elements of Wis. Admin. Code § SPS 124.02.

10. On September 4, 2022, Respondent sent the Department a revised auction contract that had been updated to comply with the requirements of Wis. Admin. Code § SPS 124.02. Respondent also admitted to having conducted seven auctions during the time his license was expired.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 in several auctions while his auctioneer license was expired.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 480.14(1) and Wis. Admin. Code § SPS 124.02 by entering into an auction contract that did not contain all of the elements required by state law.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Ralph M. Bocek is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent Ralph M. Bocek shall pay a FORFEITURE in the amount of \$500 and the COSTS of this matter in the amount of \$1,365, for a total of \$1,865.
4. All submissions, including 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

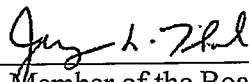
Submissions may also be made online at: <https://dpsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's license (number 308-52), or Respondent's right to renew his license, 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

4/4/2023

Date

STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RALPH M. BOCHEK,
RESPONDENT.

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STIPULATION

ORDER 0008447

Division of Legal Services and Compliance Case No. 21 AUC 005

Respondent Ralph M. Bocek 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 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.

Ralph M. Bocek *Ralph M. Bocek*
Ralph M. Bocek, Respondent
Sturgeon Bay, WI 54235
Credential No. 308-52

3-16-23
Date

Jon Derenne
Jon Derenne, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3-16-23
Date