



**VIRTUAL/TELECONFERENCE
AUCTIONEER BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
April 5, 2022**

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 January 11, 2022 (4-9)**
- 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 (10-20)**
 - 1) Preliminary Rule Draft: SPS 121, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses
 - 2) Pending or Possible Rulemaking Projects
- F. Auction Contract Checklist Document – Discussion and Consideration (21)**
- G. Regulation of Online Auctions – Discussion and Consideration**
- H. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- I. COVID-19 – Discussion and Consideration**

- J. 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

K. 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.).

L. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Case Closings**
 - a. 21 AUC 004 – M.A.I. **(22-25)**

M. 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

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: JULY 12, 2022

**VIRTUAL/TELECONFERENCE
AUCTIONEER BOARD**

**Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
April 5, 2022**

AUCTIONEER BOARD

**2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING
9:45 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Auctioneer Board may be present; however, no board business will be conducted.

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
JANUARY 11, 2022**

PRESENT: Heather Berlinski (*arrived at 9:32*), Stanley Jones, Randy Stockwell, Jerry Thiel, Deana Zentner

STAFF: Adam Barr, Executive Director; Jon Derenne, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; 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 four (4) members present.

Heather Berlinski arrived at 9:32 a.m.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF OCTOBER 26, 2021

MOTION: Deana Zentner moved, seconded by Randy Stockwell, to approve the Minutes of October 26, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Randy Stockwell nominated the 2021 slate of officers to continue in 2022. All officers accepted their nominations

Adam Barr, Executive Director, called for nominations three (3) times.

The slate of officers were elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Jerry Thiel
Vice Chairperson	Randy Stockwell
Secretary	Heather Berlinski

Appointments of Liaison and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Jerry Thiel <i>Alternate: Randy Stockwell</i>
Education and Exams Liaison(s)	Heather Berlinski <i>Alternate: Stanley Jones</i>
Monitoring Liaison(s)	Jerry Thiel <i>Alternate: Randy Stockwell</i>
Professional Assistance Procedure (PAP) Liaison(s)	Jerry Thiel <i>Alternate: Stanley Jones</i>
Legislative Liaison(s)	Stanley Jones <i>Alternate: Randy Stockwell</i>
Website Liaison(s)	Heather Berlinski <i>Alternate: Bryce Hansen</i>
Screening Panel Members	Randy Stockwell, Jerry Thiel, Stanley Jones <i>Alternate: Deana Zentner</i>

COMMITTEE APPOINTMENTS	
Draft Auction Contract Review Committee	Randy Stockwell, Stanley Jones, Jerry Thiel

Delegation of Authorities

Document Signature Delegations

MOTION: Deana Zentner moved, seconded by Stanley Jones, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Stanley Jones moved, seconded by Randy Stockwell, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Randy Stockwell moved, seconded by Deana Zentner, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Stanley Jones moved, seconded by Randy Stockwell, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Randy Stockwell moved, seconded by Stanley Jones, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 11, 2022 agenda materials on pages 14-15. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Jerry Thiel moved, seconded by Deana Zentner, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Chairperson. Motion carried unanimously.

Voluntary Surrenders

MOTION: Randy Stockwell moved, seconded by Deana Zentner, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Liaison Delegation

MOTION: Stanley Jones moved, seconded by Deana Zentner, to delegate authority to the Education and Examination Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board when making recommendations on education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Heather Berlinski moved, seconded by Randy Stockwell, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Deana Zentner moved, seconded by Stanley Jones, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Stanley Jones moved, seconded by Randy Stockwell, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Website Liaison Delegation

MOTION: Randy Stockwell moved, seconded by Deana Zentner, to delegate authority to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Draft Auction Contract Review Committee Membership Delegation

MOTION: Randy Stockwell moved, seconded by Stanley Jones, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to appoint members to the Draft Auction Contract Review Committee between meetings as necessary. Motion carried unanimously.

