



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
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**Governor Scott Walker      Secretary Dave Ross**

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**AUCTIONEER BOARD  
VIA VIRTUAL MEETING  
Room 121A, 1400 E. Washington Avenue, Madison  
Contact: Berni Mattsson 608-266-8741  
January 25, 2012**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

**FULL BOARD MEETING  
9:15 A.M.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes – October 18, 2011 (3-6)**
- C. Executive Director Matters
  - 1) Annual Policy Review: Board Member Guidebook (7-39)
- D. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda**
- E. Board Discussion Items including any received after printing of agenda
  - 1) Division of Enforcement Matters
  - 2) Education and Examination Issues Matters
  - 3) Credentialing Matters
  - 4) Practice Questions/Issues
  - 5) Legislation/Administrative Rule Matters
    - a. Wisconsin Auctioneers Association Proposals (41-42)
    - b. Informational Item: SPS 128 CR-029 (Auctioneers CE providers) certified copy filed for publication. (43-47)
  - 6) Liaison Reports
  - 7) Speaking Engagement, Travel, Public Relation Requests
- F. Informational Items
- G. New Business
- H. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

**I. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda**

**J. Deliberation of Proposed Administrative Warnings including any received after printing of the agenda**

**K. Case Closings including any received after printing of the agenda (49)**

- 1) 11 AUC 004 (51-54)
- 2) 11 AUC 005 (55-58)

**L. Deliberation of other items received after printing of agenda**

- 1) Case Closings
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) Administrative Warnings
- 8) Matters Relating to Costs
- 9) Monitoring Cases
- 10) Appearances from Requests Received or Renewed
- 11) Examination Issues
- 12) Application Issues
- 13) PAP Cases
- 14) Motions

**M. Consulting with Legal Counsel**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**

**O. Other Board Business**

**ADJOURNMENT**

**AUCTIONEER BOARD  
TELECONFERENCE/LIVE MEETING MINUTES  
OCTOBER 18, 2011**

**PRESENT:** Kathryn Daley, Patrick J. McNamara, Ronald Polacek, Timothy J. Sweeney, Jerry L. Thiel

**EXCUSED:** James C. Wenzler

**STAFF:** Kelli Kaalele, Executive Director; Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

**GUESTS:** none

**CALL TO ORDER**

Timothy Sweeney, Chair, called the meeting to order at 9:18 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendment:**

- Item D – Secretary Matters – is deleted

**MOTION:** Kathryn Daley moved, seconded by Patrick McNamara, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 19, 2011**

**MOTION:** Patrick McNamara moved, seconded by Ronald Polacek, to approve the minutes of July 19, 2011 as written. Motion carried unanimously.

**ELECTION OF OFFICERS**

**NOMINATION:** Patrick McNamara nominated Timothy Sweeney for Chair. Kathryn Daley seconded the nomination.

Kelli Kaalele called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Timothy Sweeney was re-elected Chair by unanimous vote.

**NOMINATION:** Timothy Sweeney nominated Jerry Thiel for Vice Chair. Kathryn Daley seconded the nomination.

Kelli Kaalele called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Jerry Thiel was elected Vice Chair by unanimous vote.

**NOMINATION:** Patrick McNamara nominated Kathryn Daley for Secretary. Ms. Daley declined the nomination.

**NOMINATION:** Patrick McNamara nominated Ronald Polacek for Secretary. Kathryn Daley seconded the nomination.

Kelli Kaalele called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Ronald Polacek was elected Secretary by unanimous vote.

### **Election Results**

CHAIR	Timothy Sweeney
VICE CHAIR	Jerry Thiel
SECRETARY	Ronald Polacek

### **EXECUTIVE DIRECTOR MATTERS**

#### **2012 Meeting Dates**

The 2012 meeting dates are January 25, April 24, July 17 and October 16.

### **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

There were no stipulations to present.

**BOARD REVIEW AND CONSIDERATION OF STATUTORY DEFINITIONS AS THEY  
MAY RELATE TO ONLINE AUCTIONS**

The Board discussed the various types of online auctions. The discussion was tabled to the next meeting.

**INFORMATIONAL ITEMS**

There were no items for review.

**NEW BUSINESS**

There was no new business to discuss.

**PUBLIC COMMENTS**

There were no public comments.

**CONVENE TO CLOSED SESSION**

**MOTION:** Ronald Polacek moved, seconded by Jerry Thiel, to convene the meeting to Closed Session pursuant to Sections 19.85 (1)(a), (b), and (f), Wis. Stats., to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.) Roll call vote: Kathryn Daley-yes; Ronald J. Polacek-yes; Timothy D. Sweeney-yes; Jerry L. Thiel-yes. Motion carried unanimously.

Open session recessed at 9:46 a.m. Patrick McNamara joined closed session at 9:52 a.m.

**RECONVENE IN OPEN SESSION**

**MOTION:** Patrick McNamara moved, seconded by Ronald Polacek, to reconvene to Open Session. Motion carried unanimously.

Open session reconvened at 10:01 a.m.

**VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION IF  
VOTING IS APPROPRIATE**

**PROPOSED ADMINISTRATIVE WARNING**

**10 AUC 001 AND 10 AUC 002, R.L.K.**

**MOTION:** Ronald Polacek moved, seconded by Patrick McNamara, to issue the Administrative Warning in cases **10 AUC 001 and 10 AUC 002** against respondent R.L.K. Motion carried unanimously.

**CASE CLOSINGS**

**10 AUC 015**

**MOTION:** Timothy Sweeney moved, seconded by Kathryn Daley, to close case **10 AUC 015** against responded **G.B. for no violation and against respondent W.B. for prosecutorial discretion (P7)**. Motion carried unanimously.

**11 AUC 007**

**MOTION:** Patrick McNamara moved, seconded by Kathryn Daley, to close case **11 AUC 007** for no violation. Motion carried unanimously.

