



RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-135

AN ORDER to repeal RL 121.07 (1); to renumber RL 121.07 (2); to renumber and amend RL 125.11 and 125.12; to amend RL 121.04 (1) (c) 3., the Note following RL 122.02, 122.04, chapter RL 125 (title), 125.02, 125.05 (title), 125.06 (title), 125.07 (title), 125.08 (title) and 125.11 (title); to repeal and recreate RL 123.03 and 125.03; and to create RL 120.02 (12), a Note following 121.02 (2), 125.035, 125.08 (3) and (4), 125.11 (1), (2), (3) and (4) and 126.02 (11), (12) and (13), relating to the registration and regulation of auctioneers and auction companies.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-04-98 RECEIVED BY LEGISLATIVE COUNCIL.

10-05-98 REPORT SENT TO AGENCY.

RS:GAA:jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor



Marlene A. Cummings
Secretary

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Administrative Rules in Final Draft Form

Department of Regulation and Licensing

Rule: Chs. RL 120 to 126

Relating to:
Auctioneers and Auction Companies

Clearinghouse Rule:
No. 98-135

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
AUCTIONEER BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 98-135
DEPARTMENT OF REGULATION : (s. 227.19 (3), Stats.)
AND LICENSING :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

The department reviewed the rules and offered suggestions to provide clarification of some provisions and to enhance readability of others. Secondly, the department has learned that the advertising requirements in Chapter RL 123 are unnecessarily burdensome and costly. Thus, it proposes to repeal some of the requirements and to require posting of other information at the time of the auction. Finally, the department has determined that a better distinction between bookkeeping requirements and trust account requirements needs to be made in Chapter RL 125, in order to assure that auctioneers and auction companies will properly account for auction proceeds, as required under ss. 480.14 (3) and 480.18, Stats.

V. NOTICE OF PUBLIC HEARING:

Subsequent to notice of hearing, a public hearing was chaired by Richard Lust, Chairman of the Auctioneer Board, on October 26, 1998. No one testified at the hearing. The board received one written comment from Mary Miller, noting that the words "buyer's premium" is a term that is used in the industry and that it should not be removed from the rules. There had been some discussion during the month or two preceding the hearing of removing the term. The department, as recommended by the board, did not remove the term from the rules.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Following the sequence of the recommendations of the Legislative Council, note the following:

1. Statutory Authority

As suggested in the Clearinghouse Report, permission for an auctioneer or an auction company to abbreviate "registered Wisconsin auctioneer" was removed.

2. Form, Style and Placement

As suggested in the Clearinghouse Report, a note was added after the appropriate section. Section RL 125.08 (4), was revised to show that the registrant shall send notification to the department by written correspondence.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section RL 122.04 was rewritten to respond to the questions raised in the Clearinghouse Report.

b. The section and the subsection were amended, as suggested in the Clearinghouse Report.

c. Section RL 126.02 (1) was revised by referencing it to the earlier provision which prohibits cheating on the examination.

d. The two subsections were revised, as suggested in the Clearinghouse Report.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION
DEPARTMENT OF REGULATION : AND LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 98-135)

PROPOSED ORDER

An order of the Department of Regulation and Licensing to *repeal* RL 121.07 (1); to *renumber* RL 121.07 (2); to *renumber and amend* RL 125.11 and 125.12; to *amend* RL 121.04 (1) (c) 3., the Note following RL 122.02, 122.04 (title) and 122.04, ch. RL 125 (title), 125.02, 125.05 (title), 125.06 (title), 125.07 (title), 125.08 (title), 125.11 (title); to *repeal and recreate* RL 123.03 and RL 125.03; and to *create* RL 120.02 (12), a Note following RL 121.02 (2), 125.035, 125.08 (3) and (4), 125.11 (1), (2), (3) and (4) and 126.02 (11), (12) and (13), relating to the registration and regulation of auctioneers and auction companies.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 480.06, Stats.

Statutes interpreted: ss. 480.08, 480.10, 480.14, 480.16, 480.18, 480.20 and 480.24, Stats.

This proposed rule-making order of the Department of Regulation and Licensing primarily addresses three distinct areas respecting the registration and regulation of auctioneers and auction companies under Chapter 480, Stats., and Chapters RL 120 to 128. First, all current rules have been reviewed for the purpose of providing clarification and making technical modifications to increase their readability. Second, the advertising rules contained in Ch. RL 123, are modified to remove unnecessarily burdensome and costly requirements existing in the current provisions. Third, ch. RL 125 has been revised to set forth a required bookkeeping system for auctioneers and auction companies, whether or not they must maintain an auction trust account, in order to assure their ability to account for all auction proceeds as required under ss. 480.14 (3) and 480.18, Stats.

SECTION 1 moves the definition of "trade name" from s. RL 121.07 (1) to ch. RL 120, the chapter that contains terms generally applicable throughout the rules. Registrants are permitted to use a trade name in their advertising or practice under current s. RL 121.07, as long as it is submitted in writing to the department. As the definition is proposed to be placed in ch. RL 120, SECTION 4 repeals the definition in the current s. RL 121.07 (1), and SECTION 5 will renumber s. RL 121.07 (2) accordingly.

SECTION 2 creates a Note following s. RL 121.02, to provide the address at which applications for registration may be obtained. It also informs potential registrants that otherwise qualified applicants will be provided with reasonable accommodations, consistent with the requirements of the Americans With Disabilities Act.

SECTION 3 makes a correction to s. RL 121.04 (1) (c) 3. to provide that an auctioneer must take and pass the registration examination in order to renew a registration which expired 5 or more years prior to the renewal application, rather than "retake" a "licensing" examination.

SECTION 6 creates a Note following s. RL 122.02 to provide the address at which examination applications may be obtained. It also informs examination applicants that candidates otherwise qualified to take the examination will be provided with reasonable accommodations, consistent with the requirements of the Americans With Disabilities Act.

SECTION 7 expands current s. RL 122.04, which prohibits the receipt of unauthorized assistance on the auctioneer examination, to additionally prohibit any form of cheating or dishonesty in taking the examination. SECTION 21 would create s. RL 126.02 (11) to make it unprofessional conduct for an individual granted registration to be subsequently found to have cheated on the examination, or to have disclosed the contents of the examination to others.

Strongly
SECTION 8 repeals the current requirements in ch. RL 123, that the address, telephone number and state registration numbers of auctioneers and auction companies must be included in advertisements for a specific auction. It also would repeal the requirements that auction advertisements must set forth the terms and conditions for payment at the auction, as well as the amount of any buyer's premium or surcharge that may be charged at the auction. The department believes that the current advertising requirements in the rule are unduly burdensome and costly to registrants. It should be noted that SECTION 21 would require that the terms and conditions for payment and the amount of any buyer's premium or surcharge be posted in writing at the auction itself.

SECTION 9 would change the title of ch. RL 125 from "Trust Accounts" to "Maintenance of Records." The proposed modifications to the chapter relate to the bookkeeping system which must be maintained by all registrants, whether or not they are required to maintain an auction trust account.

SECTION 10 deletes the reference to "principal" in the definition of "trust funds" of s. RL 125.02, as it is unnecessary. A "principal" is already included in the phrase "any other person," but the current language may inappropriately suggest there is a distinction between the two for trust account purposes.

SECTION 11 describes the information to be provided on an "account summary sheet" which would be required of registrants who do not maintain an auction trust account. This provision assures that registrants will be able to meet the statutory requirement in s. 480.14 (3), Stats., for providing an accounting to sellers of the auction proceeds, as well as the duty to keep "complete

and accurate records of the auction" for a period of at least 2 years after the auction is conducted under s. 480.18, Stats.

SECTION 12 creates s. RL 125.035 to specifically state a registrant must maintain a trust account if the proceeds of an auction are not paid out within 24 hours after the auction. Although this requirement may be inferred from the definition of "trust funds" in s. RL 125.02, a specific statement to this effect will eliminate any confusion or inadvertent oversight of the requirement.

SECTIONS 13 through 16 amend current section titles to indicate that they are specifically applicable to auction trust accounts.

SECTION 17 would require that registrants send written notification to the department within 10 days after any change in an auction trust account name or number, depository institution name change, or that an auction trust account has been closed.

SECTIONS 18 and 19 would amend and create provisions relating to a trust account bookkeeping system to assure that adequate records are created and maintained to enable the registrant, department and others to determine whether trust funds have been appropriately received, handled and disbursed by the registrant.

SECTION 20 expands the current authorization to use a computerized system to maintain trust account records to cover all records required under ch. RL 125.

SECTION 21 creates three additional causes for disciplinary action against a registrant, as discussed in this analysis under SECTIONS 7 and 8.

TEXT OF RULE

SECTION 1. RL 120.02 (12) is created to read:

RL 120.02 (12) "Trade name" means a name other than the name appearing on an auctioneer's or auction company's registration certificate, under which an auctioneer or an auction company advertises or does business.

SECTION 2. A Note following RL 121.02 (2) is created to read:

Note: Applications may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant shall be provided with reasonable accommodations.

SECTION 3. RL 121.04 (1) (c) 3. is amended to read:

RL 121.04 (1) (c) 3. The applicant has ~~retaken~~ taken and passed the ~~licensing~~ registration examination within one year prior to the date of the application for renewal of registration.

SECTION 4. RL 121.07 (1) is repealed.

SECTION 5. 121.07 (2) is renumbered RL 121.07.

SECTION 6. The Note following RL 122.02 is amended to read:

Note: Applications may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant shall be provided with reasonable accommodations.

SECTION 7. RL 122.04 (title) and 122.04 are amended to read:

RL 122.04 (title) ~~Unauthorized assistance~~ Cheating on examination. An applicant may not give or receive unauthorized assistance during the examination. ~~The action taken by the department when unauthorized assistance occurs shall be related to the seriousness of the offense. These actions may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination in which the unauthorized assistance occurred.~~ improperly remove notes, examination questions or secure documents from the examination setting, sell or distribute actual examination questions from the examination, buy or obtain unauthorized access to examination questions, or otherwise violate the published rules of conduct of the examination.

SECTION 8. RL 123.03 is repealed and recreated to read:

RL 123.03 Contents of advertising. All advertisements that an auction will be conducted shall contain the following information:

(1) The name or trade name of an auctioneer responsible for the auction conducted pursuant to the contract required under s. 480.14 (1), Stats., and the name or trade name of any auction company that is managing the auction.

(2) A statement that the auctioneer is a 'registered Wisconsin auctioneer' and the state registration number of the auctioneer.

SECTION 9. Chapter RL 125 (title) is amended to read:

CHAPTER RL 125 (title)

TRUST ACCOUNTS
MAINTENANCE OF RECORDS

SECTION 10. RL 125.02 is amended to read:

RL 125.02 Definition. In this chapter, "trust funds" means cash, checks, share drafts, drafts or notes received by an auctioneer or an auction company on behalf of ~~a principal or any~~

other person while acting as an auctioneer or auction company for an auction of goods. "Trust funds" does not include proceeds received by an auctioneer or an auction company on behalf of a ~~principal or~~ any other person pursuant to an auction in which the written contract under s. 480.14, Stats., requires the registrant to pay the owner or consignor within 24 hours after the auction.

SECTION 11. RL 125.03 is repealed and recreated to read:

RL 125.03 Account summary sheet for registrants not maintaining a trust account. An auctioneer or auction company that is not required to maintain a trust account shall maintain an account summary sheet which shows the receipts, deposits, expenses and disbursements of each individual auction.

Note: This provision applies only to registrants not required to maintain a trust account. Registrants for whom a trust account is required must use the trust account bookkeeping system described in s. RL 125.11.