CLOSED SESSION

MOTION: Deana Zentner 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; Stanley Jones-yes; Randy Stockwell-yes; Jerry Thiel-yes; and Deana Zentner-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:37 a.m.

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

MOTION: Deana Zentner moved, seconded by Stanley Jones, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Nicholas W. Cain, Respondent – DHA Case Number SPS-21-0074/DLSC Case Number 18 AUC 006. Motion carried unanimously.

(Jerry Thiel recused himself and disconnected from the meeting for deliberation and voting in the matter concerning Nicholas W. Cain, Respondent – DHA case number SPS-21-0074/DLSC Case Number 18 AUC 006.)

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 10:47 a.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

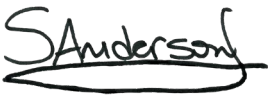
MOTION: Randy Stockwell moved, seconded by Deana Zentner, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:48 a.m.

DRAFT

**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: 3/23/2022	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: Auctioneer Board			
4) Meeting Date: April 5, 2022	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. Preliminary Rule Draft: SPS 121 relating to reciprocal credentials for service members, former service members, and their spouses. 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. Preliminary rule draft: SPS 121 relating to reciprocal credentials for service members, former service members, and their spouses. 2. Chapter SPS 121 redlined. 3. Chapter 480 of the Wisconsin Statutes.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: right;"> 3/23/2022 <hr/> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 70%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 25%;">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 RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to create SPS 121.035 relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 480.04 (1) and (2), and 440.09 (5), Stats.

Explanation of agency authority:

Section 480.04 (1), Stats., the Auctioneer Board may advise the Department on matters relating to auctioneers. Under s. 480.04 (2), the board does not have rule-making authority.

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

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing

reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

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

None

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (193 IAC 193.14.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2020 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143.

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 is 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

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; telephone 608-261-4463; email at 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. Comments must be received on or before TBD to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 121.035 is created to read:

SPS 121.035 Reciprocal credentials for service members, former service members, and their spouses. The department shall grant a reciprocal certificate or a license to practice as an auctioneer to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09, Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Application forms are available from the Department of Safety and Professional Services’ website at <http://dsps.wi.gov>.

SECTION 2. 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)

Chapter SPS 121 APPLICATIONS

- [SPS 121.01](#) Authority.
- [SPS 121.02](#) Initial registration.
- [SPS 121.025](#) Temporary registration.
- [SPS 121.03](#) Consent by nonresident for service of process.
- [SPS 121.04](#) Renewal of registration.
- [SPS 121.05](#) Cause for denial of registration.
- [SPS 121.06](#) Change of name.
- [SPS 121.07](#) Use of trade name.

SPS 121.01 Authority. The rules in this chapter are adopted pursuant to ss. [227.11 \(2\)](#), [440.03](#), [440.05](#), [440.08](#), [480.06](#), [480.08](#) and [480.10](#), Stats.

SPS 121.02 Initial registration.

- (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.
- (2) AUCTION COMPANY. The department may register as an auction company an applicant who satisfies the requirements in s. [480.08 \(3\)](#), Stats. The department shall consider s. [480.08 \(3\) \(d\)](#), 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 it is not required to have a seller's permit and is, therefore, not eligible to obtain a permit. An auction company is not required to have any of its officers, partners or directors registered as an auctioneer unless such officers, partners or directors engage in acts specified in s. [480.08 \(1\) \(a\)](#), Stats.

Note: Applications may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant shall be provided with reasonable accommodations.

SPS 121.025 Temporary registration. A temporary registration certificate issued under s. [480.08 \(7\)](#), Stats., shall be valid for no more than 60 days after the date that the applicant has filed an application for registration as an auctioneer with the department.

SPS 121.03 Consent by nonresident for service of process. The application of a nonresident person for registration as an auctioneer or auction company constitutes the appointment of the secretary of the department as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the business of an auctioneer or auction company.

