

CERTIFICATE

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

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Marlene A. Cummings, Secretary, Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department of Regulation and Licensing, hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 4th day of December, 2000.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

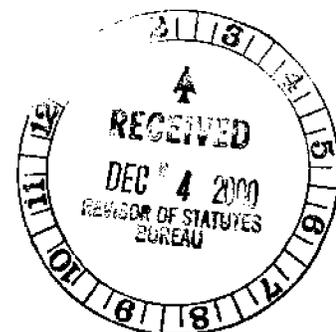
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin this 4th day of December, 2000.



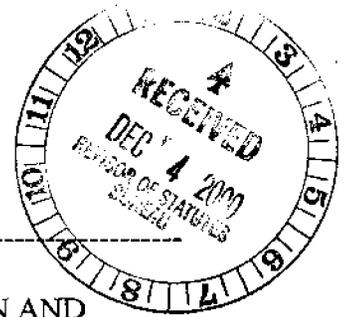
**Marlene A. Cummings, Secretary,
Department of Regulation and
Licensing**

00-106

2-1-01



STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 00-106)

ORDER

An order of the Department of Regulation and Licensing to amend the Note following RL 125.03, and RL 126.02 (13); and to create RL 121.025 and 126.03, relating to the regulation of auctioneers and auction companies.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2), 480.06 and 480.08 (7), Stats.

Statutes interpreted: ss. 480.08 (7), 480.20 and 480.24, Stats.

The proposed rules were submitted to the Auctioneer Board pursuant to s. 480.06 (1), Stats. This rule-making order of the Department of Regulation and Licensing amends rules relating to the regulation of auctioneers and auction companies. A new rule section is created in ch. RL 126, to describe the effect of a suspension or revocation.

The Note following s. RL 125.03 is amended to correct a citation.

Section RL 126.02 (13) is amended to correct an error. The term "buyer's fee or surcharge" is substituted for "buyer's premium or surcharge." The term "buyer's fee or surcharge" is defined in s. RL 120.02 (4).

The *Wisconsin Statutes* require in s. 480.08 (7), that a temporary registration certificate shall be valid for a period designated by the department, not to exceed one year. Section RL 121.025 is created to specify that a temporary registration certificate is valid for no more than 60 days after the date that the applicant filed the application. The department gives the auctioneer examination by computer every week by appointment.

Section RL 126.03 is created to describe the auctioneer-related activities that may not be performed by a person whose registration as an auctioneer or auction company has been suspended or revoked. Under the rule, a suspended or revoked auctioneer or auction company must notify all persons with whom the auctioneer or auction company has a contract for auctioneer services of the suspension or revocation. The rule also describes specific activities that may not be performed by a suspended or revoked auctioneer or auction company.

TEXT OF RULE

SECTION 1. RL 121.025 is created to read:

RL 121.025 Temporary registration. A temporary registration certificate issued under s. 480.08 (7), Stats., shall be valid for no more than 60 days after the date that the applicant has filed an application for registration as an auctioneer with the department.

SECTION 2. The Note following s. RL 125.03 is amended to read:

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~~ 125.12.

SECTION 3. RL 126.02 (13) is amended to read:

RL 126.02 (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~~ fee or surcharge.

SECTION 4. RL 126.03 is created to read:

RL 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 subds. 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.

(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 12/4/00 Agency Marlene A. Cummings
Marlene A. Cummings, Secretary
Department of Regulation and Licensing



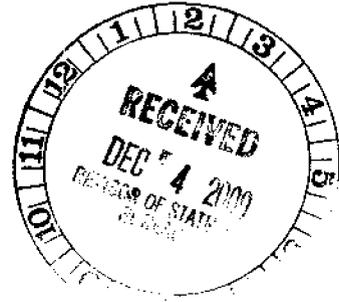
State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: December 4, 2000

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Paralegal
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: Department of Regulation and Licensing

Clearinghouse Rule 00-106

Attached is a copy and a certified copy of a final order adopting rules relating to the regulation of auctioneers and auction companies.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.