

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF THE DISCIPLINARY** :  
**PROCEEDINGS AGAINST** :  
 : **FINAL DECISION AND ORDER**  
**WARREN C. KRAHN,** :  
 : **LS0706286REB**  
**RESPONDENT.** :

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Division of Enforcement Case No. 04 REB 303

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

Warren C. Krahn  
W166 N9018 Grand Avenue  
Menomonee Falls, WI 53051

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

**PROCEDURAL HISTORY:**

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, subject to the approval of the Real Estate Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent Warren C. Krahn ("Krahn"), whose date of birth is August 18, 1960, whose last known address of record with the Department of Regulation and Licensing ("Department") is W166 N9018 Grand Avenue, Menomonee Falls, WI 53051, holds a license as a Real Estate Broker (#90-45252). Respondent was first granted the license on September 30, 1991, pursuant to Wis. Stat. ch. 452, and has held it at all times material to this complaint. The license expires on December 14, 2008.
2. On October 1, 2004, Warren Krahn entered into a Residential Listing Contract to sell real property located at N78 W12555 Fond du Lac Avenue, Menomonee Falls, WI.
3. On October 1, 2004, Mr. Krahn, relying upon representations of the seller, listed the property as consisting of 1.33 acres and as having waterfront access to the Menomonee River. Specifically, Mr. Krahn represented that the property had, "Menomonee River frontage on 1.33 Acre wooded site."
4. Following the sale of the property the buyer, P.E., discovered that the property consisted of less than 1.33 acres, and that the property did not include any waterfront access to the Menomonee River.
5. A review of the legal description of the property shows that the property was bounded by the center-line of a highway running between the property and the Menomonee River. Consequently, a review of the legal description of the property would have conveyed to a person that the property did not possess frontage on the Menomonee River. The legal description was recorded as a Plat of Survey with the County of Milwaukee prior to the sale of the property, and was obtained by the Department as part of the sales file in this matter.
6. Per Wis. Stat. § 452.14(3), "The board may revoke, suspend or limit any... time-share salesperson's license... if it finds that the holder of the license or registration has: ... (i) Demonstrated incompetency to act as a... time-share salesperson in a manner which safeguards the interests of the public."

7. Per Wis. Admin. Code § RL 24.03(2)(b), “Licensees shall act to protect the public against fraud, misrepresentation and unethical practices.”

8. Per Wis. Admin. Code § RL 24.01(3), “If a licensee violates rules in this chapter, the licensee has demonstrated incompetency to act as a broker... in such manner as to safeguard the interests of the public under § 452.13(3)(i)...”

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

3. Respondent **Warren C. Krahn**, by failing to verify that the property had access to the Menomonee River by reviewing the contents of his file and other publicly available documents, failed to act to safeguard the public against misrepresentations and thereby demonstrated incompetency to act as a time-share salesperson in a manner which safeguards the interests of the public, contrary to Wis. Stat. § 452.14(3)(i) and Wis. Admin. Code § RL 24.03(2)(b).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of **Warren C. Krahn** to practice as a Real Estate Broker in the state of Wisconsin shall be, and hereby is **REPRIMANDED**.

2. Respondent shall, within ninety (90) days of the date of this Order pay the costs of the Department of Regulation and Licensing in investigating this matter in the amount of one thousand one hundred dollars (\$1,100).

3. The payment required by this Order shall be transmitted to the Department of Regulation and Licensing at:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

4. Case number 04 REB 303 is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well and may result in a summary suspension of Respondent’s license and certification (#90-45252). The Real Estate Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any c terms of this Order. In the event that Respondent fails to timely submit any payment of costs as set forth above Respondent’s l (#90-45252) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of thi Order.

6. This Order shall be effective on the date of its signing.

By: Peter A. Sveum  
A Member of the Board

6/28/07  
Date

**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF THE DISCIPLINARY** :  
**PROCEEDINGS AGAINST** :  
 : **STIPULATION**  
**WARREN C. KRAHN,** :  
 : **LS \_\_\_\_\_ REB**  
**RESPONDENT.** :

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Division of Enforcement Case No. 04 REB 303

It is hereby stipulated and agreed, by and between Warren C. Krahn, Respondent; Attorney James McAlister, attorney for Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (Case No. 04 REB 303). Respondent consents to the resolution of this investigation by stipulation without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent has obtained the advice of his legal counsel, James McAlister, prior to signing this stipulation.

4. Respondent 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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**WARREN C. KRAHN**

Respondent  
W166 N9018 Grand Avenue  
Menomonee Falls, WI 53051

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Date

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**JAMES L. McALISTER**

Attorney for Respondent  
Deutch & Weiss, LLC  
Suite 200  
7670 N. Port Washington Road  
Fox Point, WI 53217

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Date

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**MARK A. HERMAN**

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

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Date