

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**STATE OF WISCONSIN
BEFORE THE AUCTIONEER BOARD**

ORDER 0001937

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**ORDER ON
PETITION FOR REHEARING**

**DEAN K. GEORGE,
RESPONDENT.**

DHA Case No. SPS-11-0069

**DIVISION OF LEGAL SERVICES AND COMPLIANCE CASE NOS.
08 AUC 017 AND 09 AUC 006**

PROCEDURAL HISTORY

On July 20, 2012, a Final Decision and Order was issued by the State of Wisconsin Auctioneer Board (Board) finding that Dean K. George (Respondent) violated Wis. Stat. § 440.24(2)(b) and Wis. Admin. Code § SPS 126.02(8) and imposing discipline and costs against Respondent.

On October 11, 2012 Respondent filed a Petition for Review in Rock County Circuit Court (Court) and on March 15, 2013, filed a Motion to Stay Proceedings pursuant to Wis. Stat. § 227.54 and for Leave to Present New Evidence pursuant to Wis. Stat. § 227.56.

On July 1, 2013 Rock County Circuit Court Judge Barbara McCrory issued an order staying implementation of the Board's Final Decision and Order of July 20, 2012, and remanded the matter to the Administrative Law Judge for further review and proceedings with regard to the finding of a violation of Wis. Admin. Code § SPS 126.08. As part of those proceedings the Court ordered that Respondent be allowed to present new evidence challenging the credibility of the State's witnesses with regard to this count. The findings made by the Board with regard to the four remaining Counts were deemed final and not subject to further review and/or proceedings.

A hearing on remand was held before Administrative Law Judge Jennifer Nashold (ALJ), State of Wisconsin, Division of Hearings and Appeals who then issued a Proposed Decision and Order on Remand on March 4, 2014. Both parties filed objections and responses to the ALJ's Proposed Decision and Order.

On April 28, 2014, the Board issued a Final Decision and Order with Variance on Remand reinstating the July 20, 2012 Final Decision and Order and imposing all costs of the further disciplinary proceedings conducted after the Circuit Court Order of July 1, 2013.

Pursuant to Wis. Stat. § 227.49(1), Respondent filed a Petition for Rehearing on Remand on May 19, 2014.

On June 17, 2014, the Board considered Respondent's Petition for Rehearing and the Reply to the Petition filed on behalf of the Department of Safety and Professional Services, Division of Legal Services and Compliance by Attorney Sarah Norberg. The Board determined that Respondent failed to assert a material error of law or fact by the Board in the April 28, 2014, Final Decision and Order with Variance on Remand, which is required for a rehearing under Wis. Stat. §§ 227.49 (3) (a) and (b). Additionally, there was no showing by Respondent of the discovery of new evidence sufficiently strong to reverse or modify the Final Decision and Order with Variance on Remand, and which could not have been previously discovered by due diligence, as otherwise required by Wis. Stat. §§ 227.49 (3) (c). The Board therefore makes the following:

ORDER

IT IS HEREBY ORDERED that the Petition for Rehearing of the Final Decision and Order with Variance on Remand in DHA Case No. SPS-11-0069 is DENIED.

This Order is effective on the date signed, as shown below.

Gerry Thiel ps
Member
STATE OF WISCONSIN AUCTIONEER BOARD

Date: 6/23/14