

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JESSIE R. PEARSON,
RESPONDENT.

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FINAL DECISION AND ORDER

0003577

Division of Legal Services and Compliance Case No. 14 REB 050

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Jessie R. Pearson
5681 E. County Rd. B
South Range, WI 54874

Wisconsin Real Estate Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Real Estate Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jessie R. Pearson (dob 6/8/1976) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 64227-94, first issued on 6/13/2005 and expired since 12/15/12. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5681 E. County Rd. B, South Range, WI 54874.

2. Respondent was assigned by her broker employer to provide bookkeeping services for a property management business.

3. An audit performed on August 19, 2013, by a Division of Legal Services and Compliance Auditor identified deficiencies in the bookkeeping for the property management business and a shortfall in the trust accounts maintained by the broker employer.

4. Respondent had signatory authority for the property management trust account which was established to hold rents and security deposits of the renters on behalf of the owners of the managed property.

5. In January of 2012, the broker employer noted missing funds from the trust account along with unpaid bills for the managed properties.

6. Respondent diverted funds from the trust account without authority.

7. Respondent wishes to resolve this matter pursuant to the voluntary surrender of her right to renew her license as a real estate salesperson.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 440.08(3), Respondent Jessie R. Pearson retains the right to renew her license through December 14, 2017.

3. By the conduct described in the Findings of Fact, Respondent Jessie R. Pearson violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices.

4. As a result of the above violation, Respondent Jessie Pearson is subject to discipline pursuant to Wis. Stat. § 452.14(3)(h), (i), (k) and (L).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Jessie R. Pearson's right to renew her Real Estate Salesperson license (license # 64227-94) is hereby ACCEPTED.

3. Respondent shall not practice real estate in the State of Wisconsin without being licensed in Wisconsin.

4. In the event that Respondent seeks to reinstate her license, she may not do so prior to five (5) years from the date of this Order and she shall submit a new application for licensure and meet all requirements for licensure then existing at the time of her request.

5. Should Respondent seek to reinstate her license or apply for any other real estate license, the Wisconsin Real Estate Examining Board may, in its sole discretion, determine whether, and under what circumstances, a license may be issued.

6. If Respondent ever seeks to reinstate her license or applies for any other credential regulated by the Department, then she shall pay the costs of investigating and prosecuting this matter, in the amount of \$344.00, before any such application may be considered. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:


Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817, Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Board may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

8. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

12-4-2014
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JESSIE R. PEARSON,
RESPONDENT.

:
:
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:
:

STIPULATION

0003577

Division of Legal Services and Compliance Case No. 14 REB 050

Respondent Jessie R. Pearson and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (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.

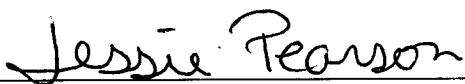
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.


7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jessie R. Pearson, Respondent
5681 E. County Rd. B
South Range, WI 54874
License no. 64227-94

11-21-14
Date



Pamela M. Stach, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11-24-14
Date