**OTHER BOARD BUSINESS**

Timothy Sweeney authorized Kelli Kaalele to sign the original documents from the Division of Enforcement on his behalf.

**ADJOURNMENT**

**MOTION:** Kathryn Daley moved, seconded by Patrick McNamara, to adjourn the meeting at 10:04 a.m. Motion carried unanimously.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  David Carlson, Bureau Assistant		2) Date When Request Submitted: 12/27/2011 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  Auctioneer Board			
4) Meeting Date:  1/25/2012	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page?  Annual Policy Review: Board Member Guidebook	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  Please review the Board Member Guidebook, sign the acknowledgement page to indicate your understanding of this document and submit your completed signature page to your Executive Director by January 25, 2012.  Your completed signature page can be delivered in person at the upcoming meeting or after the meeting, you may mail, fax or scan and e-mail this information:  Department of Safety and Professional Services Berni Mattsson, Executive Director 1400 E. Washington Ave Madison, WI 53703 E-mail: <a href="mailto:Berni.Mattsson@Wisconsin.gov">Berni.Mattsson@Wisconsin.gov</a> Fax: 608-267-3816			
11) Authorization			
<i>David Carlson</i>		01/11/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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# **Department of Safety and Professional Services**



## **Division of Board Services Board Member Guidebook**

# **Division of Board Services**

# **Board Member**

# **Guidebook**

## **Table of Contents**

- Department Information
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- Powers and Responsibilities
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- Expenses and Travel
- Forms and Memos

# Department Information

# The Department of Safety and Professional Services

## History:

The 2011-13 biennial budget, 2011 Wisconsin Act 32 created the Department of Safety and Professional Services (DSPS) by combining the Department of Regulation and Licensing (DRL) and the Divisions of Safety and Buildings and Environmental and Regulatory Services from the Department of Commerce.

Chapter 75, Laws of 1967, created DRL and attached to it 14 separate examining boards that had been independent agencies. The 1967 reorganization also transferred to the department some direct licensing and registration functions not handled by boards, including those for private detectives and detective agencies, charitable organizations, and professional fund-raisers and solicitors.

DRL's responsibilities changed significantly since its creation. Initially, it performed routine housekeeping functions for the examining boards, which continued to function as independent agencies. Subsequently, a series of laws required the department to assume various substantive administrative functions previously performed by the boards and to provide direct regulation of several professions.

The DSPS Division of Safety and Buildings traces its roots to 1911 when the Legislature created the Industrial Commission in Chapter 485 to set standards for a safe place of employment. This "safe place" statute was extended in Chapter 588, Laws of 1913, to include public buildings, defined as "any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants." The commission adopted its first building code in 1914. Programs added over the years include plumbing, heating, ventilation, air conditioning, energy conservation, private on-site waste treatment systems, accessibility for people with disabilities, and electrical inspection and certification. These responsibilities and the job of administering various other laws relating to the promotion of safety in public and private buildings, including enforcing building codes, and the licensure of occupations such as electricians and plumbers, were ultimately assumed by the Department of Commerce.

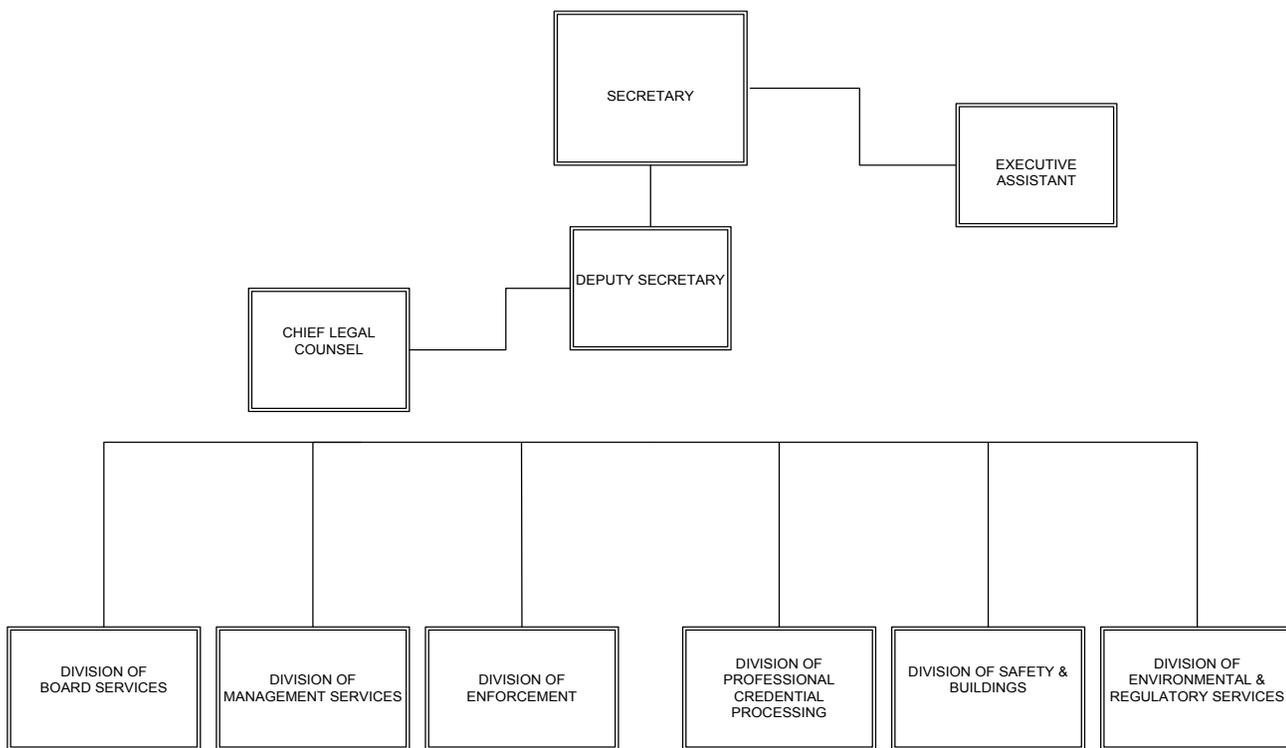
The DSPS Division of Environmental and Regulatory Services was created by 1995 Wisconsin Act 27 which transferred the PECFA program and the safety and buildings functions from the Department of Industry, Labor and Human Relations to the Department of Commerce.