SECTION 12. RL 125.035 is created to read:

RL 125.035 Trust account required. An auctioneer or auction company shall maintain a trust account when the registrant receives and holds auction funds which are not disbursed to the owner or consignor under a written contract under s. 480.14, Stats., within 24 hours after the auction.

SECTION 13. RL 125.05 (title) is amended to read:

RL 125.05 (title) Time of trust account deposit.

SECTION 14. RL 125.06 (title) is amended to read:

RL 125.06 (title) Opening and closing trust accounts.

SECTION 15. RL 125.07 (title) is amended to read:

RL 125.07 (title) Trust account designation.

SECTION 16. RL 125.08 (title) is amended to read:

RL 125.08 (title) Notification of the department regarding trust account.

SECTION 17. RL 125.08 (3) and (4) are created to read:

RL 125.08 (3) An auctioneer or auction company shall notify the department no later than 10 days after a change has been made to an auction trust account name, auction trust

account number or depository institution name. The notification shall be provided on a form prepared by the department.

Note: Forms may be obtained from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(4) An auctioneer or auction company shall notify the department no later than 10 days after an auction trust account has been closed. This notification shall be made in written correspondence to the department.

SECTION 18. RL 125.11 is renumbered RL 125.12 (intro.) and RL 125.12 (title) and (intro.) are amended to read

RL 125.12 (title) Trust account bookkeeping system. (intro.) An auctioneer or an auction company required to maintain a trust account shall maintain a bookkeeping system that enables the auctioneer or auction company to adequately account for all trust funds in a trust account, to maintain an accurate and sufficient balance in the account and to account for all trust funds received from specified buyers and paid to specified sellers for specified purchases. The bookkeeping system shall consist of at least the following:

SECTION 19. RL 125.11 (1) to (4) are created to read:

RL 125.11 (1) CHECK REGISTER. An auctioneer or an auction company shall maintain a record regarding a trust account, called a check register, which shall show the date, the payee, the number of the check, share draft or draft and the amount.

(2) BANK RECONCILIATION. An auctioneer or an auction company shall reconcile the trust account in writing each month unless there has been no activity during the month. The written reconciliation shall include all of the following:

- (a) The ending bank statement balance.
- (b) The date and amounts of the deposits in transit.
- (c) The check number and amounts of outstanding checks.
- (d) The resulting reconciled bank statement ending balance.

(3) VALIDATION. The auctioneer or auction company shall review the reconciled bank statement ending balance, the account summary sheets described in sub. (4), and the check register to ensure that all of the records are accurate and in agreement as of the date the trust account statement has been reconciled.

(4) ACCOUNT SUMMARY SHEET. An auctioneer or auction company shall maintain a record regarding a trust account, called an account summary sheet, which shows the receipts, deposits, expenses and disbursements as they affect each individual auction.

SECTION 20. RL 125.12 is renumbered RL 125.025 and RL 125.025 (intro.) is amended to read:

RL 125.025 Use of computers. (intro.) An auctioneer or an auction company may maintain ~~trust account~~ any records required by this chapter in a computerized system, provided that:

SECTION 21. RL 126.02 (11), (12) and (13) are created to read:

RL 126.02 (11) Cheating on the registration examination contrary to s. RL 122.04.

(12) Failing to post written notice at the location where the auction is to be conducted, prior to the commencement of an auction, of the terms and conditions under which the registrant will accept payment by buyers.

(13) If a buyer's premium or surcharge is a condition of sale, failing to post written notice at the location where the auction is to be conducted, prior to the commencement of an auction, of the percentage or other amount of the buyer's premium or surcharge.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Auctioneer Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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2/10/99

February 18, 1999

TO: Members of the Senate Labor Committee
Senator Russell Decker Senator David Zien
Senator Roger Breske Senator Margaret Farrow

FROM: Senator Jim Baumgart, Chair

Re: Administrative Rule

On February 16, 1999, the following administrative rule was referred to the committee for review:

CLEARINGHOUSE RULE 98-135

Relating to the registration and regulation of auctioneers and auction companies.

Submitted by the Department of Regulation and Licensing

Enclosed is a copy of the rule. If you have any concerns or questions about the rule, please advise.

cc: Dan Fernbach, Legislative Council



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

April 6, 1999

Marlene A. Cummings, Secretary
Department of Regulation & Licensing
1400 E. Washington Ave.
Madison, WI 53703

Dear Secretary Cummings:

Please be advised that the meeting to review and discuss possible modifications to Clearinghouse Rule Senate 98-135, relating to the registration and regulation of auctioneers and auction companies, has been set for Tuesday, April 13, 1999, at 1:30 P.M. in my office located in Room 306 South, State Capitol.

Pursuant to section 227.19(4)(b)1.a. of the Wisconsin Statutes, I requested this meeting on March 16, 1999, as Chair of the Senate Labor Committee.

Sincerely,

A handwritten signature in cursive script that reads "Jim Baumgart".

Jim Baumgart, Chair
Senate Labor Committee

Senate

MEETING NOTICE

Committee on Labor

The Senate Labor Committee has scheduled a meeting for Tuesday, April 13, 1999, at 1:30 P.M. in Room 306 South, State Capitol, Madison, with representatives of the Wisconsin Department of Regulation and Licensing, to discuss proposed modifications to Clearinghouse Rule 98-135, relating to the registration and regulation of auctioneers and auction companies.



Senator Jim Baumgart
Chair



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

March 16, 1999

Marlene A. Cummings, Secretary
Department of Regulation & Licensing
1400 E. Washington Ave.
Madison, WI 53703

Dear Secretary Cummings:

Pursuant to section 227.19(4)(b)1. a. of the Wisconsin Statutes, the Senate Labor Committee hereby requests a meeting with the agency to review and discuss possible modifications to Clearinghouse Rule Senate 98-135, relating to the registration and regulation of auctioneers and auction companies. The rule was referred to the Senate Labor Committee on February 16, 1999.

This request for a meeting automatically extends the committee's review period for an additional thirty days.

Please contact my committee clerk, Anne Eskeitz, at your earliest convenience to discuss a date for a meeting.

Sincerely,

Jim Baumgart, Chair
Senate Labor Committee

JB:a
cc: Labor Committee Members



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

March 18, 1999

Marie M. Skic-Loy
14800 4th Avenue
Merrill, WI 54452

Dear Mrs. Skic-Loy:

Thank you for appearing before the Senate Labor Committee relative to your appointment by the Governor to the Auctioneer Board. Your testimony was very informative.

Enclosed is a copy of the proposed administrative rule relating to the registration and regulation of auctioneers and auction companies (Clearinghouse Rule 98-135). The rule was referred to the Senate Labor Committee on 2-16-99 for a thirty-day period. Following the hearing on March 16th, the committee's attorney, Dan Fernbach, and I examined the rule and I made a formal request for a meeting with the Department of Regulation & Licensing to discuss the rule. This request automatically extends the committee's review period for thirty days.

I would appreciate it if you send me a letter setting forth your concerns expressed at the hearing relating to auction companies changing certain terms and conditions on the day of the auction and I believe you also commented on the use of abbreviations being used in the advertising of auctions.

You should carefully look at SECTION 8 of the rule, which repeals certain requirements for auction companies. Any comments you have on the rule should also be included in your letter.

Your cooperation in this matter is greatly appreciated and your letter will be helpful to the committee when we meet with the Department of Regulation and Licensing.

Sincerely,

Jim Baumgart
State Senator
9th Senate District

JB:ae
Enclosure

Honorable Senator James R. Baumgart
P.O. Box 7882
Madison, WI. 53707-7882

4/1/99

Re: Repealing Clearinghouse Rule No. 98-135, Section 8

Section 8 repeals a protective structure for the public consumer. It would eliminate the requirement for auctioneers to advertise the *terms and conditions for payment* at the auction, as well as the amount of any *buyer's premium or surcharge* that may be charged at the auction.

This may be an added cost to the registrants, but a bigger cost to the buyers. The buyer may drive many miles with the intent to buy and then discover that a *buyer's premium or surcharge* has to be paid above the bidded purchase price. Terms are very important! The buyer may want to get credit from his or her own banker if so needed. Knowing the amount charged at this point would be necessary.

As a consumer, I do not wish to have section 8 repealed.

Respectfully,

Marie Skic-Loy
Marie Skic-Loy
Auctioneer Board Member
14800 4th Avenue
Merrill, WI. 54452

AUCTION

DENMARK LIONS - CONSIGNMENT SALE
VILLAGE MART - DENMARK, WI
(Intersection of "KB" and "R")

Saturday, March 20, 1999

9:30 A.M. Sharp

CONSIGNMENTS ACCEPTED THURSDAY & FRIDAY MARCH 18 & 19 8:30 - 5:00

THIS BILL IS MADE UP 2 WEEKS IN ADVANCE. IF YOU'RE LOOKING FOR SOMETHING NOT LISTED, PLEASE CALL. WE'RE EXPECTING MANY MORE PIECES BY SALE DAY. TRUCKING AVAILABLE. ITEMS LISTED ARE SUBJECT TO CHANGE.

TRACTORS: JD 420 S console; JD 4450 MFD, PS, 4000 HR 1988; JD 4240 Cab, Air, P.S. clean 1982; JD 415 hoe; 20' Krause disc; NH 411 Discbine JD 1000 32' field cult.; 2-8x20 wood bale racks w/9' gears; JD 337 baler w/30' ejector; JD 640 rake w/doll wheel.

PLANTERS & DRILLS: JD 7200 12 row front fold, dr fert. flex; JD 7000 6N; JD 1240; IH 400 4N + 6N; IH 2 row corn planter; Great Plains 13' D.D. grass & pres wheels; JD 8300 21-7, 24-6, grass, seed D.D.; Brillion seede 9 & 10 ft.; JD 17-7 & 20-6 Drills; Case 8 & 10 ft. drills.

HAYBINES: (2) NH 499 Hydro swing; Hesston 1010 1014 Hydro swing; NH 114 14 ft. Hydro swing; NH 469, 479; JD 1209; Mc 7ft. Rotary scythe; IH 175 10ft. OMC 260.

SPREADERS: NH 514 w/gate; Miller Pro 295 tandem NI Tandem 3639 gate; H&S 1800 all purpose; NI 381 Solids Plus.

FORAGE BOXES: H&S 7+4, Tandem 20'; Miller Pro 10 ton; H&S 501, JD 1065; (3) Knight Boxes, gears; (2) Gruetts Boxes, gears; Lindsey Box & gear; Badger 14 H&S 16'; Knowles tandem gear.

MISC.: Degelman 15 ft. rock rake; Wood 15 ft. stalk chopper; 18.4-38, 16.9-38 duals; CFS elec. grain feed cart; Nesseseth manure pump; 3 pt. Backhoe; JD Powe Washer; Brillion 12 ft. Stalk Chopper; Brady 15' w/win row attachment; 20 ft. x 4" Grain Auger; JD 6 ft. bucket fits 48 loader; New 11 ft. x 6" fertilizer auger; Allied 4 ft. elevator; NI mower; 6500 gal. semi tanker w/5t wheel (used for hauling manure); Gravity box auger; JD 825 4 row cult. clean; 1959 FORD grain truck Hoist 18' box; Noble 4 row cult.; Ariens 11 hp hydro; 12 tandem trailer; 6' tiller, 3pt.; Toro 72' mower; Eze golf cart; Cub Med golf cart; 8 hp Bedding chopper; snowblower w/motor.

CLETUS CHRISTOFF FARM SALE (APPROX 1:00)
IH 886 cab, air, 2771 hrs; Leland 270, 2045 hrs v loader; IH 300 WF, fast hitch, forklift; OMC 595 Round Baler; #10 Clay manure pump; JD 38 Chopper, 1 row & hay head; Hustler 56 blower; Tandem Stock Traile 11 ft. BWA disk; 16 ft. JD Springtooth; 1800 gal. S tank & trailer; 30 grain elevator; Two Hay Racks.

