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**VIRTUAL/TELECONFERENCE  
AUCTIONEER BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Will Johnson (608) 266-2112  
July 8, 2025**

*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 April 8, 2025 (4)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. 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. – 5/1/2026
    - c. Jones, Stanley D. – 5/1/2026
    - d. Stockwell, Randy J. – 5/1/2024
    - e. Thiel, Jerry L. – 5/1/2024
    - f. Zentner, Deana M. – 5/1/2027
- F. 9:30 A.M. Public Hearing – Clearinghouse Rule 25-030: SPS 120 to 126, Relating to Online Auctions and Comprehensive Review (5-19)**
  - 1) Review Public Hearing Comments and Respond to Clearinghouse Report
- G. Administrative Rule Matters – Discussion and Consideration**
  - 1) Pending or Possible Rulemaking Projects
- H. 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) Public Health Emergencies
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

#### **I. 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.).**

#### **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: OCTOBER 14, 2025**

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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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
AUCTIONEER BOARD  
MEETING MINUTES  
APRIL 8, 2025**

**PRESENT:** Heather Berlinski, Bryce Hansen, Stanley Jones, Randy Stockwell, Jerry Thiel

**ABSENT:** Deana Zentner

**STAFF:** Will Johnson, Executive Director; Joseph Ricker, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Ashley Sarnosky, Board Administrative Specialist; and other DSPS Staff

**CALL TO ORDER**

Jerry Thiel, Chairperson, called the meeting to order at 9:31 a.m. A quorum was confirmed with five (5) members present.

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES OF JANUARY 7, 2025**

**MOTION:** Bryce Hansen moved, seconded by Stanley Jones, to approve the Minutes of January 7, 2025, as published. Motion carried unanimously.

**INTRODUCTION AND WELCOME**

**DSPS Secretary Hereth**

**MOTION:** Heather Berlinski moved, seconded by Stanley Jones, to acknowledge and thank Secretary Hereth, for their appearance to the Board. Motion carried unanimously.

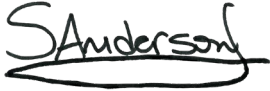
**ADJOURNMENT**

**MOTION:** Bryce Hansen moved, seconded by Stanley Jones, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:53 a.m.

**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> 06/26/2025 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Auctioneer Board			
<b>4) Meeting Date:</b> July 8, 2025	<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> <b>9:30 A.M. Public Hearing – Clearinghouse Rule 25-030: SPS 120 to 126, relating to online auctions and comprehensive review.</b>  1. Review Public Hearing comments and respond to Clearinghouse report.	
<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> The Board will hold two Public Hearings on these rules as required by the rulemaking process.			
<b>11) Authorization</b>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  </div> <div style="text-align: right;">         06/26/2025       </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Signature of person making this request</div> <div>Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Supervisor (if required)</div> <div>Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div>Date</div> </div> <hr/>			
<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.			

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Department of Safety and Professional Services to **amend** SPS 120.02 (1) (d), 121.02 (1), 124.02 (7), 125.08 (2) (Note) and (3) (Note), and 126.03 (2) (e) 5.; to **repeal and recreate** SPS 121.02 (2) (Note), 121.035 (Note), and 122.02 (Note); and to **create** SPS 120.02 (1m) relating to online auctions.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 480.01, Stats.

**Statutory authority:**

Sections 227.11 (2), 480.04 (1) and (2), 480.06, Stats.

**Explanation of agency authority:**

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 . . .”

Although as stated in section 480.04 (2), Stats. the Auctioneer Board does not have rule-making authority, pursuant section 480.04 (1), Stats., “the board shall advise the secretary on matters relating to auctioneers or auction companies or to the board.”

Section 480.06, Stats. details the relationship between the Department as the rule-making authority and the board as the subject matter experts when promulgating rules.

**Related statute or rule:**

None.

**Plain language analysis:**

The Department reviewed chapter SPS 120 to update the definition of “auction” in light of the increasing popularity of online auctions. Additionally, the Department conducted a comprehensive review of chapters SPS 120 to 126 to review necessary updates and remove obsolete or unnecessary references.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois requires any person who will conduct an auction or provide auction services to obtain a license as an auctioneer. The Auction License Act establishes definitions, licensing requirements, and general provisions of matters pertaining to auctions and auctioneers. In this Act, “auction” is defined as “the sale or lease of property, real or personal, by means of exchanges between an auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail, telecommunications, or the Internet”. Additionally, Illinois has a definition for “internet listing service” as a “a website on the Internet, or other interactive computer service, that is designed to allow or advertise as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an online bid submission process using that website or interactive computer service and that does not examine, set the price, prepare the description of the personal property or service to be offered, or in any way utilize the services of a natural person as an auctioneer.” [225 ILCS 407/5-10]

**Iowa:**

Iowa does not require auctioneers to be licensed statewide. However, some municipalities and counties may require permits. Iowa does not define nor regulate online auctions.

