

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- 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 Safety and Professional Services 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/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JENNA L. FUNK, :
RESPONDENT. : **ORDER 0008283**

Division of Legal Services and Compliance Case No. 21 REB 017

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

Jenna L. Funk
Appleton, WI 54911

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Division of Hearings and Appeals on October 6, 2022. Prior to the hearing on the Complaint, the parties in this matter agreed 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 Jenna L. Funk (Birth Year 1990) is licensed by the State of Wisconsin as a real estate salesperson, having license number 87355-94, first issued on October 22, 2018 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54911.

2. On February 5, 2021, the Department received a complaint alleging that Respondent was convicted of Operating While Intoxicated (OWI) (3rd). The Division of Legal

Services and Compliance (DLSC) subsequently opened Case Number 21 REB 017 for investigation.

3. On or about April 26, 2011, Respondent was convicted of Operating with a Controlled Substance, an ordinance violation.

4. On or about September 10, 2012, Respondent was convicted of OWI (2nd), a misdemeanor.

5. On September 25, 2018, Respondent applied for a real estate salesperson license. Respondent checked the box labeled “no” in response to the following question:

Have you ever been convicted of a misdemeanor, felony, or other violation of federal, state, or local law or do you have any felony, misdemeanor or other violation of federal, state, or local law charges pending against you in this state or any other? This includes municipal ordinances resulting only in monetary fines or forfeitures and convictions resulting from a plea of no contest, a guilty plea, or verdict.

6. On September 28, 2019, Respondent was arrested for OWI in Outagamie County, Wisconsin.

7. On November 14, 2020, Respondent submitted an application to renew her real estate salesperson license. Respondent reported the September 28, 2019 arrest and the pending OWI charge on the application.

8. On January 14, 2021, Respondent was convicted of OWI (3rd), a misdemeanor, in Outagamie County Circuit Court case number 2019CT000799. Respondent reported this conviction to the Department on February 9, 2021.

9. According to the police reports, Respondent was driving at 12:57 a.m. when she was pulled over for not having a front license plate. The officer smelled a strong odor of alcohol from Respondent, who was later found to have a blood alcohol concentration of .184 g/100 mL.

10. On April 6, 2021, the Department’s Division of Professional Credentialing Processing renewed Respondent’s license, but imposed limitations on her license, including that she work under a supervising broker and she not drive real estate clients, in light of the above convictions, pursuant to Wis. Stat. § 452.14(3)(p).

11. On June 7, 2021, a Department investigator emailed Respondent to ask why she had stated in her initial real estate salesperson license application that she did not have any prior convictions.

12. On June 7, 2021, Respondent replied to the Department’s email and stated that she had misunderstood the application question.

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

CONCLUSIONS OF LAW

1. The 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 is subject to discipline pursuant to Wis. Stat. § 452.14(3)(a) by making a material misstatement in the application for a license, or in any information furnished to the Board or Department.

3. By the conduct described above, Respondent violated Wis. Admin. Code § REEB 24.17(1) by violating a law the circumstances of which substantially relate to the practices of a real estate licensee, and failing to send to the board, within 48 hours after the judgment of conviction, a copy of the judgment of conviction.

4. As a result of the above violations, Respondent is also subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (p), and Wis. Admin. Code § REEB 24.17(2).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Jenna L. Funk's real estate salesperson's license (no. 87355-94) is ACCEPTED.

3. Respondent may petition the Board or its designee for reinstatement of her real estate salesperson's license after 2 years. Any such petition shall include:

- a. Payment of COSTS of this matter in the amount of \$1,505.
- b. Proof of Respondent's current competency to practice as a Wisconsin real estate salesperson as evidenced by successful completion of all continuing education courses for the biennium immediately preceding the biennium reinstatement is sought.

4. The Board may grant or deny the petition(s), in its discretion, or may determine under what terms and conditions any petition may be granted and such licensure may be reinstated. A denial of such petition(s) shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

5. Any submission to the Board and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

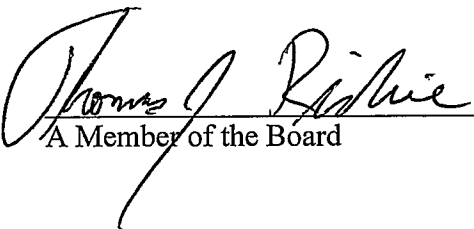
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190

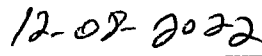
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

This information may also be submitted online via DSPS' Monitoring Case Management System
at: <https://dpsmonitoring.wi.gov/>

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNA L. FUNK,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008283

Division of Legal Services and Compliance Case No. 21 REB 017

Respondent Jenna L. Funk 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 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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

Jenna Funk dotloop verified 10/18/22 5:11 PM CDT 0JAZ-EJSQ-ZUJR-9MRB

Jenna L. Funk, Respondent
Appleton, WI 54911
Credential No. 87355-94

10/18/2022

Date

Megan Reed
Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/19/2022

Date