MYRON & KATHI VANDEN PLAS FARM SALE (APPROX. 1:30)

White 2-70 Cab, 4300 hrs.; 508 White 3-18 plov McFarland 16 ft. cart drag; Gehl 920 & 940 boxes v gears; JD 38 chopper, 1 row, hay head; NI Tandem Spreader; Badger 54" blower; Gehl 88 blower; AC 11 ft. disk; AC 11 ft. digger; Brady 600 Green Chopper Brillion 11 ft. Cultipacker; 16 ft. Green Feed Wagon.

NOTICE: All verbal announcements day of sale take precedence over printed material. Auction company claims no warranty on any machinery. SOLD AS IS. Not responsible for accidents.

TERMS: Cash or check.

TWO RINGS TO BE RUN FOR MOST OF THE DAY SALE ARRANGED AND CLERKED BY

BOCHEK SALES - Sturgeon Bay, WI

FOR MORE INFORMATION CALL:

KENT PETERSEN 863-6857,

ROGER WELSING 863-6088,

RALPH BOCHEK (920) 743-2661

Ralph Bochek, Wis. Reg. Auctioneer #308

Sale Site: 920-559-0466



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

April 5, 1999

TO: Members of the Senate Labor Committee

Senator Russell Decker
Senator Roger Breske

Senator David Zien
Senator Margaret Farrow

FROM: Senator Jim Baumgart, Chair

RE: Clearinghouse Rule Senate 98-135, relating to the registration and regulation of auctioneers and auction companies. (**Committee Review Period extended for 30 days on March 16, 1999**)

.....

On Tuesday, March 16, 1999, the Labor Committee held a public hearing and executive session on the Governor's appointment of Marie M. Skic-Loy and Mark E. Shain, as members of the Auctioneer Board. At the hearing, you may recall that Marie Skic-Loy expressed certain concerns relating to auction companies changing certain terms and conditions on the day of the auction and commented on the use of abbreviations being used in the advertising of auctions. On March 16, the Labor Committee still had one day left for the 30-day review period of CR 98-135.

I enclose copies of letters sent to Marie Skic-Loy and Marlene Cummings, Secretary of the Department of Regulation & Licensing. I believe these letters are self-explanatory.

I also received a telephone call from Richard Lust, Chair, of the Auctioneer Board, advising me that he and other members of the board have real concerns with part of the rule (not all of it) and expressing his gratitude that the committee will meet with the agency to discuss modifications.

I ask that you look over CR 98-135, specifically SECTION 8, which repeals certain requirements for auction companies. As soon as I receive letters from Marie Skic-Loy and Richard Lust about their concerns with the rule, I will have our Legislative Council Attorney, Dan Fernbach, look at the letters and a meeting will be set up with the Department of Regulation and Licensing. If you are interested in attending this meeting, **please advise**. Time is of the essence as our extension of 30 days commenced on March 16th. A copy of the rule was sent to you on February 18.

Enclosures



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

April 8, 1999

TO: Members of the Senate Labor Committee

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Senator Roger Breske

Senator David Zien
Senator Margaret Farrow

FROM: Senator Jim Baumgart, Chair

RE: Clearinghouse Rule Senate 98-135, relating to the registration and regulation of auctioneers and auction companies.

.....
Attached is a copy of the memo I sent to you on April 5.

As an update to that memo, I enclose:

Copies of letters from Richard Lust, Chair of the Auctioneer Board, and Marie M. Skic-Loy, member of the board relating to the above rule. Chair Lust attached to his letters minutes of meetings of the Board relating to the proposed rule.

The meeting with the Department of Regulation & Licensing to review and discuss possible modifications to Clearinghouse Rule Senate 98-135 has been scheduled for **Tuesday, April 13, 1999, at 1:30 P.M. in my office. Please advise if you can attend this meeting.**

LUST AUCTION SERVICE

PUBLIC AUCTION SALE
MOUNT HOREB, WISCONSIN
FLEET (VANS, CARS, TRUCKS) LIQUIDATION
SUNDAY, APRIL 18, 1999, AT 1:00-PM

Auctioning (20+) Company Cars, Wagons, Trucks, & Vans OPEN TO THE GENERAL BUYING/BIDDING PUBLIC!! Vehicles have been moved for auction to the former Klusendorf Chevrolet dealership lot at 9440 Bus. Hwys. 18/151-East, at east edge of Mt. Horeb, WI-----Vehicles formerly used by Interstate Periodicals, Inc. of Madison, are now surplus to their future business needs, and have been ordered auctioned to the general public! All vehicles have been well maintained and serviced, were in use daily, and drive fine--highway-type miles! All are freshly serviced, mechanical sound, clean, and ready to drive home & go to work!

AUCTIONEERS' NOTES: These vehicles are all that is selling--no small items! Do not be late! Vehicles on display at the auction site as of Friday, April 9 through auction date! There will be a 6% Buyers' Fee added to all high bids to determine final selling prices! Sales tax paid when you transfer title. Good titles for all vehicles! All vehicles owned by Interstate Periodicals, Inc., or their various divisions! NO SMALL ITEMS!--don't be late!! Color Photos Of Most Vehicles Available NOW At Our Internet WebSite--www.lasauctions.com(5+) Cars + (15+) Trucks/Vans/Cube Vans/Step Van! '95 Ford Contour sedan, sharp, A-1; (4) '95 Ford Escort wagons; '95 Ford Windstar passenger custom van, loaded; (7) Chevrolet '20'-3/4-ton cargo vans ('94, (4) '93's, '92 & '89)--(3) w/V-6, (4) w/350 V8--all autos; '88 Chevrolet '10' 1/2-ton cargo van; '92 Chevrolet P-30/Grumman 16-ft. ALUMINUM body 1-ton step-van, roll-up rear door, 350V8, auto, duals, just 59-K miles, A-1!; '92 & '91 Chevrolet '30' 1-tons w/duals & Supreme 10-ft. aluminum CUBE VAN bodies; '94 Isuzu 'NPR', auto., w/Morgan 14-ft. alum. van/box w/roll-up door & pull-out ramp; '86 Chevrolet '70', gas V8, 5/2 trans, w/Pike 18-ft. van/box w/Thieman hyd. tail gate, roll-up door, 9.00x20 tires! '89 Dodge Dakota p/up, 6-auto, '94 Chevy Corsica 4-dr. (Cars average 59,500 miles & have between 47,000 and 61,000 mi.--Vans average 114,000 miles & have between 59,000 and 164,000 miles!) All vehicles have automatic transmissions, some w/A/C, power steering, radios, etc. Additional vehicles possibly still to be added! Call for specific details! Call us about auctioning YOUR vehicles!-----**TERMS:** Cash in full on day of auction at time of sale! 6% "Car Auction Buyers' Fees" added to all final high bids to determine final selling prices. Current, photo ID, required of ALL to register to bid and buy. Payment accepted by bank guaranteed funds, currency, cashier's checks. MasterCard, Visa, & Discover charge cards--non-bank-guaranteed funds will require a 10-day hold on vehicles pending funds clearing. Please call for details! All vehicles sold "As Is, Where Is, How Is!" with NO WARRANTIES whatsoever of any type! Sales tax paid at time of licensing! List subject to change!-----Matthew R. Lust, Auction Manager, Registered Wisconsin Auctioneer #8 E-Mail: cars@lasauctions.com WebSite: www.lasauctions.com Now In Our 3rd Decade & 2nd Generation "The area's professional auctioneers Since 1975" Registered Wisconsin Auctioneer #001 Richard O. Lust RR #13-Verona, WI 53593 Certified Auctioneer/Broker 608-833-2001 FAX: 608-833-9593

[BACK TO THE WISCONSIN AUCTION HOME PAGE](#)

LUST AUCTION SERVICE

PUBLIC AUCTION SALE
MOUNT HOREB, WISCONSIN
FLEET (VANS, CARS, TRUCKS) LIQUIDATION
SUNDAY, APRIL 18, 1999, AT 1:00-PM

Auctioning (20+) Company Cars, Wagons, Trucks, & Vans OPEN TO THE GENERAL BUYING/BIDDING PUBLIC!! Vehicles have been moved for auction to the former Klusendorf Chevrolet dealership lot at 9440 Bus. Hwys. 18/151-East, at east edge of Mt. Horeb, WI-----Vehicles formerly used by Interstate Periodicals, Inc. of Madison, are now surplus to their future business needs, and have been ordered auctioned to the general public! All vehicles have been well maintained and serviced, were in use daily, and drive fine--highway-type miles! All are freshly serviced, mechanical sound, clean, and ready to drive home & go to work!

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LUST AUCTION SERVICES

7552 Pioneer Place, Verona, WI 53593-9669 • (608) 833-2001, (800) 383-SOLD, FAX (608) 833-9593
E Mail: auctions@lasauctions.com • Website: www.lasauctions.com

Tuesday, April 6, 1999

Mr. James R. Baumgart,
Wisconsin State Senator, 9th District
Senate Labor Committee Chair
State Capitol Building
P.O. Box # 7882
Madison, WI 53707 - 7882



LUST AUCTION SERVICES

Website: www.lasauctions.com
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7552 Pioneer Place, Verona, WI 53593-9669



1997 Wisconsin Auctioneer of the Year
Richard O. Lust, CAI
Registered Wisconsin Auctioneer #1
Certified Auctioneer/Broker
(608) 833-0011 • FAX (608) 833-9593
E-Mail: rol@lasauctions.com



**AUCTIONEERING, APPRAISAL
& REAL ESTATE SERVICES**

RE: Clearinghouse Rule #98-135 -- Wisconsin Department of Regulation and Licensing -- Auctioneer Rule Changes

Dear Senator Baumgart:

This letter is in reply to the telephone conversation that I had with your Committee Clerk, Ms. Anne Eskeitz, on Thursday, April 1, 1999. Ms. Eskeitz had requested information and thoughts from me, both as a professional registered Wisconsin auctioneer, and also as the Chairperson of the (Wisconsin) Auctioneers Board. Specifically, Ms. Eskeitz had expressed your Committee's concerns regarding certain portions of the above captioned Clearinghouse Rule.

This Clearinghouse Rule deals with requested changes, additions, deletions, and up-dates to the 1995, and later, enacted Wisconsin auctioneers' licensing rules administered by the Wisconsin Department of Regulation and Licensing. The one area that seems to have caused the greatest concern for the Auctioneers Board is that portion of the Rule covered as "Section 8," which deals with repeal of presently required auction advertising statements and information.

The present rules require specific information to be included with any and all advertisements of auctions to be held in Wisconsin. Section 8 is attempting to reduce the need for some of that required information, with the thought that *some* of that presently required information may be overly regulating, possibly added expense to auctioneers, and potentially unnecessary for members of the auction buying public.

In my capacity as Chairperson of the Wisconsin Auctioneers Board, let me explain my Board's actions on this matter. Quite simply, the Board had some strong concerns regarding this Section 8, in particular. As our minutes will verify, this change was proposed to us by the Secretary of the Department of Regulation and Licensing, Ms. Marlene A. Cummings. It was her strong feeling that the Board needed to address the over regulation of advertising requirements for auctioneers advertising their public auction sales.

