

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
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FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DAWN R. HUPFER

DBA HUPFER HAUS REALTY

RESPONDENT

FINAL DECISION AND ORDER

96 REB 241

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Dawn R. Hupfer
HC 1 Box 60-A
Presque Isle, WI 54557

Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dawn R. Hupfer (D.O.B. 6/10/41) is duly licensed in the state of Wisconsin as a real estate broker (license #46814). This license was first granted on 4/8/93.
2. Ms. Hupfer's latest address on file with the Department of Regulation and Licensing is HC 1 Box 60-A, Presque Isle, WI 54557.
3. On July 24, 1996, Ms. Hupfer pled guilty to making a false statement on a Federal Income Tax Return (a class E felony). She was sentenced to 5 years probation and four (4) months in a community corrections center.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to Ch. 440.26, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached stipulation, pursuant to §§227.44(5), Wis. Stats.

3. The conviction referred to in paragraph 3 above, constitutes a basis for disciplinary action against Respondent's license to practice as a Real Estate Broker in the state of Wisconsin, pursuant to sec. §452.14(3)(k), Stats. and Wisconsin Administrative Code §RL 24.17(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Respondent Dawn R. Hupfer is **REPRIMANDED**.

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

Disclosure

- 2 Respondent shall provide any current or prospective real estate employers with a copy of this Final Decision and Order immediately upon its issuance and upon any change of employment during the time in which the Order remains in effect.

Required reporting

3. Respondent shall arrange for quarterly reports from her supervising broker(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a schedule as directed by the Department Monitor. An employer shall report **immediately** to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-7139] any violation or suspected violation of the Real Estate Board's Final Decision and Order.
4. Respondent shall report to the Department Monitor any change in employment status, change of residence address or phone number, within five (5) days of any such change.

Practice restrictions

6. Until such time as approved by the Board,
 - a. Respondent shall practice only in settings where she works under supervision by another licensed real estate broker approved by the Board;
 - b. Respondent shall engage an independent contractor acceptable to the board for the preparation of her individual and (if applicable) business tax returns.
7. Respondent shall comply with all terms of probation and/or parole imposed upon her, and make arrangements with her probation/parole officer to notify the Real Estate Board immediately of any violation of probation/parole terms. Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to her probation and parole records.
8. If Respondent's probation officer recommends work restrictions in the field of real estate in addition to the restrictions included in this order, Respondent shall restrict her practice in accordance with such recommendations.

Continuing education

9. Within six [6] months from the date of this Order, Respondent shall submit documentation acceptable to the Board of successful completion of at least eight (8) hours of continuing education in the area of professional ethics, or in other areas acceptable to the Board. Course work shall be pre-approved by the Department Monitor. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Respondent verifying that she attended the course in its entirety. Course work completed pursuant to this paragraph shall not qualify for any continuing education requirement under sec. 452.12(5)(c), Wis. Stats.

Costs

10. Within six (6) months from the date of this Order, Respondent shall pay partial costs of this proceeding in the amount of TWO HUNDRED dollars [\$200.00]. Payment of all costs and forfeitures shall be made via certified check or money order payable to the Wisconsin Department of Regulation and Licensing, Attn: Department Monitor, PO Box 8935, Madison, WI 53708.

PETITIONS FOR MODIFICATION OF TERMS

11. Respondent may petition the Board at any time following two (2) years from the effective date of this Order to revise or eliminate any of the above conditions. The Real Estate Board may in its discretion require that Respondent personally appear before the Board in conjunction

with a petition under this paragraph to answer any questions the Board may have concerning her rehabilitation. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

Department monitor

12. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

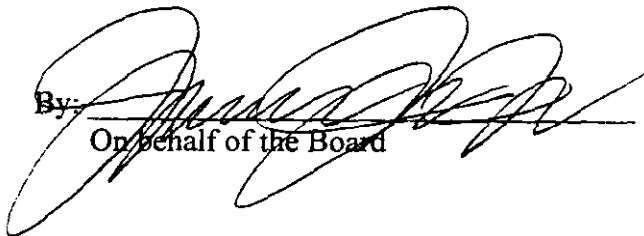
SUMMARY SUSPENSION

13. In the event that Ms. Hupfer fails to timely comply with the terms and conditions set forth above, her real estate broker's license shall be **SUSPENDED**, without further notice or hearing, until such time as she has complied with the terms of this Order. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license.

EFFECTIVE DATE OF ORDER

14. This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By: 
On behalf of the Board

2/22/97
Date

G\HBX\HUPFER.DOC

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DAWN R. HUPFER,	:	96 REB 241
DBA HUPFER HAUS REALTY	:	
RESPONDENT	:	

It is hereby stipulated between Dawn R. Hupfer, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Hupfer's licensure by the Division of Enforcement. Ms. Hupfer consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Hupfer understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

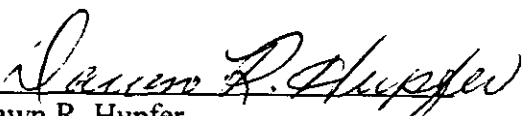
3. Ms. Hupfer is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

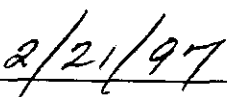
4. Ms. Hupfer agrees to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

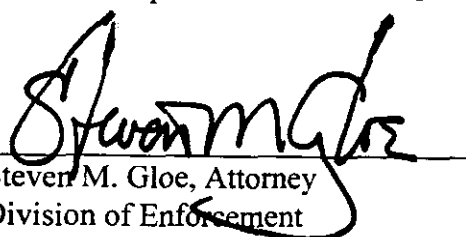
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

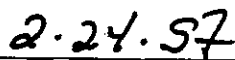
6. The parties to this stipulation agree that a member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final decision maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with her or her deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Hupfer in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.


Dawn R. Hupfer


Date


Steven M. Gloe, Attorney
Division of Enforcement


Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 -hearing or speech
TRS# 1-800-947-3529 -impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On February 27, 1997, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$200.00 Case #: 96 REB 241

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 200.00

The costs and/or forfeitures are due: August 27, 1997

NAME: Dawn R. Hupfer LICENSE NUMBER: 46814

STREET ADDRESS: HC 1 Box 60-A

CITY: Presque Isle STATE: WI ZIP CODE: 54557

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:
See payment plan above.

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

For Receipting Use Only

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Dawn R. Hupfer
DBA Hupfer Haus Realty,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)


I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On March 3, 1997, I served the Final Decision and Order dated February 27, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Dawn R. Hupfer, DBA Hupfer Haus Realty, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 038.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

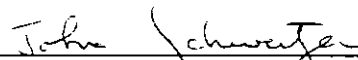
Dawn R. Hupfer
DBA Hupfer Haus Realty
HC1 Box 60-A
Presque Isle WI 54557



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 3rd day of March, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

March 3, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)