# The Department of Safety and Professional Services

## Quick Facts

- Responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. The department also administers and enforces laws to assure safe and sanitary conditions in public and private buildings and regulates petroleum products and petroleum storage tank systems.
- Provides policy coordination and centralized administrative services for more than 70 boards, sections, councils, advisory committees, and direct licensing professions.
- Oversees the regulation of 200 types of credentials and specialty permits in more than 60 professional fields.
- Issues over 27,500 new credentials and renews more than 430,000 credential holders each biennium.
- Organized into six divisions and two offices:
  - Office of the Secretary
  - Division of Board Services
  - Division of Enforcement
  - Division of Environmental and Regulatory Services
  - Division of Management Services
  - Division of Professional Credential Processing
    - Office of Education and Examinations
  - Division of Safety and Buildings
- 379.6 full-time employees.
- Receives more than 2,500 consumer complaints per year.
- Verifies about 7,000 Wisconsin licenses per year to other states.

# The Department of Safety and Professional Services Organizational Structure



# **Division of Board Services**

## **Mission of DSPS and the Boards**

To protect the health, safety and well-being of the citizens of Wisconsin by ensuring the safe and competent practice of licensed professionals at the least cost to the state.

To ensure the availability of safe and competent professional services by:

- fairly administering education, experience and examination requirements;
- establishing professional practice standards;
- ensuring compliance by enforcing occupational licensing laws.

## **Division of Board Services-Board Staff**

17 staff in Board Services

1 Division Administrator

1 Program Assistant Supervisor

4 Executive Directors

4 Legal Counsel

4 Bureau Assistants

1 Adv-Paralegals

2 Paralegal

- There are approximately 300 board, council and committee members.
- A Bureau Director, Legal Counsel, and Bureau Assistant are assigned to each profession.
- The Division averages approximately 15 board, council and committee meetings each month.
- There are about 185 meetings scheduled each year.
- Provide the coordination and facilitation of a number of professional and administrative services to all of the regulatory boards, councils and committees.
- Provide administrative support.
- Coordinate and manage the business of each board, council or committee.
- Assist in facilitating the meetings.
- Provide professional services (analysis, evaluation and research).
- Coordinate drafting and implementation of laws, rules and policies.
- Coordinate board member travel and reimbursement processing.



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**DIVISION OF BOARD SERVICES**  
**BOARD ASSIGNMENTS**

<b>Tom Ryan, Executive Director</b> <b>Sandy Nowack, Legal Counsel</b> <b>Karen Rude-Evans, Bureau Asst</b> <b>Shawn Leatherwood, Adv</b> <b>Paralegal</b>	<b>Denise Aviles, Executive Director</b> <b>Yolanda McGowan, Legal Counsel</b> <b>Michelle Solem, Bureau Asst</b> <b>Kris Anderson, Paralegal</b>	<b>Dan Williams, Executive Director</b> <b>Colleen Baird, Legal Counsel</b> <b>Kimberly Wood, Bureau Asst</b> <b>Sharon Henes, Paralegal</b>	<b>Berni Mattsson*, Executive Director</b> <b>Lydia Thompson, Legal Counsel</b> <b>David Carlson, Bureau Asst.</b> <b>Kris Anderson/Sharon Henes,</b> <b>Paralegal</b>
<ul style="list-style-type: none"> <li>▪ Medical Examining Board               <ul style="list-style-type: none"> <li>▫ Athletic Trainers Affiliated Credentialing Board</li> <li>▫ Council on Physician Assistants</li> <li>▫ Dietitians Affiliated Credentialing Board</li> <li>▫ Occupational Therapists Affiliated Credentialing Board</li> <li>▫ Perfusionists Examining Council</li> <li>▫ Podiatry Affiliated Credentialing Board</li> <li>▫ Respiratory Care Practitioners Examining Council</li> <li>▫ Massage Therapy &amp; Bodywork Therapy Affiliated Credentialing Board</li> </ul> </li> <li>▪ Nursing Home Ad. Ex Bd                (Colleen Baird – Legal Counsel)</li> <li>▪ Physical Therapy Ex. Bd</li> <li>▪ Radiography Ex. Bd</li> <li>▪ Veterinary Ex. Bd</li> </ul>	<ul style="list-style-type: none"> <li>▪ Accounting Examining Bd</li> <li>▪ Architects, Landscape Architects, Professional Engineers, Designers &amp; Land Surveyors Examining Board               <ul style="list-style-type: none"> <li>▫ Architects Section</li> <li>▫ Designers Section</li> <li>▫ Engineers Section</li> <li>▫ Landscape Architects Section</li> <li>▫ Land Surveyors Section</li> </ul> </li> <li>▪ Barbering &amp; Cosmetology Examining Board</li> <li>▪ Chiropractic Examining Bd</li> <li>▪ Crematory Authority Council</li> <li>▪ Funeral Directors Ex. Bd</li> <li>▪ Real Estate Board               <ul style="list-style-type: none"> <li>▫ RE Contractual Forms Advisory Committee</li> <li>▫ RE Curriculum &amp; Examination Council</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Controlled Substances Board</b></li> <li>▪ Geologists, Hydrologists &amp; Soil Scientists Examining Bd.               <ul style="list-style-type: none"> <li>▫ Geologists Section</li> <li>▫ Hydrologists Section</li> <li>▫ Soil Scientists Section</li> </ul> </li> <li>▪ Marriage &amp; Family Therapy, Professional Counseling, and Social Work Examining Bd.               <ul style="list-style-type: none"> <li>▫ Marriage &amp; Family Therapist Section</li> <li>▫ Professional Counselor Section</li> <li>▫ Social Worker Section</li> </ul> </li> <li>▪ Nursing, Board of               <ul style="list-style-type: none"> <li>▫ Examining Council on Licensed Practical Nurses</li> <li>▫ Examining Council on Registered Nurses</li> </ul> </li> <li>▪ Pharmacy Examining Board                (Lydia Thompson – Legal Counsel)</li> <li>▪ Psychology Examining Board</li> </ul>	<ul style="list-style-type: none"> <li>▪ Auctioneer Board</li> <li>▪ Cemetery Board</li> <li>▪ Dentistry Examining Board</li> <li>▪ Hearing &amp; Speech Examining Board               <ul style="list-style-type: none"> <li>▫ Council on Speech-Language Pathology &amp; Audiology                    (Colleen Baird – Legal Counsel)</li> </ul> </li> <li>▪ Optometry Ex. Board</li> <li>▪ Real Estate Appr. Board*               <ul style="list-style-type: none"> <li>▫ REA App Adv Com</li> </ul> </li> <li>▪ Sign Language Interp. Council</li> </ul>
<p><b>Direct Licensing:</b></p> <ul style="list-style-type: none"> <li>▪ Boxing</li> <li>▪ Home Inspectors</li> <li>▪ Interior Designers</li> <li>▪ Peddlers</li> <li>▪ Charitable Organizations</li> <li>▪ Professional Fund Raisers</li> </ul>	<p><b>Direct Licensing:</b></p> <ul style="list-style-type: none"> <li>▪ Athletic Agents Adv. Com.</li> <li>▪ Private Detectives</li> <li>▪ Private Security Persons               <ul style="list-style-type: none"> <li>▫ Firearms Permits</li> <li>▫ Firearms Certifiers</li> </ul> </li> </ul>	<p><b>Direct Licensing:</b></p> <ul style="list-style-type: none"> <li>▪ Behavioral Analysts</li> <li>▪ Sanitarians</li> <li>▪ Substance Abuse Counselors</li> </ul>	<p><b>Direct Licensing:</b></p> <ul style="list-style-type: none"> <li>▪ Acupuncture</li> <li>▪ Licensed Midwives Advisory Committee</li> <li>▪ Music, Art &amp; Dance Therapy</li> <li>▪ Professional Employer Organizations</li> </ul> <p><b>Where indicated by the following, the Bureau Assistants differ from the staff listing:</b></p> <ul style="list-style-type: none"> <li>• Lydia – Green</li> <li>• Sandy - Purple</li> <li>• Colleen - Orange</li> <li>• Karen – Red</li> <li>• Michelle - Yellow</li> <li>• Kim – Blue</li> </ul> <p>*Berni Mattsson also provides support to the Boards and Councils associated with the Division of Safety &amp; Buildings.</p>