The Board agreed that the present regulations and rules were possibly too all-inclusive and did potentially add extra costs to auctioneers and their customers. We did feel that a reduction to some of the present requirements was definitely needed--and we addressed those concerns in Section 8 of the Clearinghouse Rules. *However, as our Board meetings' minutes will indicate, this Section was NOT endorsed by 100% of the Board, and did not come easily--and not without much discussion, some delays, and many expressed concerns by the Board.* In fact, we strongly expressed our Board's



AUCTIONEERS, BROKERS, LIQUIDATORS AND APPRAISERS SINCE 1975

concerns to Secretary Cummings, both in the form of motions and statements included in our minutes, as well as strong statements made to her, personally, during at least one of our Board meetings.

Simply put, the Board did not agree with Secretary Cummings desires to eliminate all the current advertising requirements--specifically as they regulate auction terms, conditions, and buyers' premium surcharges, if any. It was the Board's strong opinion that continued inclusion of the "terms" and "buyers' premium" requirements were not necessarily as cumbersome and expensive as believed--*and the elimination of those specific requirements would not be in the best interests of the auction buying public!* Such feelings were adamantly expressed by the three public members of the Board, including Ms. Skic-Loy, whom you have already corresponded with (*please refer to your March 18, 1999 letter addressed to Ms. Skic-Loy*).

Secretary Cummings also raised another issue that the Board did not agree with and that was regarding the auction term '*Buyers' Premium.*' The Secretary was concerned with the fact that the term "premium" was, in fact, not a premium--rather, it was a buyers' surcharge. She felt that a more appropriate term should be required so that auction buyers would better understand the fact that they were being required to pay a surcharge on their auction purchases--not, in reality, a "premium." The Board did show Secretary Cummings that the term, "*Buyers' Premium*", was, in fact, a universally understood and recognized auction term and was not unique to Wisconsin. The enclosed minutes will reflect some of those discussions as well.

As Chairman of the Board, I would suggest that Section 8 of the Clearinghouse Rule be reconsidered/redrafted/reviewed by your Committee and/or our Board. In doing so some "good" portions of it (*i.e., elimination of the auctioneers' complete addresses, etc.*), could be enacted, while other, "more troublesome," portions of it (*i.e., terms, conditions, buyers' premiums requirements*) could possibly be reconsidered, deleted, or altered.

In her response to your inquiry, Ms. Skic-Loy expresses her concerns about the public traveling some distance to attend a public auction. Her assumption is that there will be no way for the public to determine if there is a buyers' fee and/or if they could pay for their purchases with a check, credit card, etc., from ads since that information has now been ruled unnecessary. It will no longer need to be included in auction advertisements. Once the new rules in Clearinghouse Rule #98-135, as written, are enacted, per Section 21, et al; such a traveling potential auction attendee/buyer/bidder, would only, upon arrival at the auction, be able to determine how payment would be accepted, the amount, if any, of a buyers' fee, etc., from a posted notice! Herein lies the potential for many unhappy auction buyers and the ability for less-than-honest auctioneers to possibly change the terms at the last minute, etc.

I trust that you can appreciate Ms. Skic-Loy's--and other Board members--concerns, as well as the potential harm such changes could cause the auction buying public, in addition to potentially more time and expense to attendees to call ahead, etc.

In my capacity as a professional, full-time, practicing, registered Wisconsin auctioneer, I tend to agree with *most* of the Clearinghouse Rules--but, I, too, tend to feel that the enactment of Section 8, and Section 21, would tend to allow for too little regulation of auctioneers regarding their auction's advertisements. YES--we definitely need a reduction of the need to include all the presently required information, name, address, phone, etc., in all ads--but, *I, personally*, cannot agree that the complete elimination of all terms, conditions, and buyers' fees from ads would be beneficial to the profession or to the buying public. I personally feel this would be too broad a reduction to the present regulations and potentially harmful to the auction buying public.

I would prefer, rather, to include the proposed Section 21 as well as continuing to require that all advertisements of auctions to be held would need to contain, *at the least*, the listing of the amount of any buyers' premium, surcharges, or fees. Additionally, I believe that if an auctioneer does not accept credit cards, checks, etc.--and only accepts currency as payment at their auctions, for example, then the buying public has a need to know this before traveling to an auction.

I have always included specific details in all my advertisements explaining, possibly in too much detail, exactly how my firm will accept payments for auction purchases. Currently most auctioneers include just a simple statement, such as "TERMS: Cash with ID, no checks or credit cards accepted", in their ads. This statement could even be further abbreviated--and, does not, I believe, add any excessive costs to our business operations. However, failure to do so, I feel, could easily have the potential for many additional problems for auctioneers and the buying public--such as the auctioneer not acting in his clients' (*the auction seller!*) best interests, as is now required by Statutes {480.14 (2)}.

My firm will *continue* to list all the payment and buyers' premium information in all its auction advertisements. However, enactment of Section 8 will, I fear, allow many auctioneers to legally eliminate such information from their ads--information which I believe is extremely important to the auction attendees, bidders, buyers, *and sellers!* The simple posting of a printed notice at the actual auction, as is required in Section 21, would not solve all the potential buyer-related problems that could be created by elimination of such facts in the newspaper advertisements (Section 8).

I trust that this letter will assist you, and your committee, in understanding the "*pros and cons*" of just two Sections of Clearinghouse Rule #98-135--as I see them. Thank you for allowing me to express my thoughts from both my 'dual positions.'

Respectfully,

A handwritten signature in black ink, appearing to read "Richard O. Lust", with a long horizontal line extending to the right.

Richard O. Lust, CAI
Chair, *Wisconsin Auctioneers Board*
Registered *Wisconsin Auctioneer #1*

cc: Mr. Clete Hansen, Wis. Dept. of Reg. & Licensing
Ms. Marie Skic-Loy

**AUCTIONEER BOARD
MINUTES
MADISON, WISCONSIN
JUNE 29, 1998**

PRESENT: Richard Lust, Marie Kohlbeck, Robert Massart, Marie Skie-Loy, Mark Shain

EXCUSED: Robert Brandau, Ronald Bast

STAFF PRESENT: Cletus Hansen, Donald Rittel, Michelle Krisher; Marlene Cummings and Division of Enforcement Staff were present for portions of the meeting.

CALL TO ORDER

The meeting was called to order at 9:20 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of five members was present.

AGENDA

MOTION: Robert Massart moved, seconded by Marie Kohlbeck, to adopt the agenda as published. Motion carried unanimously.

MINUTES (05/18/98)

MOTION: Marie Kohlbeck moved, seconded by Marie Skie-Loy, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

• **Recommendations of the Enforcement Ad Hoc Advisory Committee**

The Board received a copy of the Recommendations of the Ad Hoc Enforcement Advisory Committee. Secretary Cummings encouraged Board members to review the recommendations and submit any comments they may have.

Division Administrator's Report

• **Ethics Board Opinions**

The Board received a document entitled, "Ethics Board Issues Opinions." Noted.

• **Travel Vouchers and Guidelines**

Cletus Hansen reviewed the policies and procedures for Board member travel and expense reimbursement. The Board received a copy of the policy guidelines.

LEGISLATIVE UPDATE

1997 Wisconsin Act 191 re: Child Support

The Board received William Dusso's response to the Board's previous questions relating to 1997 Wisconsin Act 191. Noted.

1997 Wisconsin Act 237, Section 313cm

The Board was informed that SECTION 313cm of 1997 Wisconsin Act 237, which relates to auctions being tax exempt if held in the same place 12 or fewer times in a year, has been vetoed. Richard Lust noted that the Wisconsin Auctioneer's Association will be working to get language drafted that will clarify this issue.

ADMINISTRATIVE RULES UPDATE

Rules Re: Advertising and Trust Funds

The Board received a copy of the Proposed Order of the Department of Regulation and Licensing Adopting Rules relating to advertising and trust funds.

- MOTION:** Robert Massart moved, seconded by Mark Shain, to accept Section 1, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Mark Shain moved, seconded by Robert Massart, to accept Section 2, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Skic-Loy moved, seconded by Marie Kohlbeck, to accept Section 3, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Kohlbeck moved, seconded by Marie Skic-Loy, to accept Section 6, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Skic-Loy moved, seconded by Mark Shain, to accept Section 7, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Marie Kohlbeck, to accept under Section 8, the amendment of RL 123.03(1), as written in the Proposed Order. Motion carried, 3-yes; 2-no (with Marie Kohlbeck, Richard Lust, and Robert Massart voting for, and Mark Shain and Marie Skic-Loy voting against).
- MOTION:** Robert Massart moved, seconded by Marie Kohlbeck, to accept under Section 8, the proposed repeal of RL 123.03(2) and the proposed renumber of RL 123.03(3) to RL 123.03(2) and the amendment of this subsection as written in the Proposed Order. Motion failed unanimously.

- MOTION:** Mark Shain moved, seconded by Marie Skic-Loy, that under Section 8, subsection RL 123.03(2) be further modified to read: A statement that the auctioneer is a 'registered Wisconsin auctioneer' or the abbreviation 'RWA' (all in uppercase) and state registration number. Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Mark Shain, to accept the repeal of RL 123.03(4), as deleted in the Proposed Order. Motion carried unanimously.
- MOTION:** Robert Massart moved to accept the repeal of RL 123.03(5), as deleted in the Proposed Order. Motion failed for lack of a second.
- MOTION:** Mark Shain moved, seconded by Marie Skic-Loy, to accept Section 9, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Kohlbeck moved, seconded by Mark Shain, to accept Section 10, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Skic-Loy moved, seconded by Mark Shain, to accept Section 11 and that the shaded areas be removed from the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Skic-Loy moved, seconded by Marie Kohlbeck, to accept Section 12, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Kohlbeck moved, seconded by Marie Skic-Loy, to accept Sections 13, 14, 15, and 16, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Marie Skic-Loy, to accept Section 17, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Mark Shain, not to accept the proposed amendment to Section 18 in the Proposed Order. Motion carried 3-yes; 1-no (with Marie Skic-Loy voting against).
- MOTION:** Marie Skic-Loy moved, seconded by Marie Kohlbeck, to accept the repeal and recreation of subsections RL 125.11 and 125.11(1) and that the shaded areas following subsection RL 125.11(1) in the Proposed Order be removed from the draft. Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Marie Skic-Loy, to accept Section 19. RL 125.11(2) with a modification to delete item (c). Motion carried unanimously.

- MOTION:** Robert Massart moved, seconded by Marie Skic-Loy, to accept RL 125.11(3) with a modification to eliminate the phrases "the list of moneys in the trust account," and "running balance." Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Marie Kohlbeck, to accept RL 125.11(4) and that the shaded areas be removed from the draft. Motion carried unanimously.
- MOTION:** Robert Massart moved, seconded by Marie Kohlbeck, to accept Section 20, as written in the Proposed Order. Motion carried unanimously.
- MOTION:** Marie Skic-Loy moved, seconded by Robert Massart, to accept Section 21, as written in the Proposed Order. Motion carried unanimously.

RECIPROCITY

Texas

The Board received a copy of Cletus Hansen's May 29, 1998, letter to the Texas Department of Licensing and Registration, relating to a reciprocal agreement between Texas and Wisconsin. Mr. Hansen stated that letters could be sent to other states at some point in the future concerning reciprocal agreements.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

July 15, 1998, meeting agenda of the National Auctioneer License Law Officials Association. Noted.

NEW BUSINESS

The Board discussed writing an article for publication in various newspapers that explains auctions, including some of the conditions of auctions, what auctions are all about, and what the consumer should be aware of. The Board also discussed publishing a consumer oriented pamphlet addressing these issues.

RECESS TO CLOSED SESSION

- MOTION:** Marie Skic-Loy moved, seconded by Marie Kohlbeck, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats.; to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried by a roll call vote: Robert Massart-yes; Marie Kohlbeck-yes; Richard Lust-yes; Marie Skic-Loy-yes; Mark Shain-yes.