**Michigan:**

As of June 2014, Michigan does not require auctioneer licenses. Michigan does not define nor regulate online auctions.

**Minnesota:**

Minnesota Statutes authorizes each county to issue an auctioneer license. The requirements are specified in chapter 330 of the Minnesota Compiled Statutes. The Minnesota Department of Revenue under chapter 8130 defines “auction” as “is a method of selling tangible personal property in a public forum through open and competitive bidding

conducted by an auctioneer licensed under Minnesota Statutes, chapter 330.” [MCL 8130.5800 Subpart 8]. Minnesota does not define nor regulate online auctions.

**Summary of factual data and analytical methodologies:**

The Department, in collaboration with the Auctioneer Board, reviewed chs. SPS 120 to 126 to bring them up to current standards of practice.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-2112.

**Agency contact person:**

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before April 8, 2025, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. SPS 120.02 (1) (d) is amended to read:

**SPS 120.01 (1) (d)** The seller may not nullify the sale by bidding ~~himself or herself~~ themselves directly or through an agent.



SECTION 2. SPS 120.02 (1m) is created to read:

**SPS 120.02 (1m)** “Auction” has the meaning given in s. 480.01 (1), Stats. As permitted in s. 480.01 (1), Stats., this definition includes services provided through a website or interactive computer service if an individual ranks the bids or conducts the auction.

SECTION 3. SPS 121.02 (1) is amended to read:

**SPS 121.02 (1)** AUCTIONEER. The department may register as an auctioneer an applicant who satisfies the requirements in s. 480.08 (2) or (2m), Stats. The department shall consider s. 480.08 (2) (d), Stats., as having been satisfied, if the applicant has either received a seller's permit from the department of revenue under s. 77.52 (9), Stats., or the applicant has determined that ~~he or she is~~ they are not required to have a seller's permit and is, therefore, not eligible to obtain a permit.

SECTION 4. SPS 121.02 (2) (Note) is repealed and recreated to read:

**SPS 121.02 (2) Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 5. SPS 121.035 (Note) is repealed and recreated to read:

**SPS 121.035 Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 6. SPS 122.02 (Note) is repealed and recreated to read:

**SPS 122.02 Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 7. SPS 124.02 (7) is amended to read:

**SPS 124.02 (7)** A statement by the seller that ~~he or she~~ the seller has title and right to sell all property to be sold at auction free of encumbrances and liens; or, if some or all of the property to be sold is subject to encumbrances or liens, a specific itemization of such property.

SECTION 8. SPS 125.08 (2) (Note) and (3) (Note) are amended to read:

**SPS 125.08 (2) Note:** A Consent to Examine and Audit Auctioneer Trust Account form ~~may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

**(3) Note:** Forms ~~may be obtained from the department at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.~~ can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 9. SPS 126.03 (2) (e) 5. is amended to read:

**SPS 126.03 (2) (e) 5.** Suggest or imply to the public, privately or through advertising, that ~~he or she~~ the auctioneer or auction company is able to perform any of the activities in subds. 1. to 4.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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**RJ Stockwell Inc. Land & Auction Co.**  
**W5340 County Line Road**  
**Dorchester, WI 54425**  
**(715) 654-5162    [rjstockinc@tds.net](mailto:rjstockinc@tds.net)**  
**[www.rjstockwell.com](http://www.rjstockwell.com)**

February 19<sup>th</sup>, 2025

To Whom It May Concern

Consumers mistakenly assume that all auctioneers working in Wisconsin are licensed and are regulated by the state of Wisconsin. A large percentage of auctioneers are now conducting auctions using the timed online only method of bid acceptance, and the total number of timed online only auctions is becoming greater every year. Timed online auctioneers are not presently regulated under chapter 480 of The Wisconsin State Statutes as per the Department of Safety and Professional Services.

**The Wisconsin State Statutes Chapter 480.01. Definitions. (1)** (reprinted) "Auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and prospective purchaser of goods or real estate that consist of a series of invitations made by the auctioneer to the prospective purchasers of goods or real estate and that culminate in the acceptance by the auctioneer of the highest and most favorable offer made by one of the prospective purchasers.

