

**AUCTIONEER BOARD
TELECONFERENCE/LIVE MEETING MINUTES
APRIL 24, 2012**

PRESENT: Kathryn Daley, Patrick J. McNamara, Ronald Polacek, Timothy J. Sweeney, Jerry L. Thiel, James Wenzler

EXCUSED:

STAFF: Berni Mattsson, Executive Director; Lydia Thompson, Legal Counsel; David Carlson, Bureau Assistant; other DSPS staff

GUESTS: David Koning and Carol Miller, WI Auctioneers Association

CALL TO ORDER

Timothy Sweeney, Chair, called the meeting to order at 9:23 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 25, 2012

MOTION: McNamara moved, seconded by Wenzler, to approve the minutes of January 25, 2012 as amended to list Board Member Wenzler as being "Present" at the beginning of said meeting. Motion carried unanimously.

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

11 AUC 006-Patricia Birkett-DOE Attorney Sara Norberg gave a brief presentation on the case.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

CE Course Instructors Qualifications Proposal-David Koning, WI Auctioneers Association, addressed the Board, re: CE course instructor qualifications. He is requesting that non-

auctioneer specialists be allowed to give CE presentations with a licensed auctioneer moderating and administering CE tests.

MOTION: McNamara moved, seconded by Wenzler to direct Legal Counsel to draft a scope statement to allow other instructors to be authorized to provide continuing education (CE) for auctioneers. Motion carried.

INFORMATIONAL ITEMS

Consideration of Reciprocal Agreement with Ohio for Auctioneer Licensure-DSPS

Credentialing has been contacted by the State of Ohio which said it is willing to review our laws to determine if they are similar enough to theirs to allow for some sort of reciprocal licensure. Legal Counsel Lydia Thompson pointed out that the Department (DSPS) only, and not the Board, could enter into such an agreement. She said if the Board would find that Ohio law is equivalent to WI Statutes 480.08 (2), then the Board could ask DSPS to enter into an agreement.

NEW BUSINESS

There was no new business to discuss.

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: McNamara moved, seconded by 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: Kathryn Daley-yes; Pat McNamara-yes; Ronald J. Polacek-yes; Timothy D. Sweeney-yes; Jerry L. Thiel-yes; James Wenzler-yes. Motion carried.

Open session recessed at 10:09 a.m.

RECONVENE IN OPEN SESSION

MOTION: Patrick McNamara moved, seconded by Wenzler, to reconvene to Open Session. Motion carried unanimously.

Open session reconvened at 10:26 a.m.

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

STIPULATION

11 AUC 006

MOTION: Wenzler moved, seconded by Polacek, to adopt the final decision and order in Case 11 AUC 006. Motion carried.

ADMINISTRATIVE WARNING

10 AUC 010

MOTION: Wenzler moved, seconded by McNamara to issue an Administrative Warning, as recommended by the Department, in Case 10 AUC 010. Motion carried.

CASE CLOSINGS

11 AUC 006, S.M.B.

MOTION: Wenzler moved, seconded by Thiel, to close case 11 AUC 006, against S.M.B. for No Violation. Motion carried unanimously. Daley voted against the motion.

10 AUC 010

MOTION: Wenzler moved, seconded by McNamara, to close case 10 AUC 010 against respondents P.A.J.V. AND V. & A. as recommended by the Department. Motion carried.

11 AUC 009-Norman Hellmuth

MOTION: Wenzler moved, seconded by McNamara, to close case 11 AUC 009 against respondents P.A.J.V. AND V. & A. as recommended by the Department for Insufficient Evidence. Motion carried.

OTHER BOARD BUSINESS

Kathryn Daley announced that she has submitted a letter of resignation to the Governor's office.

ADJOURNMENT

MOTION: Daley moved, seconded by McNamara, to adjourn the meeting at 10:30 a.m. Motion carried unanimously.