**AUCTIONEER BOARD
MINUTES
MADISON, WISCONSIN
AUGUST 24, 1998**

PRESENT: Richard Lust, Robert Massart, Marie Skic-Loy, Mark Shain, Robert Brandau, Ronald Bast

EXCUSED: Marie Kohlbeck

STAFF PRESENT: Cletus Hansen, Donald Rittel, Michelle Krisher; Division of Enforcement Staff were present for portions of the meeting.

CALL TO ORDER

The meeting was called to order at 9:13 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of six members was present.

AGENDA

The agenda was amended to include discussion of correspondence received relating to practice issues.

MOTION: Ronald Bast moved, seconded by Marie Skic-Loy, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (06/29/98)

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

The Board was informed that Secretary Marlene Cummings was currently unavailable due to a scheduling conflict.

Division Administrator's Report

• **1999 Meeting Dates**

The Board received a copy of the proposed 1999 meeting dates of the Auctioneer Board.

MOTION: Ronald Bast moved, seconded by Marie Skic-Loy, to accept the proposed 1999 meeting dates of the Auctioneer Board. Motion carried unanimously.

• **Regulatory Digest**

The Board received a copy of the Regulatory Digest which is anticipated to be sent out shortly.

LEGISLATIVE UPDATE

1997 Wisconsin Act 123 re: Public Comments at Meetings of Governmental Bodies

Cletus Hansen explained 1997 Wisconsin Act 123 relating to public comments at meetings.

MOTION: Marie Skie-Loy moved, seconded by Ronald Bast, to include "Public Comments" as an agenda item on all future agendas. Motion carried unanimously.

ADMINISTRATIVE RULES UPDATE

Rules re: Advertising and Trust Funds

The Board received a copy of the Proposed Order of the Department of Regulation and Licensing Adopting Rules relating to advertising and trust funds which was prepared based upon the Board's actions at the June 29, 1998, meeting. The proposed Order also includes a provision that amends the definition of "buyer's premium or surcharge" to define only the term "buyer's surcharge" and prohibits auctioneers from referring to a "buyer's premium."

The Board discussed the definitions of "buyer's premium" and "buyer's surcharge." The Board agreed, since the Standards of Practice of the Certified Auctioneers Institute defines "buyer's premium" and this term is utilized as the industry standard, that it should not be removed from the rules.

MOTION: Ronald Bast moved to reject the proposed rules based on the industry standard and the utilization by the Standards of Practice of the Certified Auctioneers Institute. Motion tabled until further discussion of the proposed rules.

MOTION: Ronald Bast moved, seconded by Mark Shain, to delete Section 1. RL 120.02(4) and Section 21. RL 126.02(14) of the proposed rules and retain the original language in the rules relating to "buyer's premium," based on utilization as an industry standard and a term that is defined in the Standards of Practice of the Certified Auctioneers Institute. Motion carried unanimously.

The Board discussed concerns relating to the elimination of the provision that requires auctioneers to state in their advertisements the percentage or other amount of any buyer's premium.

MOTION: Ronald Bast moved, seconded by Mark Shain, that Section 9. RL 123.03(5) relating to the requirement that the percentage or other amount of any buyer's premium or surcharge which is a condition to sale remain as an advertising requirement. Motion carried unanimously.

Cletus Hansen will notify Secretary Cummings of the Board actions relating to the proposed rules.

**AUCTIONEER BOARD
MINUTES
MADISON, WISCONSIN
OCTOBER 26, 1998**

PRESENT: Richard Lust, Robert Massart, Marie Skic-Loy, Mark Shain, Ronald Bast

EXCUSED: Marie Kohlbeck, Robert Brandau

STAFF PRESENT: Cletus Hansen, Donald Rittel, Michelle Krisher; Secretary Marlene Cummings and Division of Enforcement Staff were present for portions of the meeting.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of five members was present.

AGENDA

MOTION: Marie Skic-Loy moved, seconded by Robert Massart, to adopt the agenda as published. Motion carried unanimously.

MINUTES (08/24/98)

MOTION: Marie Skic-Loy moved, seconded by Robert Massart, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Marlene Cummings thanked Board members for their ongoing assistance with the drafting of administrative rules relating to advertising and trust funds. Secretary Cummings reported that the biennial budget proposal, which includes the proposed fee schedule for the next two years, has been completed and submitted to the Department of Administration. She reported that auctioneer fees will be higher. Board members will receive a copy of the fee schedule once it has been approved.

Division Administrator's Report

• **1999 Meeting Dates**

The Board received a copy of the 1999 Screening Panel and Board meeting dates. Board members will be notified in the event Chairman Lust and Cletus Hansen cancel a meeting due to a lack of agenda items. More than likely, meetings will be every other month.

• **Roster**

The Board received a copy of the Auctioneer Board roster.

LEGISLATIVE UPDATE

The Board received Myra Shelton's October 2, 1998, memorandum relating to the 1999-2000 legislative drafting requests. The Board was informed that 1997 Assembly Bill 617, relating to exempting certain persons under the age of 18 from the auctioneer requirement, can be redrafted for the 1999-2000 Legislature. The Board discussed removing the language relating to the arrest or conviction record and reintroducing the bill in the next legislative session.

MOTION: Mark Shain moved, seconded by Marie Skic-Loy, to request that 1997 AB 617 be amended to remove the arrest and conviction language and be reintroduced during the 1999 legislative session. Motion carried unanimously.

ADMINISTRATIVE RULES UPDATE

Public Hearing re: Advertising and Trust Funds

A public hearing was held to consider an Order to repeal, create, and amend auctioneer rules relating to advertising and trust funds.

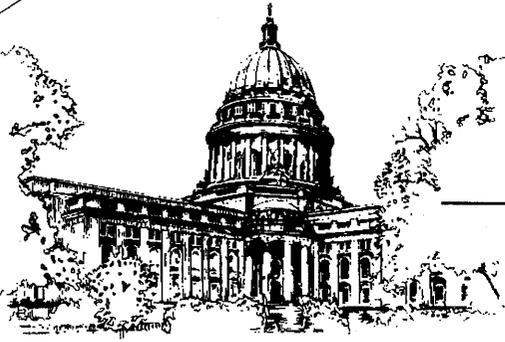
No one testified at the public hearing. The Board received one written comment from Mary Miller, dated October 1, 1998, noting that the word "buyer's premium" is a term that is used in the industry and that it should not be changed in the rules.

The Board received a copy of the proposed rule-making order of the Department of Regulation and Licensing relating to advertising and trust funds and a copy of the Clearinghouse Report to Agency relating to the proposed rule. Cletus Hansen explained that the Clearinghouse Report noted that there is no statutory authority to abbreviate "registered Wisconsin auctioneer" to "RWA" in the advertising requirements. The Board was informed that this is being addressed through legislation, contained within the Department's biennial budget bill, which would permit the abbreviation "RWA."

Mr. Hansen indicated that Secretary Cummings agreed to the Board's motion of August 24, 1998, to retain the original language in the rules relating to use of the term "buyer's premium." Secretary Cummings did not agree with retaining the advertising requirement that relates to indicating the percentage or other amount of any buyer's premium. The Board was informed of its prerogative to file a dissenting opinion with the Legislative committees concerning this issue.

The Board discussed issues relating to the buyer's premium. Ronald Bast, Mark Shain, Richard Lust, and Robert Massart expressed concern relating to repealing the buyer's premium language from the advertising requirements, but they stated they do not wish to make a motion to oppose the adoption of the proposed rules.

Cletus Hansen noted that he may want to address this issue in a future regulatory digest, noting that auctioneers may include the terms and conditions and buyer's premium information in their advertisements, if they choose to do so, to avoid problems with dissatisfied members of the public.



Russ Decker
State Senator

April 12, 1999

Senator James Baumgart
Chairman of the Senate Committee on Labor
State Capitol, Room 306 S
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Baumgart:

I was recently contacted by a constituent concerned about Section 8 of Clearinghouse Rule 98-135, which is currently before the Senate Committee on Labor. Clearinghouse Rule 98-135 relates to the registration and regulation of auctioneers and auction companies. Section 8 eliminates the requirement that auctioneers advertise the terms and conditions for payment and the amount of any buyers premium or surcharge that may be charged at the auction.

I share her concerns regarding this proposed change. A buyer may drive many miles with the intent to purchase an object at the auction and then discover that a buyer's premium or surcharge has to be paid above and beyond the bid price. It is only fair that consumers know the terms and conditions of a purchase made at an auction before deciding to attend.

Proponents of the rule change argue that requiring auctioneers to disclose the terms and conditions of a sale are unduly burdensome and cost prohibitive. Upon review of the enclosed auction advertisements I think that you will conclude that this disclosure is neither overly burdensome nor cost prohibitive based on the size of the advertisements auctioneers place. In addition, the disclosure of the terms can be as simple as the statement "cash or bankable check" or "regular auction terms".

Thus, I ask that Section 8 of Clearinghouse Rule 98-135 be removed and that we let the current law stand. Thank you for time and consideration in keeping this measure of consumer protection intact.

Sincerely,

A handwritten signature in black ink, appearing to read "Russ". The signature is stylized with a large, looping initial "R" and a cursive "uss".

Russ Decker
State Senator
29th District

cc: Marie Skic-Loy



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

April 13, 1999

Marlene A. Cummings, Secretary
Department of Regulation & Licensing
1400 E. Washington Ave.
Madison, WI 53703

Dear Secretary Cummings:

As discussed at our meeting with representatives of the Department of Regulation and Licensing on April 13, 1999, we are requesting the Department to modify Clearinghouse Rule 98-135, relating to the registration and regulation of auctioneers and auction companies, as follows:

1. Delete SECTION 8 of CR 98-135 which would repeal and recreate present s. RL 123.03, Wis. Adm. Code.
2. Delete proposed s. RL 126.02 (12) and (13) as created in SECTION 21 of CR 98-135.

Due to the expiration of the Senate Labor Committee's review period, please advise me in writing **on or before noon, April 14, 1999**, whether the Department agrees to make the above requested modifications.

If these modifications are not acceptable to the Department or if we do not receive written notice by the above time, I will distribute a ballot motion to the members of the Senate Labor Committee that objects to CR 98-135.

I look forward to hearing from you.

Sincerely,

Jim Baumgart, Chair
Senate Labor Committee



Tommy G. Thompson
Governor

APR 16 1999

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
E-Mail: dori@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

April 13, 1999

The Honorable James R. Baumgart, Chair
Senate Labor Committee
State Capitol, Room 306 S.
Madison, WI 53702

Dear Senator Baumgart:

I am responding to your letter of April 6, 1999, in which you asked the Department of Regulation and Licensing to make changes to Clearinghouse Rule 98-135, relating to the regulation of auctioneers and auction companies.

We discussed this Clearinghouse rule in your office today, along with other committee members or their designee. At the meeting you stated your committee's concerns about the Department's proposal to remove from the current s. RL 123.03, Wis. Admin. Code, the requirement that auctioneers and auction companies must include in their advertising a statement of the terms and conditions under which they will accept payment by buyers and the percentage or other amount of any buyer's premium or surcharge which is a condition to sale.

Since I was not able to convince you that it is adequate consumer protection to post the information at the location where the auction will be conducted, I will reluctantly agree to amend SECTION 8 in the rule proposal by including subs. (3) and (4). Thus, s. RL 123.03 would read:

RL 123.03 Contents of advertising. All advertisements that an auction will be conducted shall contain the following information:

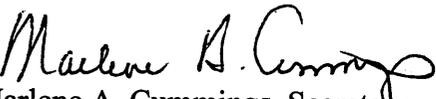
- (1) The name or trade name of an auctioneer responsible for the auction conducted pursuant to the contract required under s. 480.14 (1), Stats., and the name or trade name of any auction company that is managing the auction.
- (2) A statement that the auctioneer is a 'registered Wisconsin auctioneer' and the state registration number of the auctioneer.
- (3) A statement of the terms and conditions under which the registrant will accept payment by buyers at the auction.
- (4) The percentage or other amount of any buyer's fee or surcharge which is a condition of sale.

