

**STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
AUCTIONEERS
ADMINISTRATIVE LAW OFFICER**

In Re: Robert Michael Sprague

Docket No. AU 02-0105

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

Introduction

Specification of Charges of unprofessional conduct was filed on May 9, 2005 against Auctioneer Robert Michael Sprague, who previously held License No. 057-0002291 which lapsed on January 13, 2005. A Notice of the Charges was mailed by certified mail on May 14, 2005 and the Respondent filed his Answer on May 24, 2005. The undersigned was assigned as Administrative Law Officer for this matter on June 30, 2005. A Notice for a Prehearing Conference at 2:00 PM on August 1, 2005 was mailed by certified mail on July 20, 2005.

The Prehearing Conference was held on August 1, 2005. Mr. Edward Adrian, Esq. appeared for the State as Prosecuting Attorney. The Respondent appeared by telephone. The parties stipulated on the record to the allegations in the Specification of Charges and agreed to the imposition of a Reprimand on the Respondent's license.

Findings of Fact

Pursuant to the stipulation of the parties, the undersigned, therefore, finds that:

1. The Administrative Law Officer appointed by the Secretary of State has jurisdiction to hear matters involving allegations of unprofessional conduct by licensed Auctioneers pursuant to 3 V.S.A. §§ 129, 192a, and 814; 32 V.S.A. §§ 7601-7606; and the Rules the Office of Professional Regulation.
2. Respondent, Robert Michael Sprague, is an auctioneer previously holding license number 057-0002291, issued on May 22, 1997. Respondent's license lapsed on January 13, 2005.
3. At all times relevant, Respondent was the owner and auctioneer at Sprague Auctions Incorporated, located in Dummerston, Vermont.

4. Respondent admits that on or about August 20, 2004, T.M. consigned some coins to Respondent for sale at his auction house in Dummerston, Vermont.
5. On or about August 17, 2004, some of the coins were sold at the Respondent's auction house.
6. Respondent did not return the unsold coins to T.M., nor did he compensate T.M. for those coins sold, until after a significant period of time. Respondent indicates, and a letter in the record from T.M. confirms, that T.M. has since received payment to his full satisfaction.

Conclusions of Law

The above stipulated acts, omissions, and circumstances constitute ground for discipline because the Respondent violated:

- A. 3 V.S.A. §129a(a)(3) – Failure to comply with the provisions of state statutes or rules governing the practice of the profession; and
- B. 3 V.S.A. §129a(b)(2) – Failure to conform to the essential standards of acceptable and prevailing conduct.

Order

Based on the above stipulated Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED** that the Respondent's license is **REPRIMANDED**.

SO ORDERED:



Thomas J. Lehner, Administrative Law Officer

8/2/05
Date

Date of Entry: 8/4/05

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION**

IN RE:)
ROBERT MICHAEL SPRAGUE) **Docket No: AU02-0105**
License No. 057-0002291)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Robert Michael Sprague:

Board Authority

1) The Administrative Law Officer appointed by the Secretary of State has jurisdiction to investigate complaints and discipline auctioneer licensees pursuant to 3 V.S.A. §§129, 129a, 814; 32 V.S.A. §§7601 to 7606; and the Office of Professional Regulation's Procedures.

Facts

- 2) Respondent, Robert Michael Sprague, is an auctioneer previously holding license number 057-0002291, issued in the State of Vermont. Respondent's license was originally issued on May 22, 1997. Respondent's license lapsed on January 13, 2005.
- 3) At all times relevant, Respondent was the owner and an auctioneer at Sprague Auctions Incorporated, located in Dummerston, Vermont.
- 4) Respondent admits that on or about August 20, 2004, TM consigned some coins to Respondent for sale at his Auction house in Dummerston, Vermont.
- 5) On or about August 27, 2004 the coins were sold at Respondent's Auction house.
- 6) Respondent did not return the coins to TM, nor did he compensate TM for the sale of the coins.
- 7) TM is currently owed \$375.00 from that sale.

Charges

- 8) The above acts and/or circumstances constitute unprofessional conduct because the Respondent violated:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- i. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession);
- ii. 3 V.S.A. §129a(b)(2) (Failure to conform to the essential standards of acceptable and prevailing conduct);

Relief Requested

WHEREFORE, the license of Robert Michael Sprague should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 9th day of May 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

au.sprague.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602