

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscca>

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

WENDY LUND,  
RESPONDENT.

FINAL DECISION AND ORDER

**ORDER 0006677**

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Division of Legal Services and Compliance Case No. 19 REB 067

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

Wendy Lund  
Pewaukee, WI 53072

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 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 Wendy Lund (DOB XX/XX/1968) is licensed by the State of Wisconsin as a real estate salesperson, having license number 76869-94, first issued on March 7, 2013 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Pewaukee, Wisconsin 53072.

2. On June 10, 2019, Respondent self-reported to the Department that on February 25, 2019, in Waukesha County Circuit Court Case No. 2018CT000925, she had been convicted of one misdemeanor count of Hit and Run in violation of Wis. Stat. § 346.67(1). Respondent also reported that on December 7, 2018 she was convicted of Operation While Intoxicated in Lake Country Joint Municipal Court. The convictions stemmed from an incident on May 23, 2018.

Division of Legal Services and Compliance (Division) Case Number 19 REB 067 was subsequently opened for investigation.

3. On December 14, 2018, Respondent renewed her license and answered "no" to the following question:

Since your last renewal *or* initial license (if this is your first renewal), do you have any pending charges, and/or have you violated any federal or state laws, or any local ordinances (does not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seat belt violations)?

4. On July 23, 2018, Respondent was charged with of one misdemeanor count of Hit and Run in violation of Wis. Stat. § 346.67(1).

5. On July 25, 2019, the Department emailed Respondent at her email address on file with the Department to request information pertaining to the investigation of Division Case Number 19 REB 067. The Department did not receive a response.

6. On August 6, 2019, the Department mailed Respondent a letter at her address on file with the Department to request information pertaining to the investigation of Division Case Number 19 REB 067. The Department did not receive a response.

7. On October 10, 2019, Respondent spoke with a Department investigator and indicated that she had recently discovered the Department's letter, and that she had checked "no" on her renewal application by mistake. The Department investigator requested a written statement from Respondent regarding these issues.

8. On October 23, 2019, Respondent provided a written statement in which she admitted that she had mistakenly checked "no" on her license renewal, and that she was not working on the date of the incident that led to her convictions.

9. 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(1) by failing to send to the board within 48 hours after the judgment of conviction a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the board may determine whether the circumstances of the crime of which the licensee was convicted are substantially related to the practice of a real estate licensee.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(5) by failing to respond to the department and the board regarding requests for information with 30 days of the date of the request.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(a) and (L).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Wendy Lund is REPRIMANDED.

3. The real estate salesperson license issued to Wendy Lund (no. 76869-94) is LIMITED as follows:

a. Respondent shall not drive a client or prospective client in any motor vehicle that requires a Department of Transportation issued license for the purposes of her profession.

b. Respondent shall commit no new violations of law.

c. Respondent shall provide a copy of this Order to all current and/or future employers.

d. Respondent may petition the Board for termination of this limitation after completion of two years of practice in compliance with all terms and conditions of this Order.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$674.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>.

6. In the event Respondent violates any term of this Order, Respondent's license (no. 76869-94), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied

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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Richie  
A Member of the Board

2-20-20  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

WENDY A. LUND,  
RESPONDENT.

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STIPULATION

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**ORDER 0006677**

Division of Legal Services and Compliance Case No. 19 REB 067

Respondent Wendy A. Lund 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.

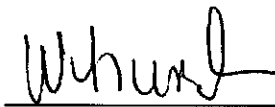
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of

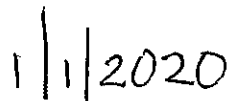
Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

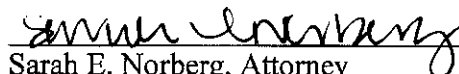
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

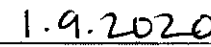
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Wendy A. Lund, Respondent  
Pewaukee, WI 53072  
Credential No. 76869-94

  
\_\_\_\_\_  
Date

  
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Sarah E. Norberg, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

  
\_\_\_\_\_  
Date