I would also propose that subs. (12) and (13) remain in SECTION 21, as initially proposed by the Department. These subsections would require posting the information at the location of the auction, in addition to including the information in the advertisements of the auctioneer or auction company, as addressed above.

At the meeting I also expressed my concern about the fact that permitting auctioneers and auction companies to use the term "buyer's premium" in their advertising misleads the public, because it conveys that the buyer will receive something extra from the seller or the auctioneer. However, "a buyer's premium" is a surcharge assessed against the buyer and, in fact, the buyer is helping the seller pay the auctioneer for conducting the auction. Therefore, I propose that wherever "buyer's premium" occurs in Chapters RL 120 to 128 the term be replaced with "buyer's fee."

Thank you for your consideration of my response to your letter. Hopefully, your committee will agree to make these changes, so that our rule proposal will proceed without further delay. I understand that this letter gives the Senate Labor Committee an additional 10 days to review the rule proposal. Under separate cover I will send a new rule proposal that includes the changes described above.

With respect,


Marlene A. Cummings, Secretary
(608) 266-8609



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

April 21, 1999

The Honorable James R. Baumgart, Chair
Senate Labor Committee
State Capitol, Room 306 S.
Madison, WI 53702

Dear Senator Baumgart:

This is a follow-up to my letter of April 13, 1999, concerning changes to Clearinghouse Rule 98-135, relating to the regulation of auctioneers and auction companies.

I had written to inform you that I would agree to amend this Clearinghouse rule to require that advertisements of auctioneers and auction companies include a statement of the terms and conditions under which they will accept payment by buyers and the percentage or other amount of any buyer's fee or surcharge which is a condition to sale. I also stated that I would like the rules to still require posting this information at the location of the auction and I would like to change "buyer's premium" wherever the term occurs in the rules to "buyer's fee."

The enclosed revised rule draft contains these changes. Please note the following (the SECTION numbers have been renumbered, due to additional amendments):

SECTION 1 changes "buyer's premium" to "buyer's fee."

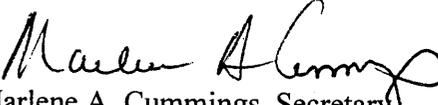
SECTION 9 inserts the advertising requirements, relating to the terms and conditions of sale and the amount of any buyer's fee or surcharge.

SECTION 10 changes "buyer's premium" to "buyer's fee."

SECTION 23 retains the requirement for posting the terms and conditions of sale and the amount of any buyer's fee or surcharge at the location of the auction. This SECTION also changes "buyer's premium" to "buyer's fee."

Thank you for your consideration of these matters.

With respect,


Marlene A. Cummings, Secretary
(608) 266-8609

cc: Auctioneer Board

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION
DEPARTMENT OF REGULATION : AND LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 98-135)

PROPOSED ORDER

An order of the Department of Regulation and Licensing to *repeal* RL 121.07 (1); to *renumber* RL 121.07 (2); to *renumber and amend* RL 125.11 and 125.12; to *amend* RL 120.02 (4), 121.04 (1) (c) 3., the Note following RL 122.02, 122.04 (title), 122.04, 124.02 (5), ch. RL 125 (title), 125.02, 125.05 (title), 125.06 (title), 125.07 (title), 125.08 (title), 125.11 (title); to *repeal and recreate* RL 123.03 and RL 125.03; and to *create* RL 120.02 (12), a Note following RL 121.02 (2), 125.035, 125.08 (3) and (4), 125.11 (1), (2), (3) and (4) and 126.02 (11), (12) and (13), relating to the registration and regulation of auctioneers and auction companies.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 480.06, Stats.

Statutes interpreted: ss. 480.08, 480.10, 480.14, 480.16, 480.18, 480.20 and 480.24, Stats.

This proposed rule-making order of the Department of Regulation and Licensing primarily addresses three distinct areas respecting the registration and regulation of auctioneers and auction companies under Chapter 480, Stats., and Chapters RL 120 to 128. First, all current rules have been reviewed for the purpose of providing clarification and making technical modifications to increase their readability. Second, the advertising rules contained in Ch. RL 123, are modified to remove unnecessarily burdensome and costly requirements existing in the current provisions. Third, ch. RL 125 has been revised to set forth a required bookkeeping system for auctioneers and auction companies, whether or not they must maintain an auction trust account, in order to assure their ability to account for all auction proceeds as required under ss. 480.14 (3) and 480.18, Stats.

SECTION 1 amends the term that is defined in s. RL 120.02 (4) and changes "buyer's premium or surcharge" to "buyer's fee or surcharge."

SECTION 2 moves the definition of "trade name" from s. RL 121.07 (1) to ch. RL 120, the chapter that contains terms generally applicable throughout the rules. Registrants are permitted to use a trade name in their advertising or practice under current s. RL 121.07, as long as it is submitted in writing to the department. As the definition is proposed to be placed in ch. RL 120,

SECTION 5 repeals the definition in the current s. RL 121.07 (1), and SECTION 6 will renumber s. RL 121.07 (2) accordingly.

SECTION 3 creates a Note following s. RL 121.02, to provide the address at which applications for registration may be obtained. It also informs potential registrants that otherwise qualified applicants will be provided with reasonable accommodations, consistent with the requirements of the Americans With Disabilities Act.

SECTION 4 makes a correction to s. RL 121.04 (1) (c) 3. to provide that an auctioneer must take and pass the registration examination in order to renew a registration which expired 5 or more years prior to the renewal application, rather than "retake" a "licensing" examination.

SECTION 7 creates a Note following s. RL 122.02 to provide the address at which examination applications may be obtained. It also informs examination applicants that candidates otherwise qualified to take the examination will be provided with reasonable accommodations, consistent with the requirements of the Americans With Disabilities Act.

SECTION 8 expands current s. RL 122.04, which prohibits the receipt of unauthorized assistance on the auctioneer examination, to additionally prohibit any form of cheating or dishonesty in taking the examination. SECTION 23 would create s. RL 126.02 (11) to make it unprofessional conduct for an individual granted registration to be subsequently found to have cheated on the examination, or to have disclosed the contents of the examination to others.

SECTION 9 repeals the current requirements in ch. RL 123, that the address, telephone number and state registration numbers of auctioneers and auction companies must be included in advertisements for a specific auction. It also would repeal the requirements that auction advertisements must set forth the terms and conditions for payment at the auction, as well as the amount of any buyer's fee or surcharge that may be charged at the auction. The department believes that the current advertising requirements in the rule are unduly burdensome and costly to registrants. It should be noted that SECTION 23 would require that the terms and conditions for payment and the amount of any buyer's fee or surcharge be posted in writing at the auction itself.

SECTION 10 amends s. RL 124.02 (5) by changing "buyer's premium" to "buyer's fee."

SECTION 11 would change the title of ch. RL 125 from "Trust Accounts" to "Maintenance of Records." The proposed modifications to the chapter relate to the bookkeeping system which must be maintained by all registrants, whether or not they are required to maintain an auction trust account.

SECTION 12 deletes the reference to "principal" in the definition of "trust funds" of s. RL 125.02, as it is unnecessary. A "principal" is already included in the phrase "any other person," but the current language may inappropriately suggest there is a distinction between the two for trust account purposes.

SECTION 13 describes the information to be provided on an "account summary sheet" which would be required of registrants who do not maintain an auction trust account. This provision assures that registrants will be able to meet the statutory requirement in s. 480.14 (3), Stats., for providing an accounting to sellers of the auction proceeds, as well as the duty to keep "complete and accurate records of the auction" for a period of at least 2 years after the auction is conducted under s. 480.18, Stats.

SECTION 14 creates s. RL 125.035 to specifically state a registrant must maintain a trust account if the proceeds of an auction are not paid out within 24 hours after the auction. Although this requirement may be inferred from the definition of "trust funds" in s. RL 125.02, a specific statement to this effect will eliminate any confusion or inadvertent oversight of the requirement.

SECTIONS 15 through 18 amend current section titles to indicate that they are specifically applicable to auction trust accounts.

SECTION 19 would require that registrants send written notification to the department within 10 days after any change in an auction trust account name or number, depository institution name change, or that an auction trust account has been closed.

SECTIONS 20 and 21 would amend and create provisions relating to a trust account bookkeeping system to assure that adequate records are created and maintained to enable the registrant, department and others to determine whether trust funds have been appropriately received, handled and disbursed by the registrant.

SECTION 22 expands the current authorization to use a computerized system to maintain trust account records to cover all records required under ch. RL 125.

SECTION 23 creates three additional causes for disciplinary action against a registrant, as discussed in this analysis under SECTIONS 8 and 9.

TEXT OF RULE

SECTION 1. RL 120.02 (4) is amended to read:

RL 120.02 (4) "Buyer's ~~premium~~ fee or surcharge" means an amount of money, usually based on a percentage of the successful bid, charged to the successful bidder and either added to the successful bid to determine the final selling price or paid separately by the successful bidder in addition to the successful bid.

SECTION 2. RL 120.02 (12) is created to read:

RL 120.02 (12) "Trade name" means a name other than the name appearing on an auctioneer's or auction company's registration certificate, under which an auctioneer or an auction company advertises or does business.

SECTION 3. A Note following RL 121.02 (2) is created to read:

Note: Applications may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant shall be provided with reasonable accommodations.

SECTION 4. RL 121.04 (1) (c) 3. is amended to read:

RL 121.04 (1) (c) 3. The applicant has ~~retaken~~ taken and passed the ~~licensing registration~~ examination within one year prior to the date of the application for renewal of registration.

SECTION 5. RL 121.07 (1) is repealed.

SECTION 6. 121.07 (2) is renumbered RL 121.07.

SECTION 7. The Note following RL 122.02 is amended to read:

Note: Applications may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant shall be provided with reasonable accommodations.

SECTION 8. RL 122.04 (title) and 122.04 are amended to read:

RL 122.04 (title) ~~Unauthorized assistance~~ Cheating on examination. An applicant may not give or receive unauthorized assistance during the examination. ~~The action taken by the department when unauthorized assistance occurs shall be related to the seriousness of the offense. These actions may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination in which the unauthorized assistance occurred,~~ improperly remove notes, examination questions or secure documents from the examination setting, sell or distribute actual examination questions from the examination, buy or obtain unauthorized access to examination questions, or otherwise violate the published rules of conduct of the examination.

SECTION 9. RL 123.03 is repealed and recreated to read:

RL 123.03 Contents of advertising. All advertisements that an auction will be conducted shall contain the following information:

(1) The name or trade name of an auctioneer responsible for the auction conducted pursuant to the contract required under s. 480.14 (1), Stats., and the name or trade name of any auction company that is managing the auction.

(2) A statement that the auctioneer is a 'registered Wisconsin auctioneer' and the state registration number of the auctioneer.

(3) A statement of the terms and conditions under which the registrant will accept payment by buyers at the auction.

(4) The percentage or other amount of any buyer's fee or surcharge which is a condition to sale.

SECTION 10. RL 124.02 (5) is amended to read:

RL 124.02 (5) A statement of whether a buyer's ~~premium~~ fee or surcharge will be assessed and, if so, the percentage or other amount to be charged to the successful bidder.

