

**AUCTIONEER BOARD
TELECONFERENCE/LIVE MEETING MINUTES
JULY 19, 2011**

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

EXCUSED: Kathryn A. Daley, James C. Wenzler

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

GUESTS: none

CALL TO ORDER

Timothy Sweeney, Chair, called the meeting to order at 9:15 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 26, 2011

MOTION: Patrick McNamara moved, seconded by Jerry Thiel, to approve the minutes of April 26, 2011 as written. Motion carried unanimously.

SECRETARY MATTERS

There were no matters to discuss.

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

The Board did not require a presentation on the proposed stipulation concerning Rabin World Wide (09 AUC 013). This matter will be deliberated in closed session.

BUREAU DIRECTOR MATTERS

Out of State Travel Policy

The travel policy has been revised. Travel that is fully sponsored and paid for by a third party will be considered.

Introduction of Lydia Thompson

Kelli Kaalele introduced Lydia Thompson, new legal counsel for the Board. Ms. Thompson gave a brief history of her background and looks forward to working with the Board.

PRACTICE QUESTION

Online Auctions

The Board discussed the various types of online auctions. Kelli Kaalele stated the Department is working on a statutory clean-up bill for the fall legislative session and she has noted to include the definition of “online auction.” This matter requires more discussion.

BOARD DISCUSSION REGARDING MINIMUM AGE FOR LICENSURE

The Department received a legislative inquiry regarding whether or not the Board would consider changing the minimum age for licensure from 18 to 16. The consensus of the Board is to maintain 18 as a minimum age for licensure.

INFORMATIONAL ITEMS

There were no items for review.

NEW BUSINESS

Jerry Thiel was welcomed to the Board. Kelli Kaalele, Lydia Thompson and Karen Rude-Evans introduced themselves.

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, 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: Patrick J. McNamara-yes; Ronald J. Polacek-yes; Timothy D. Sweeney-yes; Jerry L. Thiel-yes. Motion carried unanimously.

Open session recessed at 9:38 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 9:59 a.m.

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

PROPOSED STIPULATION, FINAL DECISION AND ORDER

RABIN WORLD WIDE

09 AUC 013

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Rabin World Wide. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

09 AUC 009, T.S.

MOTION: Ronald Polacek moved, seconded by Jerry Thiel, to issue the Administrative Warning in case **09 AUC 009** against respondent T.S. Motion carried unanimously.

10 AUC 013, R.B.

MOTION: Ronald Polacek moved, seconded by Jerry Thiel, to issue the Administrative Warning in case **10 AUC 013** against respondent R.B. Motion carried unanimously.

10 AUC 013, R.S.

MOTION: Ronald Polacek moved, seconded by Jerry Thiel, to issue the Administrative Warning in case **10 AUC 013** against respondent R.S. Motion carried unanimously.

10 AUC 014, M.A.

MOTION: Ronald Polacek moved, seconded by Jerry Thiel, to issue the Administrative Warning in case **10 AUC 014** against respondent M.A. Motion carried unanimously.

CASE CLOSINGS

09 AUC 006, S.G.

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, to close case **09 AUC 006** against responded S.G. for insufficient evidence. Motion carried unanimously.

09 AUC 013, R.R.

MOTION: Patrick McNamara moved, seconded by Jerry Thiel, to close case **09 AUC 013** against respondent R.R. for prosecutorial discretion (P5) with a flag should the respondent should renew their credential. Motion carried unanimously.

REVIEW LEGISLATIVE REPORT AND FINAL DRAFT OF PROPOSED RULE AMENDING RL 128 RELATING TO CONTINUING EDUCATION AND AUTHORIZE ANY DISSENTING REPORT STATING RECOMMENDATIONS

Sharon Henes emailed to the Board members the report from the public hearing held today and the final draft of the proposed rule amending RL 128. The Board reviewed and approved the report as drafted.

OTHER BOARD BUSINESS

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

ADJOURNMENT

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, to adjourn the meeting at 10:10 a.m. Motion carried unanimously.