**The Wisconsin State Statutes Chapter 480.01. (4)** (reprinted) "Auctioneer" means an individual who engages in, or by advertising or otherwise holds himself or herself as being available to engage in, the calling for and the recognition and acceptance of offers for the purchase of goods or real estate at an auction.

Due to technological advances in the auction profession, it has become apparent that some of our age old statutes are no longer relevant because on line bidding and computers were not used at the time these statutes were written. We as licensed auctioneers and members of the Wisconsin Auctioneers Association have worked diligently to promote professionalism and integrity. Licensed auctioneers are required to meet continued education requirements dealing with; tax issues, contract law, and other important auction issues. Non-licensed auctioneers have no requirements regarding continued education and are not subject to consumer protection laws. The Department of Safety and Professional Services does not regulate an auctioneer as defined in The Wisconsin State Statutes Chapter 480.01. (4), if that auctioneer contracts with the public to do timed online auctions only.

I am requesting clarification of Wisconsin State Statute 480 as it relates to timed online auctions and auctioneers, and maintain that anyone in Wisconsin holding himself or herself out as an auctioneer, or who advertises his or her services as an auctioneer must hold a current Wisconsin Auctioneers license. (with exceptions listed in Wisconsin State Statute 480.02)

Please contact me with any questions or concerns regarding this matter.

Thank you Sincerely;

  
Randy J Stockwell

Registered Wisconsin Auctioneer #422, Member of The Auctioneer Board/DSPS

Members of:



WISCONSIN  
AUCTIONEERS  
ASSOCIATION



February 20, 2025

Sofia Anderson, Administrative Rules Coordinator  
Department of Safety and Professional Services, Division of Policy Development  
4822 Madison Yards Way, PO Box 8366  
Madison, WI 53708-8366

Dear Ms. Anderson,

I would like to thank the Department for the work that they have done over the years on analyzing and determining the rule making language in relation to online auctions. As a licensed auctioneer, I feel that we are going down the right path with clarification on proposed changes.

As a licensed Auctioneer and the owner of a family-based auction company that has been in business for 70 years, I strongly support the rule change that would require any person or entity that conducts an auction, whether live, by sealed bid, on a website or interactive computer services, to be subject to and adhere to the same rules and regulations as a licensed auctioneer.

In regards to the proposed changes, I feel that a bit more clarification on **SPS 120.01 (1) (d)** is needed about what the intent for this statute is to be and exactly what this change means.

**SPS 120.02 (1m)** I agree 100% as to the definition of an "Auction" although I would highly encourage the use and clarification as follows: "....this definition includes services provided through a website or interactive computer service if a Licensed Auctioneer conducts the auction."

Then, in regards to **SPS 121.02 (1)** in regards to "Auctioneer" I strongly support the rule changes that would require any person that conducts an auction whether live, by sealed bid, website or interactive computer services to obtain and hold a license and be subjected to the same rules and regulations currently required to be a licensed auctioneer. The language in this statute should specify licensed auctioneer.

Without regard, everybody is welcome to obtain an auctioneering license and people that are licensed to perform these duties are required to renew their license with continuing education and to adhere to the current rules and regulations specifically designed to protect the public.

Therefore, I strongly believe that clarifying and using the term "licensed auctioneer" within these statutes would be in the best interest of public safety and consumer protection when the public engages with any entity that calls itself an auctioneer or auction company.

Once again, I want to express my appreciation to the department for their time, effort and clarification in regards to this important matter.

Respectfully,  
  
Stanley D Jones, CAI, AARE, AMM, BAS, CES, CAGA  
Wisconsin Registered Auctioneer #993  
Jones Auction & Realty, LLC  
818 N Church Street  
Watertown, WI 53098







# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

Scott Grosz  
Clearinghouse Director

Margit Kelley  
Clearinghouse Assistant Director

Anne Sappenfield  
Legislative Council Director

### CLEARINGHOUSE RULE 25-030

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, the subject matter listing could be revised. Consider mentioning the other proposed changes to the rules outside of online auctions. As written, the public may not be on notice that there are changes being proposed to the rules outside of online auctions.

b. The rule summary’s listing of statutes interpreted identifies only s. 480.01, Stats., which provides definitions for terms used in ch. 480, Stats. Consider more broadly citing ch. 480, Stats., rather than only the definitions in s. 480.01, Stats., as statutes that are interpreted by the proposed rule.

c. In the rule summary’s listing of statutory authority, the references to “(1) and (2)” of s. 480.04, Stats., may be removed, as the two subsections are the entirety of the section.