# **Powers and Responsibilities**

## Powers of Regulatory Bodies

- **Examining Boards**

**Authority:**

- Set standards of professional competence and conduct for the professions.
- Prepare, conduct and administer examinations.
- Grant and deny credentials (licenses).
- Impose discipline.

**Appointed By:** Governor with Senate confirmation.

**Reimbursement:** Per Diem: \$25

Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Affiliated Credentialing Boards**

Bodies that are attached to an Examining Board to regulate professions that do not practice independently of the profession regulated by the Examining Board or that practice in collaboration with the profession regulated by the Examining Board.

**Authority:** With the advice of the examining board to which it is attached, sets standards of professional competence and conduct for the profession under the Affiliated Credentialing Board's supervision, reviews the qualifications of prospective new practitioners, grants credentials, and takes disciplinary action against credential holders.

**Appointed By:** Governor with Senate confirmation.

**Reimbursement:** Per Diem: \$25

Expenses: Actual and necessary expenses incurred in the performance of Board duties.

- **Examining Councils and Councils**

**Authority:** Serve an Examining Board in an advisory capacity to:

- Formulate rules to be promulgated by the Examining Board or department for the regulation of the specific profession.

**Appointed By:** Some Councils have members appointed by the Governor and others have members appointed by an Examining Board. Senate confirmation is not required. The Governor has the authority to appoint all public members.

**Reimbursement:** Per Diem: No compensation

Expenses: Actual and necessary expenses incurred in the performance of Council duties.

- **Auctioneer and Real Estate Appraisers Boards**

**Authority:** Advisory in all matters, except:

- Screening complaints.
- Imposing discipline.

**Appointed By:** Governor with Senate confirmation.

**Reimbursement:** Per Diem: \$25

Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Direct Licensing Advisory Committees and Screening Panel;**

- No examining board.
- The Secretary of the Department directly regulates the profession or occupation.
- The Secretary has authority to appoint committee and panel members.
- Committee and panel members serve at the discretion and pleasure of the Secretary.
- The Committee or panel members make recommendations and advise the Secretary on issues relating to the specific profession

**Appointed By:** Department Secretary

**Reimbursement:** Per Diem: No compensation

Expenses: Actual and necessary expenses incurred in the

### **Responsibilities of a Board Member**

- You are a public official who is dedicated to public service. You are willing to sacrifice your time and tolerate inconvenience, frustration, and scheduling conflicts to be available for board service.
- You have major responsibilities to the public and credential holders.
- You ARE NOT an advocate for private interest or professional groups.
- You must represent the highest standards of ethical and professional conduct.
- You must strive to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of your official duties as a board member.
- You cannot serve as spokesperson for the board unless properly designated by the board.
- You must make public (and recuse yourself from) any conflict of interest that exists to ensure the integrity of the board and all of its decisions.
- You must comply with the rules of confidentiality, at all times, in dealings outside the board meeting.

