

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
PHILIP G. PRAHL, : LS-0710292-REB
RESPONDENT. :

Division of Enforcement case file 07 REB 021

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Philip G. Prah
957 Cedar Road
Mosinee, WI 54455

Wisconsin 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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Real Estate Board on October 29, 2007. 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 Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Philip G. Prah is licensed in the State of Wisconsin as a Real Estate Salesperson having license #94-54530. This license was first granted to him on April 10, 2002. Mr. Prah's most recent address on file with the Department of Regulation and Licensing ("Department") is 957 Cedar Road, Mosinee, WI 54455.
2. Mr. Prah is the landlord of rental property at 712 Park Avenue in Wausau.
3. On January 13, 2006, Mr. Prah spoke to a tenant upon whom he had served an eviction notice. Mr. Prah was concerned about his personal safety because he was aware that the tenant associated with individuals with criminal records who had convictions for drug use and violence. Mr. Prah carried a handgun with him when he went to his tenant's residence. Before taking the gun to his tenant's residence, Mr. Prah called an officer in another jurisdiction to ask if he was going to carry a weapon should he conceal it? Mr. Prah also videotaped the contact with the tenant.
4. The tenant saw the gun and called the Wausau police who arrested Mr. Prah. Mr. Prah turned over the video recording of his discussion with the tenant to the police.
5. Mr. Prah was charged with Carrying a Concealed Weapon. On January 5, 2007 he pled no contest to the charge and was sentenced to six months probation.
6. On January 18, 2007 Mr. Prah reported his conviction to the Department of Regulation and Licensing.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Respondent Philip G. Prah is subject to discipline for violating Wis. Adm. Code sec. RL 24.17 (2):

RL 24.17 Miscellaneous requirements: ... (2) CONVICTION. The board may discipline a licensee on the basis of a conviction of any crime, the circumstances of which substantially relate to the practice of real estate. A certified copy of a judgment of a court of record showing such conviction, within this state or without, shall be presumptive evidence of conviction.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that PHILIP G. PRAHL is hereby REPRIMANDED.

IT IS FURTHER ORDERED that within six months of the date of this Order, PHILIP G. PRAHL must successfully complete a course in tenant landlord relations of at least three hours, which includes material on tenant rights, at an educational institution. The course must be approved by the Department of Regulation and Licensing; pre-approved courses include

- the Landlord Training course offered by the Department of Neighborhood Services in Milwaukee.
- the "Specialty Areas" module of the Broker's Pre-licensure Program.

Mr. Prah shall submit proof of successful completion in the form of verification from the institution providing the education to the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 261-7904

None of the education completed pursuant to this order may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

In the event Mr. Prah fails to successfully complete the educational requirements in the manner set forth, his Real Estate Salesperson's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board or until he provides to the Department proof of completion of all said educational requirements.

IT IS FURTHER ORDERED that PHILIP G. PRAHL's Real Estate Salesperson's license is hereby **LIMITED** starting on the 10th business day after the date of this Order, as follows:

- Mr. Prah may not be in possession of a firearm on his person while engaging in face-to-face contact in any real estate activity, including property management.
- This limitation shall continue for a minimum of two years following the issuance of this order, at which time Mr. Prah may petition the Board for its removal.

IT IS FURTHER ORDERED that PHILIP G. PRAHL pay the Department's costs of this matter in the amount of **\$57.29** within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor. In the event that Mr. Prah fails to pay the costs within the time and in the manner as set forth above, his Real Estate Salesperson's license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license, and the Board in its discretion may in the alternative impose additional conditions and limitations or other discipline.

IT IS FURTHER ORDERED that file 07 REB 021 be closed.

Dated this 24th day of April, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Chair