d. In the rule summary’s listing of the deadline to submit comments, it appears from the hearing notice that the deadline was intended to be “July 8”, rather than “April 8”, which has already passed.

e. In SECTION 1 of the proposed rule, the treatment clause accurately references s. SPS 120.02 (1) (d), but the text lists s. SPS 120.01 (1) (d). Update the text language to match the treatment clause.

f. In the treatment clause for SECTION 5 of the proposed rule, revise “(Note)” to “(Note 2)”. When more than one note follows a rule, the note should be referred to by the order of its appearance. [s. 1.12 (2) (a), Manual.] Ensure this update is reflected in the caption for the proposed rule.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In SECTION 2 of the proposed rule, the newly defined term “auction” includes a cross-reference, and states that the statutory definition of “auction” permits the inclusion of online

auctions. Consider deleting the phrase “as permitted in s. 480.01 (1), Stats.”, as this suggests that online auctions are explicitly mentioned in the statutory definition. The provision could be revised to say: “has the meaning given in s. 480.01 (1), Stats., and includes...”.

b. In SECTION 3 of the proposed rule, consider revising the last phrase to instead be, “the applicant is not required to have a seller’s permit and is, therefore, not eligible to obtain a permit”. This not only removes the pronouns being changed in the proposed rule, but it removes references to the applicant deciding whether or not a seller’s permit is necessary, which is ultimately a decision made by the Department of Revenue, not the seller.

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Department of Safety and Professional Services to **amend** SPS 120.02 (1) (d), 121.02 (1), 124.02 (7), 125.08 (2) (Note) and (3) (Note), and 126.03 (2) (e) 5.; to **repeal and recreate** SPS 121.02 (2) (Note), 121.035 (Note 2), and 122.02 (Note); and to **create** SPS 120.02 (1m) relating to **online auctions** and comprehensive review.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

**Section** 480, Stats.

**Statutory authority:**

Sections 227.11 (2), 480.04 480.06, Stats.

**Explanation of agency authority:**

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 . . .”

Although as stated in section 480.04 (2), Stats. the Auctioneer Board does not have rule-making authority, pursuant section 480.04 (1), Stats., “the board shall advise the secretary on matters relating to auctioneers or auction companies or to the board.”

Section 480.06, Stats. details the relationship between the Department as the rule-making authority and the board as the subject matter experts when promulgating rules.

**Related statute or rule:**

None.

**Plain language analysis:**

**Commented [SA1]:** Clearinghouse comment #2.a

In the caption for the proposed rule, the subject matter listing could be revised. Consider mentioning the other proposed changes to the rules outside of online auctions. As written, the public may not be on notice that there are changes being proposed to the rules outside of online auctions.

**Commented [SA2]:** Clearinghouse comment #2b

The rule summary’s listing of statutes interpreted identifies only s. 480.01, Stats., which provides definitions for terms used in ch. 480, Stats. Consider more broadly citing ch. 480, Stats., rather than only the definitions in s. 480.01, Stats., as statutes that are interpreted by the proposed rule.

The Department reviewed chapter SPS 120 to update the definition of “auction” in light of the increasing popularity of online auctions. Additionally, the Department conducted a comprehensive review of chapters SPS 120 to 126 to review necessary updates and remove obsolete or unnecessary references.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois requires any person who will conduct an auction or provide auction services to obtain a license as an auctioneer. The Auction License Act establishes definitions, licensing requirements, and general provisions of matters pertaining to auctions and auctioneers. In this Act, “auction” is defined as “the sale or lease of property, real or personal, by means of exchanges between an auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail, telecommunications, or the Internet”. Additionally, Illinois has a definition for “internet listing service” as a “a website on the Internet, or other interactive computer service, that is designed to allow or advertise as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an online bid submission process using that website or interactive computer service and that does not examine, set the price, prepare the description of the personal property or service to be offered, or in any way utilize the services of a natural person as an auctioneer.” [225 ILCS 407/5-10]

**Iowa:**

Iowa does not require auctioneers to be licensed statewide. However, some municipalities and counties may require permits. Iowa does not define nor regulate online auctions.

**Michigan:**

As of June 2014, Michigan does not require auctioneer licenses. Michigan does not define nor regulate online auctions.

**Minnesota:**

Minnesota Statutes authorizes each county to issue an auctioneer license. The requirements are specified in chapter 330 of the Minnesota Compiled Statutes. The Minnesota Department of Revenue under chapter 8130 defines “auction” as “is a method of selling tangible personal property in a public forum through open and competitive bidding



conducted by an auctioneer licensed under Minnesota Statutes, chapter 330.” [MCL 8130.5800 Subpart 8]. Minnesota does not define nor regulate online auctions.