SPS 121.035 Reciprocal credentials for service members, former service members, and their spouses. The department shall grant a reciprocal certificate or a license to practice as an auctioneer to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09, Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Application forms are available from the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

SPS 121.04 Renewal of registration.

(1) AUCTIONEER.

(a) Except as provided in s. [SPS 121.05](#), the department shall renew the credential of an auctioneer who files a completed application for renewal of registration before the renewal date, as defined in s. [440.01 \(1\) \(dm\)](#), Stats., if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. [440.08 \(2\) \(a\) 14r.](#), Stats.
2. The applicant continues to meet the registration criteria in s. [480.08 \(2\) \(a\) to \(d\)](#), Stats.

(b) Except as provided in s. [SPS 121.05](#), the department shall renew the credential of an auctioneer who files a completed application for renewal of registration after the renewal date, as defined in s. [440.01 \(1\) \(dm\)](#), Stats., but less than 5 years after the renewal date, if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. [440.08 \(2\) \(a\) 14r.](#), Stats., and the late renewal fee specified in s. [440.08 \(3\)](#), Stats.
2. The applicant continues to meet the registration criteria in s. [480.08 \(2\) \(a\) to \(d\)](#), Stats.

(c) The department shall renew the credential of an auctioneer who files a completed application for renewal of registration 5 years or more after the renewal date, as defined in s. [440.01 \(1\) \(dm\)](#), Stats., if the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. [440.08 \(2\) \(a\) 14r.](#), Stats., and the late renewal fee specified in s. [440.08 \(3\)](#), Stats.
2. The applicant continues to meet the registration criteria in s. [480.08 \(2\) \(a\) to \(d\)](#), Stats.
3. The applicant has taken and passed the registration examination within one year prior to the date of the application for renewal of registration.

(2) AUCTION COMPANY.

(a) Except as provided in s. [SPS 121.05](#), the department shall renew the credential of an auction company which files a completed application for renewal of registration before the renewal date, as defined in s. [440.01 \(1\) \(dm\)](#), Stats., if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. [440.08 \(2\) \(a\) 14g.](#), Stats.
2. The applicant continues to meet the registration criteria in s. [480.08 \(3\) \(a\) to \(d\)](#), Stats.

(b) Except as provided in s. [SPS 121.05](#), the department shall renew the credential of an auction company which files a completed application for renewal of registration at any time after the renewal date, as defined in s. [440.01 \(1\) \(dm\)](#), Stats., if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. [440.08 \(2\) \(a\) 14g.](#), Stats., and the late renewal fee specified in s. [440.08 \(3\)](#), Stats.
2. The applicant continues to meet the registration criteria in s. [480.08 \(3\) \(a\)](#) to [\(d\)](#), Stats.

SPS 121.05 Cause for denial of registration. The department may deny an application for registration as an auctioneer or auction company submitted by a person or entity who or which has committed fraud or misrepresentation in the application or who or which has done any acts which are grounds for discipline under s. [480.24](#), Stats.

SPS 121.06 Change of name. If the name of a registered auctioneer or auction company appearing on the current registration certificate changes, written notice of the name change shall be sent to the department within 30 days after the name change.

SPS 121.07 Use of trade name. A registered auctioneer or auction company, before doing business under any trade name, shall notify the department in writing of the trade name.

CHAPTER 480

AUCTIONEER BOARD

<p>480.01 Definitions.</p> <p>480.02 Applicability.</p> <p>480.04 General duties and powers of board.</p> <p>480.06 Rules; review of rules.</p> <p>480.08 Registration.</p> <p>480.10 Auctioneer examination.</p> <p>480.12 Reciprocity.</p>	<p>480.14 Conduct of auctions.</p> <p>480.16 Trust accounts.</p> <p>480.18 Maintenance of records by auctioneers.</p> <p>480.20 Advertisements of auctions.</p> <p>480.22 Auction consumer protection fund.</p> <p>480.24 Disciplinary proceedings and actions.</p> <p>480.26 Penalties.</p>
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Cross-reference: See definitions in s. 440.01.