### **Importance of Public Members**

- You are the voice of the public.
- You expand the range of perspectives available for higher quality and more creative board action.
- You balance decisions that might otherwise favor one faction of the regulated group over another.
- You make the governing board more responsive to the public it affects.
- You reduce the potential for board decisions to be professionally biased.
- You lend credibility to board accessibility and decisions.
- Public Member Concerns:
  - Being intimidated by professional members' experience in the field.
  - May impede board activity if technical issues are not understood.
  - Afraid to ask questions for fear of slowing down the meeting.
  - Professional members not treating public members as Board peers.

## **Responsibilities of the Board Chair**

- Recognize board members are entitled to speak or propose motions.
- Restate the motion after it has been seconded, then open for discussion.
- Close discussion and put motions to a vote. Restate the motion exactly as it was made or amended before calling for the question.
- Announce the result of the vote immediately. A tie vote defeats a motion requiring a majority of those voting. The chair may vote to make or break a tie.
- Avoid entering into any controversy or interfering with legitimate motions.
- Maintain order and proper procedure by making necessary rulings promptly and clearly.
- Expedite board business in every way compatible with the rights of the board members. You can allow brief remarks on motions, advise board members how to take action (proper motion or form of motion), or order proposed routing action without a formal vote (“If there is no objection, the minutes will stand approved as read. Hearing no objection, so ordered”).
- Protect the board from frivolous motions whose purpose is to obstruct the board’s business. You can refuse to entertain such motions. Never adopt such a course, however, merely to expedite business.
- Guard the board’s time by having board members vote to adopt an agenda at the beginning of the meeting. Follow the agenda faithfully. Do not permit unauthorized interruptions by spectators.

## **What Makes A Successful Board Member?**

- Recognition that the goal of the board is the protection of the public.
- Embracing role as a public servant.
- Common sense and a willingness to ask questions.
- Commitment to attendance.
- Willingness to devote time and effort to the work of the board.
- Open .
- Team player.
- Fairness.
- An orderly approach to decision making.
- Ability to set aside personal/business interests.

### **Board Members Should Avoid:**

- Obsession with a single issue.
- Self-serving by bringing own agenda to the table.
- Always taking the “contrarian” view—just for show.
- Expounding on strongly held opinions that are rarely backed by fact or research.
- Unpredictable participation or attendance.

### **Disappointments Experienced As Board Members:**

- Personal goals for improvement of the profession have not been realized.
- The public has not been served fairly.
- Lack of effort and dedication on the part of other board members.
- The “wheels” of government do not move fast enough.

### **Dealing With The Volatile World Of Meetings**

Some of the ideas are best undertaken by the Chair; however, you should feel free to help any meeting to progress. After all, why should you allow your time to be wasted?

- If a participant strays from the agenda item, call him/her back: “We should deal with that separately, but what do you feel about the issue X?”
- If there is confusion, you might ask: “Do I understand correctly that ...?”
- If you do not understand, say so: “I don’t understand that, would you explain it a little more; or, do you mean X or Y?”
- If a point is too vague ask for greater clarity: “What exactly do you have in mind?”
- If the speaker begins to ramble, wait until an inhalation of breath and jump in: “Yes, I understand that such and such, does anyone disagree?”
- If someone interrupts (someone other than the rambler), you should suggest that: “We can hear your contribution after Phoebe is finished.”
- If people chat, you might either simply state your difficulty in hearing/concentrating on the real speaker or ask them a direct question: “What do you think about that point?”
- If someone gestures disagreement with the speaker (e.g., by a grimace), then make sure they are brought into the discussion next: “What do you think Phoebe?”
- If there is an error, look for a good point first: “I see how that would work if X Y Z, but what would happen if A B C?”
- If you disagree, be *very* specific: “I disagree because .....

## Ethics For Board Members

Public officials must not engage in unethical or the appearance of unethical behavior. Board members should be cognizant of how their actions may be perceived by the public.

If you have questions about certain activities, you are encouraged to consult with the attorney from the Division of Board Services assigned to your Board.

### General Standards of Conduct For Board Members

- Board members must not act in an arbitrary or capricious manner in discharging any of their public duties. All Board member decisions whether the individual or collective ones must be based upon a reasoned consideration of facts applied to the correct law.

### Primary Duties of All Board Members

- Be knowledgeable about the statutes and rules governing the Board.
- Review and make decisions on all issues presented to the Board in compliance with the law and with the ultimate goal of protecting the public.
- Be aware that Board members are viewed as representatives of the Board when they appear at public meetings and professional gatherings. Board members should not speak for the Board unless specifically authorized to do so.
- Refer public inquiries about Board issues directly to the bureau director for your Board.
- Do not participate in discussion or vote on any matter in which the Board member has a personal or professional conflict of interest.
- Prepare for Board meetings by careful review of materials. Board members shall come to the meetings with preliminary opinions of the issues to be discussed and questions for clarification.
- As a professional member of the Board, remain current in standards of practice through reviewing professional literature and attending educational programming and through actual practice or relationships with colleagues in practice.
- As a public member of the Board, become educated regarding the practice of the profession.
- Maintain absolute confidentiality regarding disciplinary matters, examinations, examination scores and other closed-session issues. The failure to maintain confidentiality could result in loss of immunity Board members enjoy for purposes of their actions as Board members.

### Discipline

- The objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter others from engaging in similar conduct.
- Punishment of the licensee is not an appropriate consideration.
- The statutory framework which creates the Board's authority will provide the options available for discipline.
- The goal of a regulatory board is to protect the public.

## Standards of Ethical Conduct

### ■ The Five Commandments

- Do not act in an official capacity in a matter in which you have a private interest.
- Do not use your public position for a private benefit.
- Do not solicit or accept rewards or items or services likely to influence you.
- Do not use confidential information.
- Do not use your public position to obtain unlawful benefits.