SECTION 11. Chapter RL 125 (title) is amended to read:

CHAPTER RL 125 (title)

TRUST ACCOUNTS
MAINTENANCE OF RECORDS

SECTION 12. RL 125.02 is amended to read:

RL 125.02 **Definition.** In this chapter, "trust funds" means cash, checks, share drafts, drafts or notes received by an auctioneer or an auction company on behalf of ~~a principal or any other person~~ while acting as an auctioneer or auction company for an auction of goods. "Trust funds" does not include proceeds received by an auctioneer or an auction company on behalf of ~~a principal or any other person~~ pursuant to an auction in which the written contract under s. 480.14, Stats., requires the registrant to pay the owner or consignor within 24 hours after the auction.

SECTION 13. RL 125.03 is repealed and recreated to read:

RL 125.03 Account summary sheet for registrants not maintaining a trust account. An auctioneer or auction company that is not required to maintain a trust account shall maintain an account summary sheet which shows the receipts, deposits, expenses and disbursements of each individual auction.

Note: This provision applies only to registrants not required to maintain a trust account. Registrants for whom a trust account is required must use the trust account bookkeeping system described in s. RL 125.11.

SECTION 14. RL 125.035 is created to read:

RL 125.035 Trust account required. An auctioneer or auction company shall maintain a trust account when the registrant receives and holds auction funds which are not disbursed to the owner or consignor under a written contract under s. 480.14, Stats., within 24 hours after the auction.

SECTION 15. RL 125.05 (title) is amended to read:

RL 125.05 (title) Time of trust account deposit.

SECTION 16. RL 125.06 (title) is amended to read:

RL 125.06 (title) Opening and closing trust accounts.

SECTION 17. RL 125.07 (title) is amended to read:

RL 125.07 (title) Trust account designation.

SECTION 18. RL 125.08 (title) is amended to read:

RL 125.08 (title) Notification of the department regarding trust account.

SECTION 19. RL 125.08 (3) and (4) are created to read:

RL 125.08 (3) An auctioneer or auction company shall notify the department no later than 10 days after a change has been made to an auction trust account name, auction trust account number or depository institution name. The notification shall be provided on a form prepared by the department.

Note: Forms may be obtained from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(4) An auctioneer or auction company shall notify the department no later than 10 days after an auction trust account has been closed. This notification shall be made in written correspondence to the department.

SECTION 20. RL 125.11 is renumbered RL 125.12 (intro.) and RL 125.12 (title) and (intro.) are amended to read

RL 125.12 (title) Trust account bookkeeping system. (intro.) An auctioneer or an auction company required to maintain a trust account shall maintain a bookkeeping system that enables the auctioneer or auction company to adequately account for all trust funds in a trust account, to maintain an accurate and sufficient balance in the account and to account for all trust funds received from specified buyers and paid to specified sellers for specified purchases. The bookkeeping system shall consist of at least the following:

SECTION 21. RL 125.11 (1) to (4) are created to read:

RL 125.11 (1) CHECK REGISTER. An auctioneer or an auction company shall maintain a record regarding a trust account, called a check register, which shall show the date, the payee, the number of the check, share draft or draft and the amount.

(2) BANK RECONCILIATION. An auctioneer or an auction company shall reconcile the trust account in writing each month unless there has been no activity during the month. The written reconciliation shall include all of the following:

- (a) The ending bank statement balance.
- (b) The date and amounts of the deposits in transit.
- (c) The check number and amounts of outstanding checks.
- (d) The resulting reconciled bank statement ending balance.

(3) VALIDATION. The auctioneer or auction company shall review the reconciled bank statement ending balance, the account summary sheets described in sub. (4), and the check register to ensure that all of the records are accurate and in agreement as of the date the trust account statement has been reconciled.

(4) ACCOUNT SUMMARY SHEET. An auctioneer or auction company shall maintain a record regarding a trust account, called an account summary sheet, which shows the receipts, deposits, expenses and disbursements as they affect each individual auction.

SECTION 22. RL 125.12 is renumbered RL 125.025 and RL 125.025 (intro.) is amended to read:

RL 125.025 Use of computers. (intro.) An auctioneer or an auction company may maintain ~~trust account~~ any records required by this chapter in a computerized system, provided that:

SECTION 23. RL 126.02 (11), (12) and (13) are created to read:

RL 126.02 (11) Cheating on the registration examination contrary to s. RL 122.04.

(12) Failing to post written notice at the location where the auction is to be conducted, prior to the commencement of an auction, of the terms and conditions under which the registrant will accept payment by buyers.

(13) If a buyer's fee or surcharge is a condition of sale, failing to post written notice at the location where the auction is to be conducted, prior to the commencement of an auction, of the percentage or other amount of the buyer's premium or surcharge.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____ Agency _____
Chairperson
Auctioneer Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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4/21/99

1414 State Road 23, Dodgeville, Wisconsin
Phone: 608-935-3326 • FAX: # 608-935-5342
THURSDAY, APRIL 15, 1999
TIME: 8:00 A.M.

NOTE: This is only a partial listing of good used equipment. There will be 500 to 600 items with 150 to 200 tractors to choose from. We are taking consignments daily. Will try to retain all items listed until sale day or will try to replace as close as possible. For information on buying or selling just call Hennessey Implement, Inc. Tractors and equipment will be mixed in throughout the sale. Will be selling in 2 auction rings. List is subject to change. A good time to buy equipment.

TRACTORS
JOHN DEERE: 7800 MFD CA, 8630 MFD CA, 6400 MFD CA, 4450 CA, 24450 MFD CA, 4440 CA, 4440 MFD CA, PS, 4430 CA, PS, 4250 CA, MFD, 4250 MFD CA, 4040 CA, 4020, 4010, 2950 CA, 2950 MFD CA, 2950, 2940, 2840, 2555 w/245 loader, 2550, 2510, 2355 MFD, 1050, 1020 w/loader, 520 3pt. hitch & fenders, 555 MFD & loader, 4320 cab
CASE IH: 1066 CA, 1896 MFD CA, 2096, 3294 MFD CA, 4230 MFD CA, like new, 400 & loader, 560 diesel, 1066 cab, 966 cab, 1066 hydro, 585, 585 MFD w/loader, 630, 885 MFD w/loader, 885 MFD, 3-1086 CA, 100 hydro, 140, 1486 CA, 2400 w/loader, 3288, 3688 MFD CA, 504, 5288 MFD CA, 2-674, 84, hydro w/loader, 966, M, 385 w/mower, Case 2394, 5740 MFD CA, Case 190, 3588
OTHER TRACTORS: Belarus 925 w/cab, Deutz 6275 w/cab, Deutz 8006, AC 8030 CA, AC 185 sharp, Kubota B20, MF 298, Cub Cadet w/mower, White 2-150 CA, Belarus 520 w/loader, AC 8070 MFD CA, MF 285, MF 1105

HAYING EQUIPMENT: 6-N.H., 489 haybines, 3-N.H., 499 haybines, 2-N.H., 477 haybines, Hesston BP-20 bale press, New M.F. 143 baler, N.H., 411 discbine, N.H., 467 haybine, IHC 8330 haybine, Gehl 770 haybine, JD 241 baler, 5-N.H., 273 balers, 4-N.H., 311 balers, N.H., 570 baler, 6-N.H., 258 rakes, 10-N.H., 256 rakes, 3-JD 640 rake, JD 670 rake, JD 660 rake, 12-N.H., 488 haybines, 2-N.H., 479 haybines, 2-N.H., 455 mowers, N.H., 456 mower, JD 346 baler, 4-JD 336 balers, Ford 3pt. hitch mower, 6-wagons w/bale throw racks, NI 40' elevator, 40' bale elevator w/motor, 2-Pro bale baskets, JD 510 round baler, JD 1219 haybine, 2-JD 1209 haybines, JD 328 baler, Case IH 3450 baler, Case IH 3540 baler, JD 1600 haybine, NI 484 round baler, OMC 595 round baler, IHC 35 rake, 2-N.H., 315 balers, JD 350 mower, IHC 1300 mower, JD 550 mower, MF 3pt. rake, IHC 96 rake, Hesston 5530 round baler, NH 660 round baler, M.F. 142 round baler, new, NH 654 round baler, like new, NH 847 round baler, NH 849 round baler, NH 851 round baler, NH 855 round baler, NH 852 round baler
TILLAGE & PLANTING EQUIP.: Kewanee 12' mulcher, Glencoe 16' field cult., Brent CPC 7 shank disc ripper, Bushhog 12' offset disc, IHC 13' 480 disc, IHC 20' 496 disc w/harrow, Kewanee 12' disc, Krause 12' disc, Bearcat 12' mulcher, JD-BW 14' disc, IHC 5100 drill, JD RM 4R cult., JD 10' drill, AC 3pt. cult., JD 8' drill, Bushhog 20' soil finisher, Nobel

FARM AUCTION
Ken & Earl Wittwer
 702 Wittwer Rd., Arena, WI
 (608) 588-2810
Sunday April 18, 1999
10:30 A.M.
 Lunch: Eat-N-Out
Location: 6 miles West of Arena or 3 miles Spring Green WI on Hwy 14 to Traders Bar, 6 miles North on Hellena Rd. to Wittwer Rd. arena to Farm. Watch for Auction Arrows.

MACHINERY: MM Super M670 LP gas tractor w/3pt., live power, PS w/Du-AI 320 hyd. loader, New, MM M602 LP gas tractor w/WF, 3pt., dual live power, PS, A-1 Cond., 1953 Ford Jubilee w/3pt., Excellent Cond., Katolite Model 2555 tractor 25 KW volts 120 & 240 w/trailer & PT New, IHC 10ft. grain drill on rubber w/grass w/attach. A-1; MM 8ft. grain drill on rubber w/grass attach. A-1; Set of 18.4x38 tractor chains; 16.9x38 tractor chains; Set of 12x28 tractor attach. A-1; Set of 18.4x38 tractor chains; NH Super 66 baler w/wagon loading chute; wheel trailer w/front mounted winch; NI hay conditioner; AC PTO side rake; Owatonna 40ft. w/drag hopper; Lilliston rolling cultivator; combine, AC 6 row bean planter; Covered on gear; Wood Bros. 1 row corn picker; NI cultipacker; Lely Roterra 12ft. power harrow, blade w/dual gauge wheels; Winpower g/c Aircraft tires w/16ft. steel frame flat bed; JD row 3pt. hitch corn planter w/fert.; Owatonna 30' swather w/WI gas engine; 20'x6' grain air transport wheels & elec. motor; 4'x6' 2-wheel 3 PT large rd. bale carrier, 40ft. bale carrier, elec. motor; Land Pride 25-84 7ft. rotary (new); Gehl FH 83 chopper w/hay head; Deck unload chopper box w/HD gear; trailer type w/200 fiberglass tank & 10 row boom.