Cross-reference: See also chs. SPS 120, 121, 122, 123, 124, 125, 126, 127, and 128, Wis. adm. code.

480.01 Definitions. In this chapter:

(1) “Auction” means a sale transaction conducted by means of oral or written exchanges between an auctioneer and prospective purchasers of goods or real estate that consist of a series of invitations made by the auctioneer to the prospective purchasers for offers for the purchase of goods or real estate and that culminate in the acceptance by the auctioneer of the highest or most favorable offer made by one of the prospective purchasers.

(2) “Auction company” means a person who manages an auction or who has primary responsibility for handling sales proceeds, downpayments, earnest money deposits or other trust funds received by an auctioneer, the person’s principal or any other person at or as a result of an auction.

(3) “Auction company representative” means:

(a) If the auction company is an individual, that individual.

(b) If the auction company is a partnership, association or corporation, any partner of the partnership, officer or director of the association or officer or director of the corporation.

(4) “Auctioneer” means an individual who engages in, or who by advertising or otherwise holds himself or herself out 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.

(5) “Board” means the auctioneer board.

(6) “Registrant” means a person who is registered under this chapter.

History: 1993 a. 102.

480.02 Applicability. (1) This chapter applies after February 28, 1995.

(2) This chapter does not apply to any of the following:

(a) An auction conducted by or under the direction of an official of the United States or of this state or a county, city, village or town in this state.

(b) An auction required by a court order or judgment.

(c) A sale of goods or real estate required by law to be a sale by auction.

(d) An auction conducted by the owner of the goods or real estate for sale if the owner has held the goods or real estate for his or her personal use for at least one year immediately preceding the date of the auction.

(e) An auction conducted by or under the direction of a religious, fraternal or benevolent society, a school or a nonprofit organization.

(f) An auction conducted by or under the direction of a political organization or candidate if the proceeds of the auction will be used for political purposes.

(g) An auction in which the total appraised value of the goods or services for sale is less than \$500.

(h) Fur auctions and fur auctioneers licensed by the department of natural resources under ch. 29.

(i) Motor vehicle auction dealers licensed by the department of transportation under subch. VIII of ch. 218.

(j) A person, other than a licensee as defined in s. 452.01 (5), who conducts an auction, or manages or has primary responsibility for handling sales proceeds, downpayments, earnest money deposits or other trust funds received at or as a result of an auction, while lawfully practicing within the scope of a license, permit or certificate granted to that person by a state governmental agency other than the department.

History: 1993 a. 102.

480.04 General duties and powers of board. (1) In addition to the other duties and powers of the board under this chapter, the board shall advise the secretary on matters relating to auctioneers or auction companies or to the board.

(2) The board does not have rule-making authority.

History: 1993 a. 102.

480.06 Rules; review of rules. (1) Before submitting any proposed rules relating to auctioneers or auction companies or to the board to the legislative council staff under s. 227.15, the department shall submit the proposed rules to the board for comment. The board shall have 30 days to submit comments on the proposed rules to the secretary.

(2) When promulgating emergency rules under s. 227.24, the department shall provide a copy of the rules to the board prior to publication of the rules in the official state newspaper.

(3) The chairperson of the board, or his or her designee from the board, may cochair with the secretary, or the secretary’s designee, any public hearing held by the department on proposed rules relating to auctioneers or auction companies or to the board.

(4) The department shall submit to the board a copy of the report required under s. 227.19 (2) on any proposed final rules relating to auctioneers or auction companies or to the board. The board may prepare a dissenting report stating its recommendations on the proposed final rules. Any dissenting report shall be prepared within 10 days from the date of receipt of the department’s report, attached to the department’s report and sent to the presiding officer of each house of the legislature and distributed under s. 227.19 (2). The department shall publish a statement to appear in the Wisconsin administrative register indicating that a dissenting report of the board has been submitted to the presiding officer of each house of the legislature.