### ■ Bias/ Conflict – Watch for:

- Financial Interests (employer/ employee/ competitor)
- Professional business Interests (have you worked with them in the past)
- Other – friends, non-friends
- Personal knowledge of facts which may not be in the record

# Agendas and Meetings

## Agendas and Meetings

- New Technologies – Share Point & Live Meeting.
- Agenda packets are mailed, emailed, and/or posted on Share Point about 7 calendar days prior to meeting.
- Agendas include:
  - Approval of the Agenda and Minutes
  - Open Session Items
    - Administrative Report
    - Legislation and Administrative Rules Issues
    - Public Hearings
    - Education and Exam Issues
    - Practice Questions
    - Current Issues Affecting the Profession
  - Closed Session items
    - Stipulations
    - Administrative Warnings
    - Deliberations on Proposed Disciplinary Actions
    - Case Closings
    - Monitoring Issues
    - Credentialing Issues
    - Exam Issues
- Agendas are published for public notice every Wednesday prior to the meeting on the Department's web site
- Meetings must comply with the Open Meetings Law.
- "To-Do" lists are distributed to staff within three (3) days after a meeting.
- Minutes are prepared within five (5) days after the board meeting.
  - Once the board approves the minutes, they are published on the Department's web site.

# Expenses and Travel

## General Expense Reimbursement Guidelines

- State statutes and Code of Ethics strictly prohibit any board member, his or her family, or co-workers from benefiting personally from free flight plans, lodging, meals, or other promotions which result from travel incurred in connection with board official business and paid from state or federal funds.
- All travel-related expenses are reimbursable within the limitations established by the Department of Employment Relations and the Department of Administration.
- Any board member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant board position is eligible to receive a per diem. Council and Committee members are not eligible for a per diem.
- Any board, council or committee member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant position is eligible to receive travel expenses for each day on which he or she has actually and necessarily engaged in the performance of board duties. If you are employed by the State of Wisconsin these requirements do not apply.
- All per diem and travel expense reimbursement vouchers must be submitted to the Department **within a month of the activity** in which payment is being requested.
- Any board member who wishes to attend out-of-state regional or national meetings or conventions must have prior approval by the Board and the Department, if he or she wishes to receive reimbursement for expenses by the Department.
- Employees in travel status are expected to use good judgment when incurring travel costs. Only expenses incurred while conducting official State business will be reimbursed. Reimbursement claims must represent actual, reasonable and necessary expenses.
- Reimbursement for air travel is limited to the lowest appropriate airfare which is defined as coach fare, which provides for not more than a 2-hour window from the traveler's preferred departure or arrival time and may require one plane transfer.
- Benefits from any airline promotion program, such as frequent flier points or credit vouchers, belong to the State and should be turned over to the Department.

## Lodging Accommodations

- Hotel arrangements for board meetings are scheduled by the department for all board meetings at the beginning of each year.
- Lodging the night before a board meeting will be reimbursed provided the board member would have to leave home before 6:00 a.m. in order to be at the meeting site by the set meeting time.
- Maximum reimbursement rate for in-state lodging is \$70, except in Milwaukee, Waukesha and Racine counties where the rate is \$80.
- Maximum reimbursement rates for out-of-state lodging are determined by the Office of State Employment Relations. In cases where a board member stays at the conference site, the conference room rate is allowable.

## Per Diem Guidelines

### **\$25 per day**

*(Only one per diem may be claimed per calendar day.)*

Examples:

- Attend board meeting or participate in a board meeting by telephone.
- Attend a Screening Panel Session when held on a day other than a board meeting date, in person or by telephone.
- Senate confirmation hearing.
- Exam administration or test development
- Attend a legislative or other public hearing as an authorized representative of the board on matters directly related to the work of the board. Prior approval from the secretary is required for per diem payments for more than one board-authorized representative at a public hearing.
- Represents the board at a meeting of a governmental body or other organization where attendance is necessary to the performance of the board's official duties.

### **5-Hour Rule**

- \$25 for performing a cumulative minimum of 5 hours engaged in:
  - Duties as a disciplinary case screener or board advisor including reviewing cases, consulting with investigators, etc. (NOTE: You will need to document the exact times performing these duties on your per diem form.
  - Preparation of board correspondence or articles
- Hours can only be claimed in the month the duties were performed. Hours cannot carry over to other months.

### **Insufficient Basis For Approval of a Per Diem**

- Travel days to or from board meetings, conferences, and other events when there is no event business conducted.
- Reading board agendas, meeting packets, minutes or transcripts.
- Attendance at professional association meetings, conferences, seminars, exam administrator or test development if there has not been prior board authorization and approval of the Secretary's office.

## Travel and Meal Guidelines

- **Mileage rate --** 48.5 cents per mile
- **Private Airplane--** 48.5 cents per mile
- **Meals** (*Maximum amounts*)

	<u>In-State Travel</u>	<u>Out-of-State Travel</u>
Breakfast	\$8	\$10
You must leave home before 6:00 a.m.		
Lunch	\$9	\$10
You must depart before 10:30 a.m. & return after 2:30 p.m.		
Dinner	\$17	\$20
You must return home after 7:00 p.m.		

*NOTE: Alcoholic beverages may not be claimed for any meal.*

- **Telephone:** One personal call home is reimbursable up to \$5 for each night in travel status.
- **Hotel Gratuities:** Gratuities to hotel employees are reimbursable up to \$2 on dates of departure and arrival, and up to \$2 per night for a stay at a hotel/motel.
- **Porterage:** Porterage costs at airports or bus terminals will be reimbursed. The claim should not exceed \$1 per piece of luggage.
- **Taxi/Shuttle:** Receipts are required for one-way fares exceeding \$25.

