

**AUCTIONEER BOARD
MINUTES
JULY 20, 2010**

PRESENT: Kathryn A. Daley, Patrick J. McNamara, Timothy D. Sweeney, James C. Wenzler

EXCUSED: Ronald J. Polacek

STAFF: Angela Arrington, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant

GUESTS: none

CALL TO ORDER

Patrick McNamara, Chair, called the meeting to order at 9:22 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Presentation of Proposed Stipulation – John Merwin – correct case number to 07 AUC 019
- Item G (closed session) – correct case number to 09 AUC 019

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

APPROVAL OF MINUTES OF APRIL 27, 2010

Corrections:

- On page 1, under CALL TO ORDER, change the time to 9:33 a.m.
- On page 2, under GREGORY KLUG, in the first sentence, delete “Attorney” and insert “Investigator”
- On page 4, under OTHER BOARD BUSINESS, in the second paragraph, delete “very”

MOTION: James Wenzler moved, seconded by Timothy Sweeney, to approve the minutes of April 27, 2010 as corrected. Motion carried unanimously.

ADMINISTRATIVE REPORT –ANGELA ARRINGTON, BUREAU DIRECTOR

Welcome New Board Members and Board Membership - Status

This meeting was the first opportunity for the Board to meet James Wenzler in person.

DRL Staffing Updates

Angela Arrington is the interim Bureau Director as Gail Sumi has left the Department. A new Bureau Director has been hired and will be in place in the near future.

DRL New Board Member Training July 26

New board member training will be on July 26. James Wenzler has already attended this training and the case advisor training.

Other

There were no additional items to report.

PRESENTATION OF PROPOSED STIPULATIONS

**JEFFREY T BAHRKE AND BAHRKE AUCTION AND REAL ESTATE, INC
006 AUC 029 AND 07 AUC 011**

DOE Attorney Heather Curnutt presented a proposed stipulation in the disciplinary proceedings against Jeffrey T. Bahrke and Bahrke Auction and Real Estate, Inc. This matter will be deliberated in closed session.

**FRED CURTIS
07 AUC 019**

DOE Attorney Heather Curnutt presented a proposed stipulation in the disciplinary proceedings against Fred Curtis. This matter will be deliberated in closed session.

**JOHN MERWIN
07 AUC 019**

DOE Attorney Heather Curnutt presented a proposed stipulation in the disciplinary proceedings against John Merwin. This matter will be deliberated in closed session.

**WILLIAM F BUE
08 AUC 003**

DOE Attorney Heather Curnutt presented a proposed stipulation in the disciplinary proceedings against William F. Bue. This matter will be deliberated in closed session.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF
ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

None.

LEGISLATION AND ADMINISTRATIVE RULES

Review and Possible Consideration of LRB 2007-2403/2009 – 3126, Relating to Registration Requirements for auction companies

Patrick McNamara reviewed LRB 2007-2403/2009-3126. The legislative session has ended and this will need to be reintroduced in the next session.

EDUCATION AND EXAMINATIONS

Review and Possible Consideration of Continuing Education Credit for USPAP Courses for Auctioneers Rulemaking

Legal counsel asked for clarification as to whether or not the intent is to approve the actual USPAP course or to approve USPAP as a course provider. Appraisers must take the USPAP course every two years. Auctioneers who also have an appraiser credential would like to count the seven hour USPAP course towards their auctioneer CE requirement. Legal counsel will bring a re-draft of the rule to the next meeting.

**REVIEW AND POSSIBLE CONSIDERATION OF WISCONSIN AUCTIONEERS
ASSOCIATION, INC. PROPOSAL TO ADD BUSINESS AS A CATEGORY FOR
AUCTIONEER CE**

The board discussed possibly approving additional CE providers. Any rule changes would first require a scope statement. Another option is to have CE providers course outlines to be reviewed on an individual basis for acceptability.

TRAVEL

No travel at this time.

PRACTICE ISSUES

No practice questions at this time.

PUBLIC COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: James Wenzler moved, seconded by Kathryn Daley, 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 A. Daley-yes; Patrick J. McNamara-yes; Timothy D. Sweeney-yes; James C. Wenzler-yes. Motion carried unanimously.

Open session recessed at 10:40 a.m.

RECONVENE IN OPEN SESSION

MOTION: James Wenzler moved, seconded by Timothy Sweeney, to reconvene to Open Session. Motion carried unanimously.

Open session reconvened at 10:50 a.m.

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

PROPOSED STIPULATIONS

**JEFFREY T BAHRKE/BAHRKE AUCTION AND REAL ESTATE INC
06 AUC 029 AND 07 AUC 011**

MOTION: James Wenzler moved, seconded by Kathryn Daley, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Jeffrey T. Bahrke and Bahrke Auction and Real Estate, Inc. Motion carried unanimously.

**FRED CURTIS
07 AUC 019**

MOTION: Kathryn Daley moved, seconded by Timothy Sweeney, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Fred Curtis. Motion carried. James Wenzler abstained.

**JOHN MERWIN
07 AUC 019**

MOTION: Timothy Sweeney moved, seconded by James Wenzler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John Merwin. Motion carried unanimously.

**WILLIAM F BUE
08 AUC 003**

MOTION: Kathryn Daley moved, seconded by James Wenzler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against William F. Bue. Motion carried unanimously.

CASE CLOSING

07 AUC 017

MOTION: James Wenzler moved, seconded by Kathryn Daley, to close **07 AUC 017** for prosecutorial discretion (P5) with a flag if the

credential is renewed. Motion carried unanimously. Angela Arrington was excused during deliberation and has no vote.

ADJOURNMENT

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

The meeting adjourned at 10:53 a.m.

THE NEXT MEETING IS SCHEDULED FOR OCTOBER 19, 2010