(5) The department shall provide staff to assist the board in the review of administrative rules and preparation of comments or dissenting reports.

History: 1993 a. 102.

Cross-reference: See also chs. SPS 120, 121, 122, 123, 124, 125, 126, 127, and 128, Wis. adm. code.

480.08 Registration. (1) REGISTRATION REQUIRED. (a) No person may act as an auctioneer or use the title “auctioneer”, “registered auctioneer”, “certified auctioneer”, “licensed auctioneer”

or any similar title unless the person is registered as an auctioneer under this chapter.

(b) No person may act as an auction company unless the person is registered as an auction company or as an auctioneer under this chapter.

(2) AUCTIONEER REGISTRATION. The department shall register as an auctioneer an individual who is at least 18 years old and does all of the following:

(a) Submits an application for registration as an auctioneer to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.

(d) Submits evidence satisfactory to the department that he or she holds a current permit issued under s. 77.52 (9).

(e) Passes an examination conducted by the department to determine fitness as an auctioneer.

(2m) EXAMINATION NOT REQUIRED. Notwithstanding sub. (2) (e), the department shall register as an auctioneer under sub. (2) an individual who, not later than December 1, 1997, satisfies the requirements under sub. (2) (intro.) and (a) to (d); submits to the department a statement, signed by the individual, verifying that he or she has knowledge of the requirements for auctioneers under ss. 29.501 and 402.328, subch. III of ch. 77, subch. VIII of ch. 218, this chapter, and all other state laws that include requirements for auctioneers; and submits evidence satisfactory to the department that he or she has done any of the following:

(a) Been practicing as an auctioneer in this state for at least one year during the 2–year period immediately preceding the date on which the application is submitted, and has either conducted at least 2 auctions in this state or has had primary responsibility for handling the proceeds of at least 2 auctions in this state during the 2–year period immediately preceding the date on which the application is submitted.

(b) Had experience conducting auctions in this state or handling the proceeds of auctions in this state during the 5–year period immediately preceding the date on which the application is submitted that is substantially equivalent to the experience described in par. (a) in preparing the applicant to practice as an auctioneer in this state in a manner that does not adversely affect the public health, safety or welfare.

(3) AUCTION COMPANY REGISTRATION. The department shall register as an auction company a person who is not registered as an auctioneer under this chapter and does all of the following:

(a) Submits an application for registration as an auction company to the department on a form provided by the department.

(b) Pays the initial credential fee determined by the department under s. 440.03 (9) (a).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that the person does not have an arrest or conviction record and, if the person is a partnership, association or corporation, that no partner of the partnership, officer or director of the association or officer or director of the corporation has an arrest or conviction record.

(d) Submits evidence satisfactory to the department that the person holds a current permit issued under s. 77.52 (9).

(4) ISSUANCE OF CERTIFICATE. The department shall issue a certificate of registration to each registrant.

(5) EXPIRATION AND RENEWAL. The renewal date for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is specified under s. 440.08 (2) (a), and the renewal fee for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is determined by the department under s. 440.03 (9) (a). Renewal applications shall include evidence satisfactory to the department that the applicant holds a current permit issued under s. 77.52 (9). A renewal application for an auctioneer certificate shall be accompanied by proof

of completion of continuing education requirements under sub. (6).

(6) AUCTIONEER CONTINUING EDUCATION. The department may promulgate rules establishing requirements and procedures for registered auctioneers to complete continuing education programs or courses of study in order to qualify for renewal.

(7) TEMPORARY AUCTIONEER CERTIFICATE. (a) Upon application, the department shall register as an auctioneer and issue a temporary certificate of registration to an individual who satisfies the requirements under sub. (2) (intro.) and (a) to (d) and has submitted an application to take the next available examination for registration as an auctioneer under s. 480.10.

(b) A temporary certificate issued under this subsection shall be valid for a period designated by the department, not to exceed one year, and may not be renewed. An applicant for a temporary certificate shall pay the fee specified in s. 440.05 (6).

