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**VIRTUAL/TELECONFERENCE  
AUCTIONEER BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Adam Barr (608) 266-2112  
October 26, 2021**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.*

**AGENDA**

**9:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of July 13, 2021 (4-6)**

**C. Reminders: Conflicts of Interest, Scheduling Concerns**

**D. Administrative Matters – Discussion and Consideration**

- 1) Department, Staff, and Board Updates
- 2) Board Members – Term Expiration Date
  - a. Berlinski, Heather – 5/1/2016
  - b. Hansen, Bryce L. – 5/1/2024
  - c. Jones, Stanley D. – 5/1/2022
  - d. Stockwell, Randy J. – 5/1/2024
  - e. Thiel, Jerry L. – 5/1/2018
  - f. Zentner, Deana M. – 5/1/2023

**E. Administrative Rule Matters – Discussion and Consideration (7-9)**

- 1) Scope Statement: SPS 121, Relating to Reciprocal Credentials
- 2) Pending or Possible Rulemaking Projects

**F. COVID-19 – Discussion and Consideration**

**G. Discussion and Consideration of Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters

- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

H. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), 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.).**

**I. Deliberation on Division of Legal Services and Compliance Matters**

- 1) **Case Closings**
  - a. 19 AUC 010 – S.H. (10-16)

J. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Monitoring Matters
- 4) Professional Assistance Procedure (PAP) Matters
- 5) Petitions for Summary Suspensions
- 6) Petitions for Designation of Hearing Examiner
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Proposed Interim Orders
- 9) Administrative Warnings
- 10) Review of Administrative Warnings
- 11) Proposed Final Decisions and Orders
- 12) Matters Relating to Costs/Orders Fixing Costs
- 13) Case Closings
- 14) Board Liaison Training
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions

- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

L. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT MEETING: [TENTATIVE] JANUARY 11, 2022**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreter services for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
AUCTIONEER BOARD  
MEETING MINUTES  
JULY 13, 2021**

**PRESENT:** Heather Berlinski (*arrived at 9:34 a.m.*), Bryce Hansen, Stanley Jones, Randy Stockwell, Jerry Thiel, Deana Zentner

**STAFF:** Adam Barr, Executive Director; Robert Rondini, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Jerry Thiel, Chairperson, called the meeting to order at 9:32 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Stanley Jones moved, seconded by Bryce Hansen, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 6, 2021**

**MOTION:** Deana Zentner moved, seconded by Randy Stockwell, to approve the Minutes of April 6, 2021 as published. Motion carried unanimously.

*(Heather Berlinski arrived at 9:34 a.m.)*

**REVIEW AND CONSIDER DRAFT AUCTION CONTRACT AND AGREEMENT**

**MOTION:** Stanley Jones moved, seconded by Randy Stockwell, to form a committee to review the Draft Auction Contract and provide feedback to the Board. Motion carried unanimously.

<b>COMMITTEE APPOINTMENTS</b>	
<b>Draft Auction Contract Review Committee</b>	Randy Stockwell, Stanley Jones, Jerry Thiel

**REGULATION OF ONLINE AUCTIONS**

**MOTION:** Stanley Jones moved, seconded by Randy Stockwell, to request DSPS explore amendment or rule change that would encompass online auctions. Motion carried unanimously.

**CREDENTIALING MATTERS**

**Reciprocal Agreement Request – State of Mississippi**

**MOTION:** Bryce Hansen moved, seconded by Heather Berlinski, to recommend to DSPS that the Department engage in a reciprocal licensing agreement with the State of Mississippi. Roll Call Vote: Heather Berlinski-yes, Bryce Hansen-yes, Stanley Jones-yes, Randy Stockwell-yes, Jerry Thiel-yes, Deana Zentner-yes. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Stanley Jones moved, seconded by Randy Stockwell, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1)(a), Stats.); to consider licensure or certification of individuals (§ 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (§§ 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.). Jerry Thiel, Chairperson read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Heather Berlinski-yes; Bryce Hansen-yes; Stanley Jones-yes; Randy Stockwell-yes; Jerry Thiel-yes; and Deana Zentner. Motion carried unanimously.

The Board convened into Closed Session at 10:48 a.m.

**DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS**

**Case Closings**

***20 AUC 005 – D.A., A.C.U.***

**MOTION:** Stanley Jones moved, seconded by Deana Zentner, to close DLSC Case Number 20 AUC 005, against D.A., A.C.U., for Prosecutorial Discretion (P1). Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Stanley Jones moved, seconded by Randy Stockwell, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:57 p.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Stanley Jones moved, seconded by Randy Stockwell, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)*

## **ADJOURNMENT**

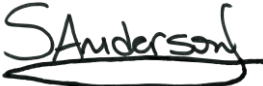
**MOTION:** Randy Stockwell moved, seconded by Deana Zentner, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 10:59 a.m.

DRAFT

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Sofia Anderson, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 10/14/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Auctioneer Board			
<b>4) Meeting Date:</b> October 26, 2021	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration 1. Scope Statement: SPS 121 Reciprocal Credentials 2. Pending or Possible Rulemaking Projects.	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b>  Attachments: <ul style="list-style-type: none"> <li>• Scope Statement for SPS 121 Reciprocal Credentials.</li> </ul>			
<b>11) Authorization</b>			
		10/14/2021	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# STATEMENT OF SCOPE

## WISCONSIN AUCTIONEER BOARD

### WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

**Rule No.:** SPS 121

**Relating to:** Reciprocal credentials for service members, former service members, and their spouses

**Rule Type:** Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A.

**2. Detailed description of the objective of the proposed rule:**

The objective of the rule is to implement 2019 Wisconsin Act 143 to department rules concerning auctioneers and auction companies

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and is in good standing in every jurisdiction where they have an equivalent credential to the one granted by the department or credentialing board. The license may be renewed indefinitely.

This proposed rule will update ch. SPS 121 to implement 2019 Wisconsin Act 143. The policy alternative is to leave SPS 121 unchanged. This would leave the rules inconsistent with statutory provisions, which could create confusion.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Section 480.04 (1), Stats., authorizes the Auctioneer Board to “advise the secretary on matters relating to auctioneers or auction companies.”

Section 480.04 (2) states that “the Board does not have rule-making authority.”



**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

60 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Service members, former service members, and spouses of service members or former service members who wish to register as an auctioneer or auction company.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

There is no existing or proposed federal regulation that addresses auctioneers or auction companies.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Sofia Anderson, (608) 261-4463, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

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Date Submitted

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Date Submitted