



**VIRTUAL/TELECONFERENCE
AUCTIONEER BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
April 4, 2023**

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 17, 2023 (4-8)

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. – 5/1/2026
 - 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 (9)

- 1) Scope Statement: SPS 120 to 126, Relating to Online Auctions **(10-11)**
- 2) Pending or Possible Rulemaking Projects **(12)**

F. 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

G. 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.).

H. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Proposed Stipulation and Final Decision and Orders**
 - a. 21 AUC 005 – Ralph M. Bocek (**13-18**)

I. 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

J. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: JULY 25, 2023

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 disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
AUCTIONEER BOARD
MEETING MINUTES
JANUARY 17, 2023**

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

STAFF: Renee Parton, Acting Executive Director; Joseph Ricker, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; Katlin Schwartz, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Jerry Thiel, Chairperson, called the meeting to order at 9:33 a.m. A quorum was confirmed with six (6) members present.

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 25, 2022

MOTION: Randy Stockwell moved, seconded by Stanley Jones, to approve the Minutes of October 25, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Randy Stockwell nominated the 2022 slate of officers to continue in 2023. All officers accepted their nominations.

Renee Parton, Executive Director, called for nominations three (3) times.

The Slate of Officers was 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: Stanley Jones moved, seconded by Randy Stockwell, 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: Deana Zentner moved, seconded by Bryce Hansen, 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: Stanley Jones moved, seconded by Randy Stockwell, 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 Deana Zentner, 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.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Randy Stockwell moved, seconded by Stanley Jones, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Heather Berlinski moved, seconded by Stanley Jones, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 17, 2023 agenda materials on pages 16-18. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Bryce Hansen moved, seconded by Randy Stockwell, 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: Deana Zentner moved, seconded by Heather Berlinski, 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.

MOTION: Stanley Jones moved, seconded by Bryce Hansen, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison Delegation

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

Website Liaison Delegation

MOTION: Heather Berlinski moved, seconded by Stanley Jones, 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: Stanley Jones moved, seconded by Randy Stockwell, 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.

LICENSE REQUIREMENT FOR ONLINE AUCTIONS

MOTION: Stanley Jones moved, seconded by Randy Stockwell, to request DSPS staff open a rule project relating to defining online auctions in SPS 120 - 126. Motion carried unanimously.

ADJOURNMENT

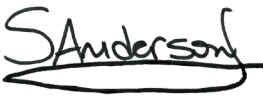
MOTION: Randy Stockwell moved, seconded by Stanley Jones, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:34 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: March 23, 2023 <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 4, 2023	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. Scope Statement: 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. Scope Statement: SPS 120 to 126, relating to online auctions. 2. Rules list chart.			
11) Authorization			
		3/23/2023	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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.			

STATEMENT OF SCOPE

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Rule No.: SPS 120 to 126

Relating to: Online Auctions

Rule Type: Permanent

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

N/A.

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

The objective of the rule is to review the definition of auctions and to conduct a comprehensive review of chapters SPS 120 to 126 in order to bring them into compliance to current standards of practice.

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

SPS 120 contains the definitions for auctions and bids. The department will review these definitions in light of the increasing popularity of online auctions. Additionally, the department will conduct a comprehensive review of chapters 120 to 126 to review necessary updates and remove obsolete or unnecessary references.

The policy alternative is to leave the chapters unchanged, which could create confusion to stakeholders and leave the rules out of compliance with current standards of practice.

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

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

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

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

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

60 hours

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

Licensed auctioneers and auction companies.

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

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

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

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

Contact Person: Sofia Anderson, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

DSPS Auctioneer Board
Rule Projects (updated 3/23/2023)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
CR 22-047	SS 111-21	6/20/2024	SPS 121	Reciprocal Credentials for service members, former service members, and their spouses.	The rule will implement 2019 Wisconsin Act 143, which entitles service members, former service members, and their spouses to obtain and renew a reciprocal credential.	Legislative Review	If no objections, rule will be ready to adopt.
			SPS 120 to 126	Online Auctions	The objective of the rule is to review the definition of auctions and to conduct a comprehensive review of chapters SPS 120 to 126 in order to bring them into compliance to current standards of practice.	Scope Statement ready for review at the April meeting	If approved, scope will be submitted to Governor's Office for review.