



Scott Walker, Governor
Dave Ross, Secretary

**TELECONFERENCE/VIRTUAL MEETING
AUCTIONEER BOARD
Room 121B, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
January 13, 2016**

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 of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes of October 20, 2015 (3-4)

C. Administrative Matters (5-8)

- 1) **Election of Officers**
- 2) **Liaison Appointments**
- 3) **Delegated Authorities**
- 4) Staff Updates
- 5) Board Member – Term Expiration Date
 - a. Heather Berlinski-05/01/2016
 - b. Ronald Polacek-05/01/2013
 - c. Randy Stockwell-05/01/2016
 - d. Timothy Sweeney-05/01/2012
 - e. Jerry Thiel-05/01/2018
 - f. James Wenzler-05/01/2015
 - g. Leonard Yoap-05/01/2014

D. Letter from Wisconsin Auctioneer Association (9-10)

E. Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Matters
- 5) Education and Examination Matters

- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislative/Administrative Rule Matters
- 9) Liaison Reports
- 10) Informational Items
- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulations, Final Decisions and Orders
- 15) Presentation of Proposed Final Decision and Orders
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

F. Public Comments

ADJOURNMENT

NEXT MEETING: March 08, 2016

**AUCTIONEER BOARD
VIRTUAL TELECONFERENCE MEETING MINUTES
October 20, 2015**

PRESENT: Heather Berlinski (*Via GoToMeeting*), Jerry Thiel (*Via GoToMeeting*), Timothy Sweeney (*Via GoToMeeting*), Leonard Yoap (*Via GoToMeeting*), James Wenzler

EXCUSED: Ronald Polacek, Randy Stockwell

STAFF: Brittany Lewin, Executive Director; Nilajah Hardin, Bureau Assistant, and other DSPS Staff.

CALL TO ORDER

Timothy Sweeney, Chair, called the meeting to order at 9:46 a.m. and a quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: James Wenzler moved, seconded by Leonard Yoap, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 14, 2015

MOTION: James Wenzler moved, seconded by Jerry Thiel, to approve the minutes of July 14, 2015 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: James Wenzler moved, seconded by Jerry Thiel, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.). Timothy Sweeney read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Heather Berlinski-yes; Jerry Thiel-yes; Timothy Sweeney-yes; James Wenzler-yes; Leonard Yoap-yes. Motion carried unanimously.

The Board convened into closed session at 9:54 a.m.

RECONVENE TO OPEN SESSION

MOTION: James Wenzler moved, seconded by Jerry Thiel, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:08 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: James Wenzler moved, seconded by Jerry Thiel, to affirm all motions made in closed session. Motion carried unanimously.

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

14 AUC 003 – Arnold H. Lange

MOTION: James Wenzler moved, seconded by Leonard Yoap, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Arnold H. Lange, DLSC case number 14 AUC 003. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:09 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Samantha Weishan, Bureau Assistant		2) Date When Request Submitted: 12/21/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Auctioneer Board			
4) Meeting Date: 01/13/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers for 2016 • Liaison Appointments • Delegated Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <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: 1. Conduct election of officers for 2016 2. The Chair Appoints Liaisons 3. The Board should continuation of modification of previously delegated authorities			
11) Authorization			
Samantha Weishan		12/21/2015	
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.			

JANUARY 2015

2015 OFFICER ELECTION RESULTS	
Board Chair	Timothy Sweeney
Vice Chair	Jerry Thiel
Secretary	Randy Stockwell

2015 LIAISON APPOINTMENTS	
Practice Questions Liaison:	Jerry Thiel
Website Liaison	Heather Berlinski
DLSC Liaison (PAP)	Timothy Sweeney
DLSC Liaison (Monitoring)	Jerry Thiel
Credentialing Liaison	Jerry Thiel

2015 SCREENING PANEL APPOINTMENTS	
January – December 2015	Timothy Sweeney, Jerry Thiel, Ronald Polacek Alternate: Heather Berlinski

MOTION: Leonard Yoap moved, seconded by Jerry Thiel, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Timothy Sweeney moved, seconded by Jerry Thiel, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

MOTION: Timothy Sweeney moved, seconded by Leonard Yoap, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

MARCH 2015

LIAISON APPOINTMENT	
Monitoring Liaison	Heather Berlinski
Education and Exams Liaison	Jerry Thiel

Roles and Authorities Delegated to the Monitoring Liaison

MOTION: Randy Stockwell moved, seconded by Ronald Polacek, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document as outlined in the 03/17/15 agenda packet. Motion carried unanimously.

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
- 8. Grant or deny Monitored Respondent requests to appear before the Board/Section.**

This is a new Delegated Authority as some Respondents are requesting appearances to dispute the delegated decision of the Liaisons. Some Boards have requested this additional delegated authority due to meeting time constraints.

Current Authorities Delegated to the Department Monitor

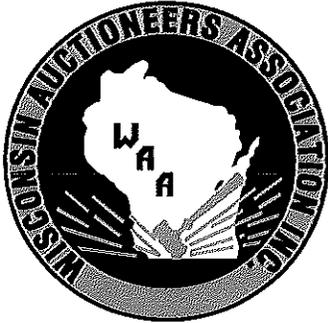
The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brittany Lewin Executive Director		2) Date When Request Submitted: Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting	
3) Name of Board, Committee, Council, Sections: Auctioneer Board			
4) Meeting Date: 1/13/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Letter from Wisconsin Auctioneer Association	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Please see the attached letter and practice question for discussion.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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WISCONSIN AUCTIONEERS ASSOCIATION, INC.

54537 Mirror Lake Rd, Baraboo, WI 53913

info@wisconsin-auctioneers.org (608) 558-5041

October 14, 2015

WI Auctioneers Advisory Board
WI Dept. of Safety & Professional Services
Attn: Brittany Lewin, Executive Director
PO Box 8935
Madison, WI 53708

Dear Ms. Lewin,

The Wisconsin Auctioneers Association, Inc. on behalf of our membership has a request for the position of the Department of Safety and Professional Services:

The Wisconsin Auctioneer Association would like to request clarification of definitions within Wisconsin Statute 480 as it relates to internet delivery of auction services. What is the position of the Department of Safety and Professional Services on whether an auction that uses the internet as a bidding platform requires a licensed auctioneer or auction company license in the state of Wisconsin?

Scenario: Company advertises Auction Services, accepts estates, business assets and items to sell at auction, the company is established in Wisconsin. The company only conducts auctions using the online method of bid acceptance.
(This is not an ebay transaction)

Does this entity require a license in Wisconsin?

Respectfully,
Kathy Packard
2015 WAA President
715 623 5753
Kathy@northcentralsales.com

Carol Miller
Past WAA President
262 569 8687
Carol@bailevshonor.com

Cc: Tim Sweeney, Chairperson and Jerry Thiel, Vice Chairperson