History: 1993 a. 102; 1995 a. 225; 1997 a. 248; 2007 a. 20; 2009 a. 110.

Cross-reference: See also chs. SPS 121, 122, and 128, Wis. adm. code.

480.10 Auctioneer examination. (1) The department shall conduct examinations for auctioneer registration at least semiannually at times and places determined by the department. The department shall provide public notice of each examination at least 60 days before the date of the examination.

(2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in services and subjects substantially related to conducting an auction.

(3) An individual is not eligible for examination unless the individual has satisfied the requirements for registration under s. 480.08 (2) (intro.) and (a) to (d) at least 30 days before the date of the examination.

(4) The department shall promulgate rules establishing standards for public notice of examinations and for acceptable examination performance by an applicant for registration as an auctioneer.

History: 1993 a. 102.

Cross-reference: See also chs. SPS 121 and 122, Wis. adm. code.

480.12 Reciprocity. (1) Upon application and payment of the fee specified in s. 440.05 (2), the department shall register as an auctioneer an individual who holds an auctioneer certificate in another state if the department determines that the requirements for obtaining the certificate in the other state are substantially equivalent to the requirements under s. 480.08 (2).

(2) The department may enter into reciprocal agreements with officials of other states for registering auctioneers and issue certificates to applicants who are registered in those states according to the terms of the reciprocal agreements.

History: 1993 a. 102.

480.14 Conduct of auctions. (1) No auctioneer may conduct an auction unless the auctioneer or the auction company that is managing the auction has entered into a written contract with each owner or consignor of goods or real estate that may be sold at the auction. The contract shall specify the terms and conditions upon which the auctioneer or auction company accepts the goods or real estate for sale.

(2) An auctioneer shall comply with all reasonable requests of each owner or consignor of goods or real estate that may be sold at an auction that is conducted by the auctioneer and shall conduct the auction in a manner that ensures that the highest or most favorable offer for the goods or real estate is accepted.

(3) Unless otherwise provided by the terms of a contract described under sub. (1), within 30 days after the sale of goods or real estate at an auction, the auctioneer who conducts the auction shall do all of the following:

(a) Provide to each owner or consignor of goods or real estate that was sold or attempted to be sold at the auction an accounting of all moneys due the owner or consignor.

(b) Pay to each owner or consignor of goods or real estate that was sold at the auction all moneys due the owner or consignor.

(4) An auctioneer shall comply with all requirements for auctioneers under s. 402.328 and the rules promulgated under s. 402.328.

History: 1993 a. 102; 2009 a. 110.

Cross-reference: See also chs. SPS 124, 125, and 127, Wis. adm. code.

480.16 Trust accounts. All downpayments, earnest money deposits or other trust funds received by an auctioneer or auction company on behalf of the auctioneer's or auction company's principal or any other person shall be deposited in a common trust account maintained by the auctioneer or auction company for that purpose in a bank, savings and loan association or credit union which is authorized to do business in this state and is designated by the auctioneer or auction company pending the consummation or termination of the transaction, except that the money may be paid to one of the parties pursuant to an agreement between the parties. The name of the bank, savings and loan association or credit union shall at all times be registered with the department, along with a letter authorizing the department to examine and audit the trust account when the department determines that an examination or audit of the trust account is necessary.

History: 1993 a. 102.

Cross-reference: See also chs. SPS 125 and 127, Wis. adm. code.

480.18 Maintenance of records by auctioneers.

(1) Unless a longer period of retention is required under sub. (2), for at least 2 years after an auctioneer conducts an auction, the auctioneer shall maintain complete and accurate records of the auction, including the name and address of each owner or consignor of goods or real estate that was sold or attempted to be sold at the auction, a description of the goods or real estate that was sold or attempted to be sold at the auction, the originals or true copies of the contracts described in s. 480.14 (1) and accounts of all moneys received and disbursed at or as a result of the auction.