### Examples of Non-reimbursable Items

This list is not all-inclusive

- Traffic citations, parking tickets and other fines
- Mileage charges incurred for personal reasons, e.g., sightseeing, side trips, etc.
- Additional charges for late checkout
- Taxi fares to and from restaurants
- Meals included in the cost of registration fees or airfare
- Flight insurance
- Cancellation charges (unless fully justified)
- Alcoholic beverages
- Spouse or family members' travel costs
- Lost/stolen cash or personal property
- Personal items, e.g., toiletries, luggage, clothing, etc.
- Repairs, towing service, etc., for personal vehicle
- Pay-for-view movies in hotel room; personal entertainment
- Child care costs and kennel costs

# Forms and Memos

# Department of Regulation & Licensing

## PER DIEM REPORT

Month January Year 2011

**INSTRUCTIONS:** Send original (white) and first copy (yellow) to Bureau Director authorized to approve. Approving Bureau Director forwards original and first copy to Deputy Secretary, Department of Regulation and Licensing. Second copy (green) to be retained by claimant. Attach travel voucher if applicable.

NAME OF EXAMINING BOARD OR COUNCIL Board				BOARD OR COUNCIL MEMBER'S NAME John Doe			
Day	Specify Number of Hours	Purpose Code	Where Performed	Day	Specify Number of Hours	Purpose Code	Where Performed
1				17			
2				18			
3				19			
4				20			
5	7	A	DRL- Madison	21			
6				22			
7				23	2	G	Home
8				24			
9				25			
10				26			
11	3	B	Teleconference - Home	27			
12				28			
13				29			
14				30			
15				31			
16							

TOTAL DAYS CLAIMED 2 @ \$ 25.00 = \$50.00

<b>CLAIMANT'S CERTIFICATION</b> The undersigned certifies, in accordance with Sec. 16.53, Wis. Stats., that this account for per diem, amounting to \$25.00, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.	APPROVED:
	Bureau Director <span style="float: right;">Date</span>
Claimant's Signature <span style="float: right;">Date</span>	Secretary, Department of Regulation & Licensing
Social Security Number	Date

### Purpose Codes:

- A. Attend **Board meetings** in person or via teleconference call.
- B. Attend **Screening Panel** meetings on days other than board meeting days (teleconference calls)
- C. Attend **Hearings**, i.e., legislative, disciplinary or informal settlement conference hearings, on days other than board meeting days.
- D. Attend **Examinations**
- E. Attend **Test Development Sessions**, i.e., test review or analysis sessions, national testing sessions, tour of test facilities, etc.)
- F. Attend Senate Confirmation Hearings
- G. Review DOE cases
- H. Review credentialing applications other than at board meeting.
- G. Other (describe in detail)



## **Department Policy**

### **Deadline For Submitting Travel Vouchers and Per Diems**

Effective: Immediately

**Board Members will only be reimbursed for travel upon a motion made by the Board, Council, or Committee designating them as a representative and upon prior approval of the department.**

#### **Policy for Submitting Board Meeting Travel Reimbursement**

All travel vouchers and per diems must be submitted to the Department after each meeting and no later than the month following the Board meeting.

#### **Policy for Submitting Out-of-State Travel Reimbursement**

All travel vouchers and per diem vouchers must be submitted no later than the month following the month in which the out-of-state travel occurred.

#### **Forms Submitted after the Deadline**

Due to the Department's budget being an annual appropriation, those vouchers that are not submitted in a timely manner become at risk of not being reimbursed.

#### **Annual Appropriation:**

The Department receives authority from the legislature to spend a set amount of money each fiscal year. None of the authorized set amount can be carried forward to the next fiscal year.

**Division of Board Services**  
**HOTEL RESERVATIONS POLICY & PROCEDURE**

Effective January 1, 2010, the Department has selected the Fairfield Inn & Suites for all future hotel reservations.

**Fairfield Inn**  
**2702 Crossroads Dr**  
**Madison, WI 53718**  
**608-661-2700**

- If the board member is not going to use the reserved hotel room, it is the responsibility of the board member to cancel the room by calling the hotel themselves.
- If the hotel room is not cancelled, the board member may be responsible to pay the bill.
- If a meeting is cancelled due to a lack of quorum or no business, it is the responsibility of the Department to cancel any room reservations.

**QUORUM CONFIRMATION POLICY**

- It is every board member's responsibility to ensure there is a quorum to conduct business at all board meetings.
- It is the responsibility of each board member to inform the executive director of any meeting dates in which they will not be able to attend.
- If Division staff does not hear from a board member, they will assume that the board member will be attending the scheduled meeting.
- A quorum check will not be conducted prior to each scheduled board meeting.
- The only time Division staff will conduct a quorum check will be if two or more board members contact the Division indicating they will not be able to attend an upcoming scheduled meeting.
- Every board member will receive a list of all approved meeting dates at the first board meeting of the New Year. Please use this as a reference to assist in planning for the year ahead.

**INCLEMENT WEATHER POLICY & PROCEDURE**

**Quorum Note:** For open session you need one more than half of the total board membership. If there is formal discipline you will need 2/3 of the total board membership.

- Teleconference and Live Meeting options should be offered in order to continue with the scheduled meeting.
- Hotel rooms for the night before should be provided for any Board member traveling more than 50 miles from Madison and the meeting starts before 10:00 a.m.
- If a Board member who has a hotel reservation already in place will not attend and/or the meeting is cancelled, the hotel room should be cancelled immediately.



## **Division of Board Services Board Member Guidebook**

This Board Member Guidebook has been prepared for your information and understanding of the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services. Please read it carefully. Upon completion of your review of this guidebook, sign the statement below, and return it to the Executive Director of your Board, Committee, or Council by the due date. A copy of this acknowledgment appears at the back of the guidebook for your records.

I, \_\_\_\_\_, have received and read a copy of the Division of Board Services Board Member Guidebook which outlines the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services, as well as my responsibilities as a member of an attached Board, Council, or Committee.

I have familiarized myself with the contents of this guidebook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Board Member Guidebook provided to me by the Division of Board Services. I understand this guidebook is not intended to cover every situation which may arise during my term, but is simply a general guide to the goals, policies, practices, and expectations of the Department of Safety & Professional Services.

