

Chapter SPS 126

CONDUCT

SPS 126.01 Authority.
SPS 126.02 Unprofessional conduct.

SPS 126.03 Effect of suspension or revocation on registrant.

Note: Chapter RL 126 was renumbered chapter SPS 126 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 126.01 Authority. The rules in this chapter are adopted under authority in ss. 227.11 (2), 480.06 and 480.24 (2) (b), Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

SPS 126.02 Unprofessional conduct. Conduct evidencing a lack of knowledge or ability to apply professional principles or skills, within the meaning of s. 480.24 (2) (b), Stats., includes, but is not limited to, engaging in or aiding or abetting the following conduct:

(1) Performing or offering to perform services for which the registrant is not qualified by education, training or experience.

(2) Violating a law or rule of any jurisdiction, the circumstances of which substantially relate to the practice under the registration.

(3) Advertising an auction as an absolute auction if any item or items are to be sold with reserve or with minimum bids.

(4) Engaging in false, fraudulent, deceptive or misleading billing practices.

(5) Obtaining or attempting to obtain compensation by fraud or deceit.

(6) Reporting distorted, false or misleading information or making false statements in practice.

(7) Discriminating on the basis of age, race, color, sex, religion, creed, national origin, ancestry, disability or sexual orientation by means of service provided or denied.

(8) Knowingly escalating or attempting to escalate bidding through false bids, shills or through collusion with another.

(9) Violating or attempting to violate any formal disciplinary order of the auctioneer board.

(10) Knowingly providing false information to the board, the department or their agents.

(11) Cheating on the registration examination contrary to s. SPS 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 fee or surcharge.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; cr. (11), (12) and (13), Register, July, 1999, No. 523, eff. 8-1-99; am. (13), Register, January, 2001, No. 541, eff. 2-1-01; correction in (11) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 126.03 Effect of suspension or revocation on registrant. (1) An auctioneer or auction company whose registration has been suspended or revoked shall notify all persons with whom the auctioneer or auction company has a contract for services to be performed during the period of suspension or following revocation. The notice shall be in writing, state that the registration of the auctioneer or auction company has been suspended or revoked, and describe the terms of the suspension or revocation.

(2) An auctioneer or auction company whose registration has been suspended or revoked by the board may not engage in the following activities during the term of the suspension or revocation:

(a) Call an auction by calling for, recognizing, or accepting offers for the purchase of goods or real estate at an auction.

(b) Advertise, represent or otherwise hold out as being available to call or manage an auction.

(c) Advertise, represent or otherwise hold out as being an auctioneer or auction company or use the title "auctioneer," "registered auctioneer," "certified auctioneer," "licensed auctioneer," "auction company," "auction sales staff," "auction team member" or any similar title.

(d) Solicit, negotiate or enter into any auction contract, auction listing, auction consignment, or related auction agreement, including assisting or aiding another registrant to perform auction-related duties.

(e) Perform, manage or supervise any of the following:

1. Call for bids at any type of auction, including auctions under s. 480.02 (2) (a) to (h), Stats.

2. Oversee, in any manner, the conducting of any auction.

3. Accept any form of referral fee, finder's fee, commission, commission sharing or splitting, or related compensation from any auctioneer, auction company, or auctioneer-related professional.

4. Participate in any form of auctioneer-related bid-calling.

5. Suggest or imply to the public, privately or through advertising, that he or she is able to perform any of the activities in subs. 1. to 4.

(3) An auctioneer or auction company may not employ, retain or otherwise utilize an auctioneer or auction company whose registration has been suspended or revoked to perform any auction-related activity described in sub. (2). This section does not prohibit an auctioneer or auction company from contracting to perform services that an auctioneer or auction company is unable to perform because of a registration suspension or revocation and which the auctioneer or auction company contracted to perform prior to the license suspension or revocation.

History: Cr. Register, January, 2001, No. 541, eff. 2-1-01.