(2) An auctioneer shall retain the records described in sub. (1) for at least 2 years after the termination of any litigation related to any goods or real estate that was sold or attempted to be sold at an auction conducted by the auctioneer.

(3) An auctioneer shall, upon reasonable notice, make the records described in sub. (1) available for inspection and copying by the department or the board.

History: 1993 a. 102.

Cross-reference: See also ch. SPS 125, Wis. adm. code.

480.20 Advertisements of auctions. No person may advertise that an auction will be conducted unless the advertisement includes all of the following:

(1) The name of the auctioneer who will conduct the auction and the name of any auction company that is managing the auction.

(2) A statement that the auctioneer under sub. (1) is a "registered Wisconsin auctioneer".

History: 1993 a. 102.

480.22 Auction consumer protection fund. (1) In this section, "consumer" means a person who has purchased or intends to purchase goods or real estate at an auction.

(2) If the department determines that the establishment of a consumer protection fund is necessary to protect consumers and reimburse consumers who claim losses resulting from the illegal, unprofessional or unethical conduct of auctioneers or auction companies, the department shall prepare a report that includes relevant data related to consumers and a recommendation to establish a consumer protection fund that is similar to the cemetery consumer protection fund described in s. 440.92 (8), 1991 stats., and shall submit the report to the legislature under s. 13.172 (2).

History: 1993 a. 102, 491.

480.24 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the board may

make investigations or conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred. The board may require a registrant or an auction company representative of an auction company that is a registrant to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any of those examinations may be useful to the board in conducting its investigation.

(2) Subject to the rules promulgated under s. 440.03 (1), the board may reprimand a registrant or deny, limit, suspend or revoke a certificate under this chapter if it finds that the applicant or registrant or an auction company representative of an auction company that is an applicant or registrant has done any of the following:

(a) Made a material misstatement in an application for a certificate or renewal of a certificate.

(b) Engaged in conduct while practicing as an auctioneer or as an auction company which evidences a lack of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, been arrested or convicted of an offense committed while registered under this chapter.

(d) Advertised in a manner which is false, deceptive or misleading.

(e) Advertised, practiced or attempted to practice as an auctioneer or as an auction company under another person's name.

(f) Allowed the registrant's name to be used by another person while the other person was practicing or attempting to practice as an auctioneer or as an auction company.

(g) Subject to ss. 111.321, 111.322 and 111.34, practiced as an auctioneer or as an auction company while the individual's ability to practice was impaired by alcohol or other drugs.

(h) Failed to obtain a permit under s. 77.52 (9).

(i) Failed to submit to a physical, mental or professional competency examination required under sub. (1) or (3) (a).

(j) Violated this chapter or any rule promulgated under this chapter.

(3) The board may, as a condition of removing a limitation imposed under this chapter on a certificate issued under this chapter or of reinstating a certificate that has been suspended or revoked under this chapter, do any of the following:

(a) Require the registrant or an auction company representative of an auction company that is a registrant to obtain minimum results specified by the board on one or more physical, mental or professional competency examinations if the board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

(b) Require the registrant to obtain insurance against loss, expense and liability resulting from errors and omissions or neglect in the performance of services as an auctioneer or as an auction company.

(c) Require the registrant to file with the department a bond that is furnished by a company authorized to do business in this state and is in an amount approved by the department.

History: 1993 a. 102; 1995 a. 27; 1997 a. 191.

Cross-reference: See also ch. SPS 126, Wis. adm. code.

480.26 Penalties. (1) Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(2) In addition to or in lieu of the penalties under sub. (1) and the remedies under s. 480.24, any person who violates this chapter or any rule promulgated under this chapter may be required to forfeit not more than \$1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

History: 1993 a. 102.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Attorney, DPD		2) Date when request submitted: March 22, 2022 <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: April 5, 2022	5) Attachments: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Auction Contract Checklist Document – Discussion and Consideration	
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 <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		March 22, 2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			