CA, 4450 CA, 2-4450 MFD CA, 4440 CA, 4440 CA, PS, 4430 CA, PS, 4250 CA, MFD, 4250 MFD CA, 4040 CA, 4020, 4010, 2950 CA, 2950 MFD CA, 2950, 2940, 2840, 2555 w/245 loader, 2550, 2510, 2355 MFD, 1050, 1020 w/loader, 520 3pt. hitch & fenders, 855 MFD & loader, 4320 cab
CASE IH: 1066 CA, 1896 MFD CA, 2096, 3294 MFD CA, 4230 MFD CA, like new, 400 & loader, 560 diesel, 1066 cab, 966 cab, 1066 hydro, 585, 585 MFD w/loader, 630, 885 MFD w/loader, 885 MFD, 3-1086 CA, 100 hydro, 140, 1486 CA, 2400 w/loader, 3288, 3688 MFD CA, 504, 5288 MFD CA, 2-674, 84, hydro w/loader, 966, M, 385 w/mower, Case 2394, 5740 MFD CA, Case 190, 3588
OTHER TRACTORS: Belarus 925 w/cab, Deutz 6275 w/cab, Deutz 8006, AC 8030 CA, AC 185 sharp, Kubota B20, MF 298, Cub Cadet w/mower, White 2-150 CA, Belarus 520 w/loader, AC 8070 MFD CA, MF 285, MF 1105
HAYING EQUIPMENT: 6-N.H., 489 haybines, 3-N.H., 499 haybines, 2-N.H., 477 haybines, Hesston BP-20 bale press, New M.F. 143 baler, N.H., 411 discbine, N.H., 467 haybine, IHC 8330 haybine, Gehl 770 haybine, JD 241 baler, 5-N.H., 273 balers, 4-N.H., 311 balers, N.H., 570 baler, 6-N.H., 258 rakes, 10-N.H., 256 rakes, 3-JD 640 rake, JD 670 rake, JD 660 rake, 12-N.H., 488 haybines, 2-N.H., 479 haybines, 2-N.H., 455 mowers, N.H., 456 mower, JD 346 baler, 4-JD 336 balers, Ford 3pt. hitch mower, 6-wagons w/bale throw racks, NI 40' elevator, 40' bale elevator w/motor, 2-Pro bale baskets, JD 510 round baler, JD 1219 haybine, 2-JD 1209 haybines, JD 328 baler, Case IH 3450 baler, Case IH 3540 baler, JD 1600 haybine, NI 484 round baler, OMC 595 round baler, IHC 35 rake, 2-N.H., 315 balers, JD 350 mower, IHC 1300 mower, JD 550 mower, MF 3pt. rake, IHC 96 rake, Hesston 5530 round baler, NH 660 round baler, M.F. 142 round baler, new, NH 654 round baler, like new, NH 847 round baler, NH 849 round baler, NH 851 round baler, NH 855 round baler, NH 852 round baler
TILLAGE & PLANTING EQUIP.: Kewanee 12' mulcher, Glencoe 16' field cult., Brent CPC 7 shank disc ripper, Bushhog 12' offset disc, IHC 13' 480 disc, IHC 20' 496 disc w/harrow, Kewanee 12' disc, Krause 12' disc, Bearcat 12' mulcher, JD-BW 14' disc, IHC 5100 drill, JD RM 4R cult., JD 10' drill, AC 3pt. cult., JD 8' drill, Bushhog 20' soil finisher, Nobel

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CASE IH: 1066 CA, 1896 MFD CA, 2096, 3294 MFD CA, 4230 MFD CA, like new, 400 & loader, 560 diesel, 1066 cab, 966 cab, 1066 hydro, 585, 585 MFD w/loader, 630, 885 MFD w/loader, 885 MFD, 3-1086 CA, 100 hydro, 140, 1486 CA, 2400 w/loader, 3288, 3688 MFD CA, 504, 5288 MFD CA, 2-674, 84, hydro w/loader, 966, M, 385 w/mower, Case 2394, 5740 MFD CA, Case 190, 3588
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TERMS: Cash or good check. All items to be sold for day of sale. If financing is desired, contact Hennessey Implement, Inc. at least 2 days PRIOR to sale day.
HENNESSEY IMPLEMENT, INC.
 Registered Wisconsin Auction Company, No. 37
ALL WISCONSIN REGISTERED AUCTIONEERS:
 Roland Roberts, No. 07 Jerry Wilkinson, No. 30,
 Chuck Tesch, No. 494, Allen Dudley, No. 1306, Perry Wilkinson, No. 31, David Koning, No. 604, Scott Cook, No. 899



BARN EQUIPMENT AND REAL ESTATE
ON THE
RAY AND DIANE LETTER FARM
N8449 Vanden Heuvel Rd., Seymour
Tuesday, April 13th
10:00 A.M. Sharp
Lunch on Grounds

LOCATED: 1/2 mile east of Seymour on Hwy. 54 to Vanden Heuvel Rd, north 3 mi. or 1/2 mi. north of Seymour to Gardener Rd., east 2 mi. to Vanden Heuvel Rd. north to farm, watch for auction arrows.
HOLSTEIN DAIRY CATTLE: 110 head of Registered and High Grade Dairy Cattle; Consisting of: 49 cows; several just fresh, several close-up springers. Balance milking real good, bred back for year round freshing; 23 large type bred heifers bred from 1 mo. to 8 1/2 mo. 33 open heifers, 2 mo. to 16 mo. old, 5 Holstein steers, 10 mo. to 2 yrs. old. D.H.I. Official Herd Code 45-0163 -Rolling Herd average 21,974M. 835 F. 712 Pro. Lots of cows are milking 70 to 120 lbs. per day.

COWS TO WATCH FOR: Hen-Ray Valour Bookie V.G. 85, Sire Cass-way, Valor ET Fresh 6-14-98 Projected 305 da, 24,568M. 941F, 807 Pro. Bred 10-2-98 Morrielaque Cletuslake T.W. Hen-Ray Blackstar Sandy Good Plus 81, Sire to Mar Blackstar; ET Fresh 3-2-99. M 87 lbs. 4.5, 3.6P. Hen-Ray Mystique Camia Good 78. 339 da. 20,714M. 938F. 691 Pro. Bred 7-15-98 Jo-wal Cubby Metro. Due 4-21-99. Ken-Ray Fancy Helena, Sire Utag. Valiant Fancy Paul ET. Fresh 8-9-98. Projection 305 da. 22,313M. 789F. 720 Pro. Bred 11-3-98 to Rit-Mark Aeostar Windsor ET. Hen-Ray Langs Beaver, Sire Langs -Twin-Elim Dandy, Fresh 1-6-99, milking 78 lbs. Bred 3-20-99 - 73H2400 Sharemar James. Ray & Diane have been using sires like Judge, Bestow, Shark, Windsor, Herod, Aerodine, Marty, Silver, Granite.
NOTE: Mr. Dairyman, this is an exceptional herd of dairy cattle. Ray & Diane have a fine group of heifers, you will not be disappointed when you see them. Pedigrees by Tim Natzke. Herd of Health under the care of Valley Vets of Seymour. Catalogs will be available day of sale.

TRACTORS: International 1086 tractor w/cab, air, weights 20-8-38 tires 3460 hrs.; Case I.H. 7110 tractor w/cab, FWD, 20-8-38 tires, & weights, 2100 hrs.; Case I.H.-5130, diesel tractor w/cab, 1400 hrs.; Gehl 3510 skidloader, 700 hrs.
MACHINERY: I.H. 36 blower; Winpower 25 KW alternator w/cart; 2-wood bale racks; International 16 1/2 Vibra shank; Busch 4-row cultivator; 2-Miller-Pro 2175 self-unloading wagons w/10T tandem gears; International 20' No. 475 hydraulic wing disc; International 730 4-bottom, variable width semi-mounted plow; Case I.H. 600 blower, Massey Ferguson 33 grain drill 10' w/grass seed, Kools blower, Minnesota 400 gravity box w/2-opening, w/12T gear, H&S tractor, International 1490 hydro swing haybine; New holland 268 baler w/kicker; New Holland 56 hay rake; International 881 chopper w/7' hay head & corn head; 7-calf hutches; cultivator; Allis Chalmers/WD 45; Calumet 3250 gal. liquid manure tank w/knife attachment, wood hauler manure spreader; Slinger 912 manure spreader; Brillion 12' roller; hydraulic,

Tranisch & Young Auction

http://www.hansenandyoung.com
MONDAY, APRIL 19, 1999
Sale Time: 12:00 noon LUNCH SERVED
LOCATION: Five miles east of New Richmond on Hwy. 64 to Cty Rd. A then south 2 1/2 miles to 170th Ave then east 1 mile to 190th St. then north 1/10 mile. 1710 190th St. Watch for signs.

AUCTION NOTE: The Cowles have lost their hired help and their lease agreement is due to expire. They are offering their excellent herd on auction, don't miss this sale! Cattle are available to view Saturday April 18 from 12:00-3:00 or by appointment.

78 HEAD OF EXCELLENT REGISTERED AND GRADE HOLSTEIN DAIRY CATTLE
Selling will be 55 Holstein cows of which 25 are registered and 30 grade cows. Selling is a fine herd of dairy cattle sired by proven bulls of the breed. The cows are sired by top TPI bulls such as Blackstar, Mark, Inspiration, Thor, Rex, Astre, Mellow, Vanguard, Langs, Mountain, Mandell, Juror, Nick, Mason, Oscar, Leadman, B. Drew, Euphor, Stuffy, Target, Holiday, Mr. Proba. Watch for Joan, a terrific uddered Star buck granddaughter, EX 90, just fresh 45 days. Milking well looks to have a lot more potential. She'll fit nicely in anyone's first stall or show string. Also selling 6 V.G. cows from 85-89 plus 6 Good+ cows. There are also several very nice young cows not classified that could be V.G. soon, especially Polka-Dot, a two yr. old Juror. There will be 30 nice grade cows as big and dairy and open ribbed as you'll find, with sound feet and udders.

Currently the herd is shipping 75LBS/day/cow to the creamery with 3.6 BF, 3.3 P, and the SCC in the 200,000 range on two times a day milking. The herd has averaged over 23,000 LBS of milk/cow to the creamery each of the last two years. Many cows selling have records from 20-30,000 LBS of milk and over 1000 LBS Fat. Though currently not on test, the official RHA for 1997 was 23,336 MILK, 819 FAT, 751

Current service sires for the herd include Winchester, Terry, Lantz, Marlo, Johnson, ney, Carvel, Moss, Jay, Mason, Doeboy, alist, Integrity, Jolt plus R.W. and B.W. sires. The herd is year round freshening 25 cows fresh in the last 90 days and five c dry and springing. All cattle have been vaccinated had the 9-Way shot and wormed in need of registered or grade premium calves don't miss this sale!

A very nice group of 12 large registered grade heifers will be offered with the most 4-9 mo., being headlined by a Bell Wood to Terry, the end of May. The Bell Wood is a Holiday with records over 25,000 of a Also a nice Perspiration R.C. that is due time to Addition (red). Also due in June a and white Moss (red) due to Addition (red) a Highlight due to Rubytom, June and brings heifers sired by Integrity (bred to Roy list), Patron (due to Royalist), Mason (from ter from a high record Rex, due to Astro Last of August brings two fancy Juror heil both due to Winchester. This is as fine a group of bred heifers as you will find. Records for dams will be posted for heifers.

Also offered will be 11 open heifers from mo. of age. Sires include Jay, Danby, Whate and various R.W. and B.W. young sires. Many of these are from dams with records from 30,000. All youngstock are vaccinated at wormed. Join us on April 19 at 12:00 NOON There will be cows for every Holstein enthusiast whether looking for type, good sound commercial production or R.W. genetics. The herd is fed a partial TMR mix, top dressed with grain and 10-15 LBS of hay. The cattle see some pasture in summer so these cows should adjust to any management scenario. Plan to there!!

COWLEREST REGISTERED HOLSTEIN AL COWLES AND FAMILY

1710 190th Street, New Richmond, WI 715-246-4483 Barn or 715-749-1760 Home
CLERK: Farm Credit Services, Rep. by Rich Lee, 1-800-584-9481 or 268-8191.
TERMS: Cash or good check. Announcement sale day take precedence over printed material. Contact clerk prior to sale day if in need of financing.
AUCTIONEERS: Roger Hansen, Prairie Farm, 715-837-1942, Erlyn Young, Chetek, 715-444-222, Bryce Hansen, Prairie Farm, 715-81165, Wisconsin Registered Auction, Licen #227-250, 225.

"The Professional Auction Team"