**Summary of factual data and analytical methodologies:**

The Department, in collaboration with the Auctioneer Board, reviewed chs. SPS 120 to 126 to bring them up to current standards of practice.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-2112.

**Agency contact person:**

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before July 8, 2025, to be included in the record of rule-making proceedings.

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TEXT OF RULE

**SECTION 1.** SPS 120.01 (1) (d) is amended to read:

**SPS 120.01 (1) (d)** The seller may not nullify the sale by bidding ~~himself or herself~~ themselves directly or through an agent.

**Commented [SA3]:** Clearinghouse comment #2.d

In the rule summary’s listing of the deadline to submit comments, it appears from the hearing notice that the deadline was intended to be “July 8”, rather than “April 8”, which has already passed.

**Commented [SA4]:** Clearinghouse comment #2.e

In SECTION 1 of the proposed rule, the treatment clause accurately references s. SPS 120.02 (1) (d), but the text lists s. SPS 120.01 (1) (d). Update the text language to match the treatment clause.

**SECTION 2.** SPS 120.02 (1m) is created to read:

**SPS 120.02 (1m)** “Auction” has the meaning given in s. 480.01 (1), Stats. and includes services provided through a website or interactive computer service if an auctioneer as defined in s. 480.01 (4) ranks the bids or conducts the auction.

**SECTION 3.** SPS 121.02 (1) is amended to read:

**SPS 121.02 (1)** AUCTIONEER. The department may register as an auctioneer an applicant who satisfies the requirements in s. 480.08 (2) or (2m), Stats. The department shall consider s. 480.08 (2) (d), Stats., as having been satisfied, if the applicant has either received a seller's permit from the department of revenue under s. 77.52 (9), Stats., or the applicant ~~has determined that he or she~~ is not required to have a seller's permit and is, therefore, not eligible to obtain a permit.

**SECTION 4.** SPS 121.02 (2) (Note) is repealed and recreated to read:

**SPS 121.02 (2) Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

**SECTION 5.** SPS 121.035 (Note 2) is repealed and recreated to read:

**SPS 121.035 Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

**SECTION 6.** SPS 122.02 (Note) is repealed and recreated to read:

**SPS 122.02 Note:** Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

**SECTION 7.** SPS 124.02 (7) is amended to read:

**SPS 124.02 (7)** A statement by the seller that ~~he or she~~ the seller has title and right to sell all property to be sold at auction free of encumbrances and liens; or, if some or all of the property to be sold is subject to encumbrances or liens, a specific itemization of such property.

**SECTION 8.** SPS 125.08 (2) (Note) and (3) (Note) are amended to read:

**SPS 125.08 (2) Note:** A Consent to Examine and Audit Auctioneer Trust Account form ~~may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

**Commented [SA5]:** Clearinghouse comment #5.a

In SECTION 2 of the proposed rule, the newly defined term “auction” includes a cross-reference, and states that the statutory definition of “auction” permits the inclusion of online auctions. Consider deleting the phrase “as permitted in s. 480.01 (1), Stats.”, as this suggests that online auctions are explicitly mentioned in the statutory definition. The provision could be revised to say: “has the meaning given in s. 480.01 (1), Stats., and includes...”.

**Commented [SA6]:** Clearinghouse comment #5.b

In SECTION 3 of the proposed rule, consider revising the last phrase to instead be, “the applicant is not required to have a seller's permit and is, therefore, not eligible to obtain a permit”. This not only removes the pronouns being changed in the proposed rule, but it removes references to the applicant deciding whether or not a seller's permit is necessary, which is ultimately a decision made by the Department of Revenue, not the seller.

**Commented [SA7]:** Clearinghouse comment #2.f

In the treatment clause for SECTION 5 of the proposed rule, revise “(Note)” to “(Note 2)”. When more than one note follows a rule, the note should be referred to by the order of its appearance. [s. 1.12 (2) (a), Manual.] Ensure this update is reflected in the caption for the proposed rule.

**(3) Note:** Forms ~~may be obtained from the department at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.~~ can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 9. SPS 126.03 (2) (e) 5. is amended to read:

**SPS 126.03 (2) (e) 5.** Suggest or imply to the public, privately or through advertising, that ~~he or she~~ the auctioneer or auction company is able to perform any of the activities in subds. 1. to 4.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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