

**AUCTIONEER BOARD  
VIRTUAL MEETING MINUTES  
OCTOBER 16, 2012**

**PRESENT:** Patrick McNamara, Ronald Polacek, Jerry Thiel, James Wenzler

**EXCUSED:** Tim Sweeney

**STAFF:** Berni Mattson, Executive Director; Pamela Stach, Legal Counsel; Karen Rude-Evans, Bureau Assistant

Jerry Thiel, Vice Chair, called the meeting to order at 9:20 a.m. A quorum of 4 members was confirmed.

**ADOPTION OF AGENDA**

**Amendments**

- Under approval of Minutes:
  - Delete the Minutes of July 17, 2012
  - Insert the Minutes of August 31, 2012
- Case Status Report – insert at the end of closed session

**MOTION:** James Wenzler moved, seconded by Ronald Polacek, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF AUGUST 31, 2012**

**Corrections**

- On page 1, under PETITION OF DEAN GEORGE..., at the end of the motion, add “James Wenzler opposed.”

**MOTION:** James Wenzler moved, seconded by Patrick McNamara, to approve the minutes of August 31, 2012 as corrected. Motion carried unanimously.

**BOARD DISCUSSION ITEMS**

**Legislation/Administrative Rules Matters**

**MOTION:** James Wenzler moved, seconded by Ronald Polacek, to appoint Patrick McNamara to work with Department staff to draft rules as described in the scope statement for SPS 128.04. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Ronald Polacek 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; Jerry Thiel - yes; James Wenzler - yes. Motion carried unanimously.

Open session recessed at 9:50 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Patrick McNamara moved, seconded by James Wenzler, to reconvene in open session at 10:19 a.m. Motion carried unanimously.

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

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

**MOTION:** James Wenzler moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Lynn McDowel, 11 AUC 014**. Motion carried unanimously.

**CONSIDERATION OF OBJECTION TO COSTS RELATING TO THE FINAL DECISION AND ORDER0001937, CASE NUMBERS 08 AUC 017 AND 09 AUC 006 IN THE MATTERS CONCERNING DEAN GEORGE**

**MOTION:** Patrick McNamara moved, seconded by Ronald Polacek, to draft a letter to Attorney Walter Shannon asking to specify which costs are being objected to and his rationale for the objections. This information should be received at the Department no later than December 1, 2012. Motion carried unanimously.

**CONSIDERATION OF DIVISION OF LEGAL SERVICES AND COMPLIANCE MOTION FOR COSTS TO BE ASSESSED RELATED TO THE DIVISION'S RESPONSE TO THE REQUEST FOR REHEARING IN CASE NUMBERS 08 AUC 017 AND 09 AUC 006 IN THE MATTERS CONCERNING DEAN GEORGE**

**MOTION:** James Wenzler moved, seconded by Patrick McNamara, to deny the Division of Legal Services and Compliance's request for costs incurred in preparing the response to the petition for rehearing in the matter concerning Dean George, case numbers 08 AUC 017 and 09 AUC 006. Motion carried unanimously.

**ADMINISTRATIVE WARNING(S)**

**MOTION:** James Wenzler moved, seconded by Jerry Thiel, to issue the administrative warning in **case 12 AUC 003**. Motion carried unanimously.

**AUTHORIZATION TO SIGN DOCUMENTS REQUIRING SIGNATURE**

**MOTION:** James Wenzler moved, seconded by Patrick McNamara, to authorize Berni Mattson to sign all documents on the agenda today, which require a signature, on behalf of the Board. Motion carried unanimously.

**CASE CLOSING(S)**

**MOTION:** Patrick McNamara moved, seconded by Jerry Thiel, to close **case 11 AUC 016 for prosecutorial discretion (P5)**. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Patrick McNamara moved, seconded by James Wenzler, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:23 a.m.