

**AUCTIONEER BOARD  
MEETING MINUTES  
July 17, 2012**

Present: Patrick McNamara and Tim Sweeney

Present by Live Meeting: Jerry Thiel

Present by Teleconference: Ronald Polacek and Jim Wenzler

Staff: Berni Mattson, Executive Director; Lydia Thompson, Legal Counsel;  
Michelle Solem, Bureau Assistant; and other Department staff

Tim Sweeney, Board Chair, called the meeting to order at 9:26 a.m. A quorum of 5 members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Jim Wenzler moved, seconded by Ronald Polacek, to adopt the agenda as published in the red folder. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Patrick McNamara moved, seconded by Jim Wenzler, to approve the minutes of April 24, 2012 as published. Motion carried unanimously.

**EXECUTIVE DIRECTOR MATTERS**

Berni Mattsson noted that Kathryn Daley has resigned and her position as Vice-Chair needs to be filled.

**NOMINATION:** Patrick McNamara nominated Jerry Thiel as Vice Chair.  
Jim Wenzler nominated Ronald Polacek as Vice Chair. Ronald Polacek respectfully declined.  
Berni Mattsson called for nominations three additional times before calling the vote. Nomination carried.  
Jerry Thiel was elected as Vice Chair for the remainder of the 2012 calendar year.

Berni Mattsson also noted that the vacant position on the screening panel that was created by Kathryn's resignation also needed to be filled. Tim Sweeney appointed Ron Polacek to the screening panel.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS  
BY THE DIVISION OF ENFORCEMENT**

Attorney Norberg from the Division of Enforcement provide a presentation related to the following Stipulation, Final Decision and Order:

1. 12 AUC 005 – Richard Krackow

**BOARD DISCUSSION**

1. **LEGISLATION/ADMINISTRATIVE RULE MATTERS**
  - a. Proposed Scope Statement for CH SPS 128, Continuing Education Course Instructors  
Patrick McNamara indicated that he had reviewed the scope statement and that it appeared to accurately reflect the previous discussions of the Board.

**MOTION:** Patrick McNamara moved, seconded by Tim Sweeney, to approve the scope statement for submission to the Department for review and approval, and submission to the Governor's office for approval. Jim Wenzler abstained.

### **INFORMATIONAL ITEMS**

#### Consideration of Reciprocal Agreement with Ohio for Auctioneer License

Lydia Thompson explained that the agreement would not be between the Board and Ohio but rather the Wisconsin Department of Safety and Professional Services and the Ohio Department of Agriculture. She also explained the major differences between Wisconsin and Ohio laws.

**MOTION:** Patrick McNamara moved, seconded by Ronald Polacek, that the requirements for the auctioneer certificate in Ohio are substantially equivalent to the auctioneer requirements in the state of Wisconsin. The Auctioneer Board agrees that Department of Safety and Professional Services may review the reciprocal agreement with the Ohio Department of Agriculture, and the Department may set the terms for the Auctioneer Board's review. Motion carried unanimously. Jim Wenzler opposed.

### **CLOSED SESSION**

**MOTION:** Tim Sweeney 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; Timothy Sweeney - yes; Jerry Thiel - yes; James Wenzler - yes. Motion carried unanimously. Open session recessed at 9:55 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** James Thiel moved, seconded by Pat McNamara, to reconvene in open session at 11:24 a.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

#### **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**MOTION:** Jim Wenzler moved, seconded by Ron Polacek, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 12 AUC 005- Richard Krackow. Motion carried unanimously.

## PROPOSED DECISIONS

Lydia Thompson, Legal Counsel for the Board, left the meeting during deliberation relative to the Dean K. George matter and was replaced by Legal Counsel, Yolanda McGowan.

**MOTION:** Ronald Polacek moved, seconded by Jerry Thiel, to adopt the Proposed Decision, in the matter of 08 AUC 017 and 09 AUC 006 – Dean K. George modified as follows based on advise of legal counsel and board’s specialized knowledge and expertise in enforcing its orders:

5. After the period of suspension, the Respondent may petition for reinstatement. Any such petition shall include a signed affidavit from the Respondent attesting to his compliance with the terms and conditions of the order.
6. Violation of any terms of this order may be construed as conduct imperiling public health safety and welfare. The Board in its discretion may impose additional conditions and limitations or other additional discipline for violations of any of the terms of this order.
7. This order is effective upon signing of the order.

Motion carried. Tim Sweeney abstained from the deliberations and vote.

## ADJOURNMENT

**MOTION:** Pat McNamara moved, seconded by Tim Sweeney, to adjourn the meeting at 11:30 a.m. Motion carried unanimously.