\_\_\_\_\_  
(Member signature)

Please return by: \_\_\_\_\_  
(put date here)

## **Division of Board Services Board Member Guidebook**

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\_\_\_\_\_  
(Member signature)

Please return by: \_\_\_\_\_  
(put date here)

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Maxine D. O'Brien Executive Director Wisconsin Auctioneers Association, Inc.		2) Date When Request Submitted:  November 4, 2011  <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date: January 25, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Place under "Legislative/Administrative Rule Matters" - Wisconsin Auctioneers Association Proposals	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Should the Auctioneer Board pursue introduction of the attached proposals from the Wisconsin Auctioneers Association?			
11) Authorization			
<i>Berri Mattsson</i> Signature of person making this request		11-4-11 Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

The WAA board has directed Maxine D. O'Brien to make formal request to the State Auction Advisory Board (SAAB) to pursue introduction of:

**1. Legislation and/or administrative rule to regulate on-line only auctions.**

I am aware that this has been considered in the past as I was asked to testify before your board.

**2. Amend RL 128.04.6(b) to allow nationally-recognized instructors of auction seminars to instruct continuing education courses under supervision of approved providers.**

I am of the professional opinion that a precedent has been set by allowing the USPAP course to qualify for credit.

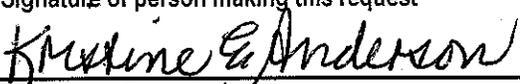
**3. Seek an exemption to Chapter Trans 200 auction signs similar to Minnesota law shown below:**

169.07 Unauthorized Sign, Signal, or marking

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Kris Anderson, Paralegal		<b>2) Date When Request Submitted:</b>  12/16/11 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b> Auctioneers Board			
<b>4) Meeting Date:</b> January 25, 2012	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Informational Item: SPS 128 CR 11-029 (Auctioneers CE providers) certified copy filed for publication	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b>  <input type="checkbox"/> Yes by _____ (name)  <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b> For Board's information, SPS 128 CR 11-029 (Auctioneers CE providers) certified copy filed for publication 12/16/11, projected effective date of 2/1/12			
<b>11) Authorization</b>			
Signature of person making this request 		Date 12/16/11	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY
DEPARTMENT OF SAFETY	:	AND PROFESSIONAL SERVICES
AND PROFESSIONAL SERVICES	:	ADOPTING RULES

(CLEARINGHOUSE RULE 11-029)

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PROPOSED ORDER

An order of the Department of Safety and Professional Services to amend RL 128.03(1)(b); and to create RL 128.04(6)(c) relating to continuing education for auctioneers.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

§480.08(6)

**Statutory authority:**

§§ 227.11(2) and 480.08(6), Wis. Stats.

**Explanation of agency authority:**

The Department of Safety and Professional Services has the authority under §480.08(6) to promulgate rules relating to auctioneer continuing education.

**Related statute or rule:**

There are no other statutes or rules other than those listed.

**Plain language analysis:**

Section 1 amends RL 128.03(1)(b) to allow the 7 hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course be approved as continuing education for those individuals licensed as both auctioneers and real estate appraisers.

Section 2 creates RL 128.04(6)(c) which adds appraisers, who are approved by the Appraiser Qualifications Board of the Appraisal Foundation, to the list of those who are approved to be continuing education instructors.

**Summary of, and comparison with, existing or proposed federal regulation:**

No existing or proposed federal regulation.

**Comparison with rules in adjacent states:**

**Illinois:**

Courses must be provided by a school approved and licensed in accordance with the Auction License Act and the rules for the Administration of the Auction License Act. Courses must be developed and presented by persons with education or experience in the subject of the continuing education courses. "Real Estate School Approved under Article 30 of the Real Estate License Act of 2000" is one type of approved school. Section 1440.310, Rules for Administration of the Auction Act.

**Iowa:**

Does not require a license for auctioneers.

**Michigan:**

Registered auctioneer license is available but voluntary. No CE requirement.

**Minnesota:**

Requires a license in the county of residence. No CE requirement.

**Summary of factual data and analytical methodologies:**

Many auctioneers are dually-licensed as real estate appraisers. Licensed and certified real estate appraisers are required to take a 7-hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course every biennium to maintain their license status. Auctioneers who are also dually licensed as real estate appraisers would like to be able claim credit for the USPAP course to assist in meeting their biennial continuing education credits as auctioneers. This is business-friendly as independent practitioners and businesses will be able to reduce the costs of complying with continuing education requirements. It also benefits dually-licensed auctioneers as it provides a greater variety of continuing education courses that they may take to meet their biennial requirements.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:**

Section 227.137, Stats., requires an "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council.

The Department of Safety and Professional Services is not included as an "agency" in this section.

**Anticipated costs incurred by private sector:**

The department finds that this rule has no significant fiscal effect on the private sector.

**Fiscal estimate:**

The department estimates that the proposed rule will have no significant fiscal impact.

**Effect on small business:**

These proposed rules were reviewed by the Small Business Review Advisory Committee and it was determined that the rules will not have a significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [john.murray@wisconsin.gov](mailto:john.murray@wisconsin.gov), or by calling (608) 266-8608.

**Agency contact person:**

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at [sharon.henes@wisconsin.gov](mailto:sharon.henes@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to [sharon.henes@wisconsin.gov](mailto:sharon.henes@wisconsin.gov). Comments must be received at or before the public hearing to be held on July 19, 2011 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. RL 128.03(1)(b) is amended to read:

(b) Nine hours in topics pertinent to the practice of auctioneering that shall be approved by the department biennially, which may include a 7 hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course approved by the Appraiser Qualifications Board (AOB) of the Appraisal Foundation for a person who holds credentials under both ch. 480 and ch. 458, Stats.

SECTION 2. RL 128.04(6)(c) is created to read:

(c) Be an appraiser who is approved by the AQB of the Appraisal Foundation to provide a 7 hour national USPAP update course.

---

(END OF TEXT OF RULE)

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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

12/16/11

Agency

*Dave Ross*

Dave Ross, Secretary - *Deputy*

Department of Safety and Professional Services

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