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Governor Scott Walker Secretary Dave Ross

**AUCTIONEER BOARD
VIA VIRTUAL MEETING
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Wightman 608-267-9378
January 23, 2013**

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 16, 2012 (3-4)**
- C. **Administrative Matters**
 - 1) Board Elections
 - 2) Board Appointments
- D. **Credentialing Procedures and Staff (5-6)**
- E. **Legislative Administrative Rule Matters**
 - 1) Executive Order 61 Review
 - 2) Executive Order 50 Relating to Position Papers
 - 3) Wisconsin Administrative Code Chapter SPS 128.04(6) – Rule Writing Status (7-8)
- F. **Informational Items**
- G. **Consideration of Items Received After Printing of the Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Proposed Final Decision and Order(s)
 - 5) Informational Item(s)
 - 6) DLSC Matters
 - 7) Status of Statute and Administrative Rule Matters
 - 8) Education and Examination Matters
 - 9) Credentialing Matters
 - 10) Practice Questions/Issues
 - 11) Legislation/Administrative Rule Matters
 - 12) Liaison Report(s)
 - 13) Speaking Engagement(s), Travel, or Public Relation Request(s)
- H. **New/Other Business**

I. 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.)

J. Deliberation of Proposed Stipulations, Final Decisions and Orders Including Any Received After Printing of the Agenda

- 1) 12 AUC 006 – William F. Cain (9-14)
 - Case Advisor – Patrick McNamara
- 2) 12 AUC 007 – Donald A. Wagner (15-20)
 - Case Advisor – Patrick McNamara
- 3) 12 AUC 008 – Douglas A. Ferris (21-26)
 - Case Advisor – James Wenzler

K. Deliberation of Proposed Administrative Warnings Including Any Received After Printing of the Agenda

- 1) 12 AUC 002 (J.J.H.) (27-28)

L. Case Closings Including Any Received After Printing of the Agenda

- 1) 12 AUC 002 (29-32)
- 2) 12 AUC 013 (33-36)

M. Deliberation of Items Received After Printing of the Agenda

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

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

P. Other Board Business

ADJOURNMENT

**AUCTIONEER BOARD
VIRTUAL MEETING MINUTES
OCTOBER 16, 2012**

PRESENT: Patrick McNamara, Ronald Polacek, Jerry Thiel, James Wenzler

EXCUSED: Tim Sweeney

STAFF: Berni Mattson, Executive Director; Pamela Stach, Legal Counsel; Karen Rude-Evans, Bureau Assistant

Jerry Thiel, Vice Chair, called the meeting to order at 9:20 a.m. A quorum of 4 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Under approval of Minutes:
 - Delete the Minutes of July 17, 2012
 - Insert the Minutes of August 31, 2012
- Case Status Report – insert at the end of closed session

MOTION: James Wenzler moved, seconded by Ronald Polacek, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 31, 2012

Corrections

- On page 1, under PETITION OF DEAN GEORGE..., at the end of the motion, add “James Wenzler opposed.”

MOTION: James Wenzler moved, seconded by Patrick McNamara, to approve the minutes of August 31, 2012 as corrected. Motion carried unanimously.

BOARD DISCUSSION ITEMS

Legislation/Administrative Rules Matters

MOTION: James Wenzler moved, seconded by Ronald Polacek, to appoint Patrick McNamara to work with Department staff to draft rules as described in the scope statement for SPS 128.04. Motion carried unanimously.

CLOSED SESSION

MOTION: Ronald Polacek 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; Jerry Thiel - yes; James Wenzler - yes. Motion carried unanimously.

Open session recessed at 9:50 a.m.

RECONVENE TO OPEN SESSION

MOTION: Patrick McNamara moved, seconded by James Wenzler, to reconvene in open session at 10:19 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S)

MOTION: James Wenzler moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Lynn McDowel, 11 AUC 014**. Motion carried unanimously.

CONSIDERATION OF OBJECTION TO COSTS RELATING TO THE FINAL DECISION AND ORDER0001937, CASE NUMBERS 08 AUC 019 AND 09 AUC 006 IN THE MATTERS CONCERNING DEAN GEORGE

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, to draft a letter to Attorney Walter Shannon asking to specify which costs are being objected to and his rationale for the objections. This information should be received at the Department no later than December 1, 2012. Motion carried unanimously.

CONSIDERATION OF DIVISION OF LEGAL SERVICES AND COMPLIANCE MOTION FOR COSTS TO BE ASSESSED RELATED TO THE DIVISION'S RESPONSE TO THE REQUEST FOR REHEARING IN CASE NUMBERS 08 AUC 017 AND 09 AUC 006 IN THE MATTERS CONCERNING DEAN GEORGE

MOTION: James Wenzler moved, seconded by Patrick McNamara, to deny the Division of Legal Services and Compliance's request for costs incurred in preparing the response to the petition for rehearing in the matter concerning Dean George, case numbers 08 AUC 017 and 09 AUC 006. Motion carried unanimously.

ADMINISTRATIVE WARNING(S)

MOTION: James Wenzler moved, seconded by Jerry Thiel, to issue the administrative warning in **case 12 AUC 003**. Motion carried unanimously.

AUTHORIZATION TO SIGN DOCUMENTS REQUIRING SIGNATURE

MOTION: James Wenzler moved, seconded by Patrick McNamara, to authorize Berni Mattson to sign all documents on the agenda today, which require a signature, on behalf of the Board. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Patrick McNamara moved, seconded by Jerry Thiel, to close **case 11 AUC 016 for prosecutorial discretion (P5)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Patrick McNamara moved, seconded by James Wenzler, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:23 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: TOM WIGHTMAN		2) Date When Request Submitted: 1/8/2013	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: AUCTIONEER BOARD			
4) Meeting Date: January 23, 2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s)	
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? <input checked="" type="checkbox"/> Yes (Assigned Credentialing Specialist) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The assigned member(s) of credentialing staff will appear and provide the Board/Committee/Council/Section with an overview of the credentialing process for the credentials under its purview. Additionally, the Board/Committee/Council/Section should work to define the role(s) of its credentialing liaison(s) in an effort to clarify its expectations in terms of credentialing liaison work.			
11) Authorization			
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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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