

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON
LICENSE

CLARISS FUNMAKER,
APPLICANT

ORDER GRANTING
LIMITED LICENSE

0005964

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

CLARISS FUNMAKER
S4857 DECORAH ROAD
BARABOO, WI 53913

REAL ESTATE EXAMINING BOARD
4822 MADISON YARDS WAY
P.O. BOX 7190
MADISON, WI 53707-7190

FINDINGS OF FACT

1. CLARISS FUNMAKER (Applicant) has filed an application (#626978) for a license to practice as a Real Estate Salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant has the following violations and convictions on her record:
 - a. On or about 1999 – OWI 1st, an ordinance violation.
 - a. Applicant was 19 years old, admitted to drinking too much and driving.
 - b. On or about February 9, 2009 – OWI 2nd, a misdemeanor conviction.
 - a. Applicant was 29 years old and stated that she does not remember the incident other than it was her birthday. The police report explains that a call was made regarding an unsafe driver who got stuck in a snowbank on an exit ramp. Applicant blew a PBT of .18.
 - c. On or about March 29, 2009 – Unlawful use of 9-1-1, an ordinance violation.
 - a. Applicant states she drank too much and lied to the police.
 - d. On or about July 28, 2010 – OWI 3rd – a misdemeanor conviction.
 - a. Applicant went to pick up three passengers to drive them home. After being pulled over for a traffic violation, Applicant blew a PBT of .10.
3. Further information received in the application process demonstrates that Applicant has also disclosed a 2017 incident of driving after smoking marijuana with her 16-year-old son in the vehicle.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 452.05(1)(a) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. The facts and circumstances of the Findings of Fact relate to the practice of a Real Estate Salesperson, and demonstrate the Applicant is not competent to transact the business or occupation in a manner that safeguards the interest of the public.
3. Limitations upon Applicant's license are necessary to ensure that she is competent to act in a manner which safeguards the interests of the public, pursuant to Wis. Stat. § 452.03.

ORDER

NOW, THEREFORE, IT IS ORDERED that CLARISS FUNMAKER is GRANTED A REAL ESTATE SALESPERSON LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

Practice Limitations

- A.1. Applicant shall, at all times, practice as a Real Estate Salesperson under the supervision of a Wisconsin licensed Real Estate Broker approved by the Board. Approval shall be obtained through correspondence with the Department of Safety and Professional Services Monitor (Department Monitor).
- A.2. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- A.3. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.
- A.4. Applicant shall not be permitted to drive current or prospective clients, or any individual in connection with Applicant's employment as a Salesperson, in any motor vehicle.

Reporting Requirements

- A.5. Applicant shall file quarterly reports with the Board at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
 - i. The name, address and telephone number of Applicant, and name, address and telephone number of her employer,
 - ii. A statement from the Applicant as to whether she has had any law enforcement contacts leading to arrest, charge or conviction (including

DWI/OWI and municipal/ordinance violations) during the term of the Order.

- A.6. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- A.7. Applicant shall arrange for written reports from her broker-supervisor(s)/employer(s) to be provided to Department Monitor on a quarterly basis. The first employer report is due ninety (90) days after Applicant commences employment, or as directed by Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of her employment, including the nature and extent of the Applicant's sales activities and whether she has practiced in compliance with all laws governing the practice of real estate as a salesperson.
- A.8. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order.
- A.9. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR

Department of Safety and Professional Services
Division of Legal Services & Compliance
4822 Madison Yards Way
P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dpsmonitoring@wi.gov

Petitions for Modification or Termination

- A.10. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two (2) years of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. Applicant's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two (2) years of Real Estate Sales practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.
- A.11. Applicant may petition for full, unrestricted licensure upon demonstration of continuous, successful Real Estate Sales practice in compliance with the terms of the Order for at

least two (2) years. "Practice in compliance" includes the submission of work reports and/or Treater(s) reports, the content of which are satisfactory to the Board, Department Monitor, or their designee(s).

Costs

- A.12. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

- A.13. In the event that the Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 20 day of November, 2018

By: Robert Webster EK
A Member of the Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON
LICENSE

CLARISS FUNMAKER,
APPLICANT

STIPULATION

0005964

It is hereby stipulated between the above-referenced Applicant and the Real Estate Examining Board (Board) as follows:

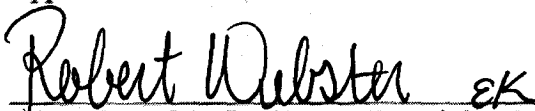
- I. The Applicant has filed an application for a license as a Real Estate Salesperson.
- II. Information received by the Board reflects a basis for denial of the license application.
- III. Based upon the information of record herein, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a Real Estate Salesperson, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - a) the right to request a hearing related to the denial of the application;
 - b) assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence:
 - i. the right to confront and cross-examine the witnesses against Applicant;
 - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - iii. the right to testify on Applicant's own behalf;
 - iv. 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;
 - v. the right to petition for rehearing; and
 - c) all other applicable rights afforded to the Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.



Clariss Funmaker, Applicant
S2857 Decorah Road
Baraboo, WI 53913
Application no. 626978

11-16-18
Date

 EK

A Member of the Real Estate Examining Board
Department of Safety and Professional Services
4822 MADISON YARDS WAY
P.O. BOX 7190
MADISON, WI 53707-7190

11-20-18
Date