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**AUCTIONEER BOARD
VIA VIRTUAL MEETING
Room 121C, 1400 E. Washington Avenue, Madison
Contact: Berni Mattsson 608-266-8741
October 16, 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 – July 17, 2012 (3-5)

C. Executive Director Matters

- 1) Staff/Organizational Changes
- 2) Minutes/Meeting Recordings Changes
- 3) 2013 Meeting Dates

D. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (formerly DOE) including any received after printing of the agenda

- 1) **11 AUC 014-Lynn McDowell (11-16)**

E. Board Discussion Items including any received after printing of agenda

- 1) Division of Legal Services and Compliance Matters
 - a) Discussion of Screening Policy (7)**
- 2) Education and Examination Issues Matters
- 3) Credentialing Matters
- 4) Practice Questions/Issues
- 5) Legislation/Administrative Rule Matters
- 6) Liaison Reports
- 7) Speaking Engagement, Travel, Public Relation Requests

F. Informational Items

- 1) Presentation on new DSPS Website (9)

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

1) **11 AUC 014-Lynn McDowell (11-16)**

J. Objection to the Costs Relating to the Final Decision and Order 0001937, case numbers 08 AUC 017 and 09 AUC 006; Dean K George, respondent. (17-18)

K. Consideration of Division of Legal Services and Compliance motion for costs to be assessed related to the Divisions' response to the request for rehearing, case numbers 08 AUC 017 and 09 AUC 006; Dean K George, respondent. (19-28)

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

1) **12 AUC 003 (29-30)**

M. Case Closings including any received after printing of the agenda

1) **11 AUC 016 (33-35)**

N. 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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

Q. Other Board Business

ADJOURNMENT

**AUCTIONEER BOARD
MEETING MINUTES
July 17, 2012**

Present: Patrick McNamara and Tim Sweeney

Present by Live Meeting: Jerry Thiel

Present by Teleconference: Ronald Polacek and Jim Wenzler

Staff: Berni Mattson, Executive Director; Lydia Thompson, Legal Counsel;
Michelle Solem, Bureau Assistant; and other Department staff

Tim Sweeney, Board Chair, called the meeting to order at 9:26 a.m. A quorum of 5 members was confirmed.

ADOPTION OF AGENDA

MOTION: Jim Wenzler moved, seconded by Ronald Polacek, to adopt the agenda as published in the red folder. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Patrick McNamara moved, seconded by Jim Wenzler, to approve the minutes of April 24, 2012 as published. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Berni Mattsson noted that Kathryn Daley has resigned and her position as Vice-Chair needs to be filled.

NOMINATION: Patrick McNamara nominated Jerry Thiel as Vice Chair.
Jim Wenzler nominated Ronald Polacek as Vice Chair. Ronald Polacek respectfully declined.
Berni Mattsson called for nominations three additional times before calling the vote. Nomination carried.
Jerry Thiel was elected as Vice Chair for the remainder of the 2012 calendar year.

Berni Mattsson also noted that the vacant position on the screening panel that was created by Kathryn's resignation also needed to be filled. Tim Sweeney appointed Ron Polacek to the screening panel.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS
BY THE DIVISION OF ENFORCEMENT**

Attorney Norberg from the Division of Enforcement provide a presentation related to the following Stipulation, Final Decision and Order:

1. 12 AUC 005 – Richard Krackow

BOARD DISCUSSION

1. **LEGISLATION/ADMINISTRATIVE RULE MATTERS**
 - a. Proposed Scope Statement for CH SPS 128, Continuing Education Course Instructors
Patrick McNamara indicated that he had reviewed the scope statement and that it appeared to accurately reflect the previous discussions of the Board.

MOTION: Patrick McNamara moved, seconded by Tim Sweeney, to approve the scope statement for submission to the Department for review and approval, and submission to the Governor's office for approval. Jim Wenzler abstained.

INFORMATIONAL ITEMS

Consideration of Reciprocal Agreement with Ohio for Auctioneer License

Lydia Thompson explained that the agreement would not be between the Board and Ohio but rather the Wisconsin Department of Safety and Professional Services and the Ohio Department of Agriculture. She also explained the major differences between Wisconsin and Ohio laws.

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, that the requirements for the auctioneer certificate in Ohio are substantially equivalent to the auctioneer requirements in the state of Wisconsin. The Auctioneer Board agrees that Department of Safety and Professional Services may review the reciprocal agreement with the Ohio Department of Agriculture, and the Department may set the terms for the Auctioneer Board's review. Motion carried unanimously. Jim Wenzler opposed.

CLOSED SESSION

MOTION: Tim Sweeney moved, seconded by Patrick McNamara, to 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.). Roll Call Vote: Patrick McNamara - yes; Ronald Polacek - yes; Timothy Sweeney - yes; Jerry Thiel - yes; James Wenzler - yes. Motion carried unanimously. Open session recessed at 9:55 a.m.

RECONVENE TO OPEN SESSION

MOTION: James Thiel moved, seconded by Pat McNamara, to reconvene in open session at 11:24 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Jim Wenzler moved, seconded by Ron Polacek, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 12 AUC 005- Richard Krackow. Motion carried unanimously.

PROPOSED DECISIONS

Lydia Thompson, Legal Counsel for the Board, left the meeting during deliberation relative to the Dean K. George matter and was replaced by Legal Counsel, Yolanda McGowan.

MOTION: Ronald Polacek moved, seconded by Jerry Thiel, to adopt the Proposed Decision, in the matter of 08 AUC 017 and 09 AUC 006 – Dean K. George modified as follows based on advise of legal counsel and board’s specialized knowledge and expertise in enforcing its orders:

5. After the period of suspension, the Respondent may petition for reinstatement. Any such petition shall include a signed affidavit from the Respondent attesting to his compliance with the terms and conditions of the order.
6. Violation of any terms of this order may be construed as conduct imperiling public health safety and welfare. The Board in its discretion may impose additional conditions and limitations or other additional discipline for violations of any of the terms of this order.
7. This order is effective upon signing of the order.

Motion carried. Tim Sweeney abstained from the deliberations and vote.

ADJOURNMENT

MOTION: Pat McNamara moved, seconded by Tim Sweeney, to adjourn the meeting at 11:30 a.m. Motion carried unanimously.

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**State of Wisconsin
Department of Regulation and Licensing**

AGENDA REQUEST FORM

Name and Title of Person Submitting the Request: Jeanette Lytle		Date When Request Submitted: June 13, 2012	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before meeting for all other boards 	
Name of Board, Committee, Council: Auctioneer Board			
Board Meeting Date: October 16, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No	How should the item be titled on the agenda page? Discussion of DOE policy regarding screening.	
Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	Is an appearance before the Board being scheduled? If yes, by whom? <input checked="" type="checkbox"/> Yes by Chad Koplien <input type="checkbox"/> No	Name of Case Advisor(s), if required:	
Describe the issue and action the Board should address: DOE will discuss screening policy and answer any questions the board may have regarding screening protocols.			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Documents submitted to the agenda must be single-sided. 3. Only copies of the original document will be accepted. 4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting. 			
Authorization:			
Signature of person making this request		Date	
Supervisor signature (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	

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