



**VIRTUAL/TELECONFERENCE
AUCTIONEER BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
October 14, 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 July 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. Administrative Rule Matters – Discussion and Consideration (5-12)**
 - 1) Final Rule Draft: SPS 120 to 126, Relating to Online Auctions
 - 2) Pending or Possible Rulemaking Projects
- 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) 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

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 (DLSC) Matters

- 1) **Administrative Warnings**
 - a. 24 AUC 0003 – S.J.L. (13-14)

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: TBD (2026)

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
JULY 8, 2025**

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

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 9:38 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 8, 2024

MOTION: Stanley Jones moved, seconded by Bryce Hansen, to approve the Minutes of April 8, 2025, as published. Motion carried unanimously.

**9:30 A.M. PUBLIC HEARING – CLEARINGHOUSE RULE 25-030: SPS 120 TO 126,
RELATING TO ONLINE AUCTIONS AND COMPREHENSIVE REVIEW**

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Stanley Jones moved, seconded by Heather Berlinski, to affirm that DSPS and the Board have reviewed the board comments received during the statutory board comment period pursuant s. 480.06 (1), Stats., for Clearinghouse rule CR 25-030 (SPS 120 to 126), relating to online auctions and comprehensive review. Motion carried unanimously.

MOTION: Heather Berlinski moved, seconded by Bryce Hansen, to accept all Clearinghouse comments for Clearinghouse Rule 25-030 (SPS 120 to 126), relating to online auctions and comprehensive review. Motion carried unanimously.

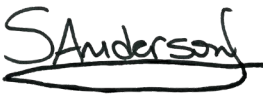
ADJOURNMENT

MOTION: Stanley Jones moved, seconded by Randy Stockwell, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:37 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: 10/02/2025 <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>	
3) Name of Board, Committee, Council, Sections: Auctioneer Board			
4) Meeting Date: October 14, 2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Final Rule Draft: SPS 120 to 126, relating to online auctions. 2. Pending and possible rulemaking projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: 1. Final Rule Draft and Legislative Report: SPS 120 to 126, relating to online auctions.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> 10/02/2025 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <hr/> Supervisor (if required) </div> <div style="text-align: center;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="text-align: center;"> <hr/> Date </div> </div>			
Directions for including supporting documents: 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**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CR 25-030
PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The Department reviewed chapters SPS 120 to 126 and made the following changes:

- Updated the terms “he or she” and “himself or herself” to more neutral language.
- Created a new definition of “auction” to clarify what services are included under this term.
- Updated notes in several sections to include the most current instructions for applications and current DSPS address.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on July 8, 2025. No written comments or testimonies were received from the public.

Pursuant s. 480.06 (1), Stats., board members were given 30 days to submit comments. The following comments were received:

Stanley Jones’ comment summary:

Stanley Jones expressed strong support for the proposed rule changes aimed at regulating the auction industry. Mr. Jones commended the Department's efforts in developing language for online auctions, agreeing that we are on the right path. His central opinion

is that any person or entity conducting an auction—whether live, by sealed bid, on a website, or via interactive computer services—must be required to obtain and maintain a license and adhere to the same rules, regulations, and continuing education requirements as all other licensed auctioneers. He emphasizes that this unified requirement is essential for enhancing public safety and consumer protection.

Regarding the definition of "auction" in SPS 120.02 (1m), he agreed with the general definition but encouraged revising it to explicitly state that "...this definition includes services provided through a website or interactive computer service if a licensed auctioneer conducts the auction." Additionally, he strongly supported the rule changes in SPS 121.02 (1) that mandate licensure for all individuals performing auction duties. He stressed that using the clear and consistent term "licensed auctioneer" is necessary to ensure that everyone performing these duties is fully accountable to professional standards.

Randy Stockwell's comment summary:

Randy Stockwell expressed concern that consumers in Wisconsin were operating under the false assumption that all individuals acting as auctioneers were licensed and state regulated. He highlighted a major regulatory gap created by technological advancements: a large and growing percentage of auctions were now conducted using a "timed online only" method of bid acceptance where some of the individuals conducting these auctions are not regulated under Chapter 480 of the Wisconsin State Statutes. Mr. Stockwell pointed out that the existing statutory definitions of "auction" and "auctioneer" had been written before the start of online bidding and computers, which makes them obsolete now. This allowed non-licensed individuals to conduct timed online auctions exclusively, meaning they are not subject to the consumer protection laws, continuing education requirements, or professional standards that licensed auctioneers must uphold. To address this gap, Mr. Stockwell requested a formal clarification of Wisconsin State Statute 480 as it related to both timed online auctions and the individuals who conducted them. He firmly maintained that anyone in Wisconsin who held themselves out or advertised their services as an auctioneer must be required to hold a current Wisconsin auctioneer license, subject only to the specific exceptions already listed in Wisconsin State Statute section 480.02. He stated that this clarification is necessary to align the statutes with current industry practices and ensure that all members of the public were protected when engaging with any party claiming to offer auction services.

The department considered these comments and made some changes within the department's statutory authority.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

None.

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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 25-030)

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.

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:

The Department reviewed chapters SPS 120 to 126 and made the following changes:

- Updated the terms “he or she” and “himself or herself” to more neutral language.
- Created a new definition of “auction” to clarify what services are included under this term.
- Updated notes in several sections to include the most current instructions for applications and current DSPS address.

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 2024, 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 comments 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, 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.

TEXT OF RULE

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

SPS 120.02 (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. and includes services provided through a website or interactive computer service if an auctioneer as defined in s. 480.01 (4) 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>.

(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.

(END OF TEXT OF RULE)
