

NEW HAMPSHIRE REAL ESTATE COMMISSION
ORDER
FILE NO. 2011-009

NEW HAMPSHIRE REAL ESTATE COMMISSION
V
RICHARD M. WINEFIELD

This matter comes before the Real Estate Commission on the complaint of the New Hampshire Real Estate Commission through its Investigator Ann Flanagan, alleging violations of NH RSA 331-A:26, III, by Richard M. Winefield. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Richard M. Winefield (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 9/10/04 and was so licensed at the time of the alleged violations.
2. Respondent Richard M. Winefield, NH real estate salesperson license #059758, on 3/1/11, plead guilty to mail fraud in violation of 18 U.S.C. § 1341 (a Class C felony) at United States District Court District of New Hampshire, United States of America v. Richard Winefield (Cr. No. 11-20-01-SM).
3. Respondent submitted a letter of notification regarding his conviction to the NH Real Estate Commission.
4. In 2004 through 2005 when Respondent worked at Coldwell Banker Brian Moses Realty (no longer in business) he met another agent, Walter Bressler (license lapsed). Walter Bressler has been convicted in federal court for his roll in initiating the scheme which Respondent later became involved during the fall of 2006 through October 2007.

5. Walter Bressler and Mike Prieto (the primary defendant in the scheme and former loan officer for Country Wide) would allegedly mass market homeowners who were delinquent on mortgages. Respondent was involved as a real estate agent giving price opinions to his investor buyer-client Mike Prieto. Then they allegedly would convince homeowners to deed their property to them and stay in the home as a rent paying tenant with an option to purchase in two years but at a higher price. They allegedly set up "straw" buyers to obtain mortgages under false pretenses and received a fee from the straw buyers as well as seller disbursements from the straw buyers' lenders.
6. Eventually, straw buyers stopped making payments and the lenders foreclosed on the properties incurring substantial losses and expenses, as well as loss of the property by the original homeowners.
7. Respondent testified that he was involved in approximately 25 to 30 of these transactions.
8. Respondent acted as a straw buyer for some of the properties and made false mortgage applications.
9. Respondent testified that he discontinued his association with the other alleged scheme participants after he was approached by the U.S. Postal Inspector regarding his involvement.

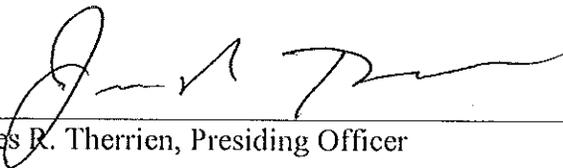
Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

Respondent plead guilty to mail fraud in violation of 18 U.S.C. § 1341 (a Class C felony) at United States District Court District of New Hampshire, United States of America v. Richard Winefield (Cr. No. 11-20-01-SM), and this offense involved Respondent obtaining money under false pretenses including acting as a straw buyer and making false mortgage applications in transactions in which he was also involved as a real estate agent. Therefore, the Commission rules that Respondent did violate NH RSA 331-A:26, III.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent's real estate license is revoked effective the date of this Order; and Respondent is also required to pay a disciplinary fine in the amount of two-thousand dollars (\$2,000) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within ninety (90) days of the effective date of this Order. The Commission's hearing panel consisted of three commissioners and the above decision was rendered with the approval of Commissioners James R. Therrien and William E. Barry, and Commissioner Paul A. Lipnick was opposed to the decision of the majority.

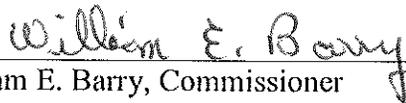
Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to appeal in the Superior Court. The Respondent has thirty (30) days from the date of this Order in which to file an appeal. Such an appeal will suspend the Commission's disciplinary action pending resolution of the appeal. If this decision is not appealed within thirty (30) days, this Order will become final.

Commissioner Daniel S. Jones evaluated this case and did not take part in the hearing or decision. Commissioner David C. Dunn was recused from the case and did not take part in the hearing or decision.



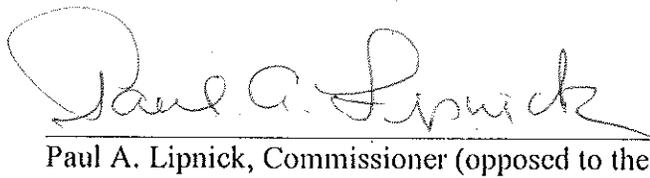
James R. Therrien, Presiding Officer

12/02/2011
DATE



William E. Barry, Commissioner

11/30/2011
DATE



Paul A. Lipnick, Commissioner (opposed to the decision of the majority)

11/30/2011
DATE