

**Before the  
New Hampshire Real Estate Commission  
Concord, New Hampshire 03301**

**In The Matter Of:** **Docket No.: 2013-049**  
**New Hampshire Real Estate Commission v. Andrew F. Armata &  
Prestige Real Estate, Inc. dba: Re/Max Prestige**  
License No.: 063295; 066056  
(Adjudicatory/Disciplinary Proceeding)

**FINAL DECISION AND ORDER**

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding In the Matter of Andrew F. Armata ("Respondent Armata" or "Mr. Armata") and Prestige Real Estate, Inc. dba: Re/Max Prestige ("Respondent Prestige Real Estate") in Docket Number 2013-049.

**Background Information:**

On November 17, 2013 Respondent Prestige Real Estate's New Hampshire firm broker license #066056 expired and was renewed on December 5, 2013. Respondent Armata was the principal broker of Prestige Real Estate, Inc. dba: Re/Max Prestige and failed to supervise the activities of the firm when Respondent Prestige Real Estate was marketing listings in New Hampshire with an expired license. On December 16, 2013, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2013-049 against Respondents. Subsequent to an investigation, on April 29, 2014, the Commission issued a Notice of Hearing for a hearing scheduled for May 20, 2014.

On Tuesday, May 20, 2014, at 10:35 a.m., the Commission commenced the adjudicatory/disciplinary hearing in the above captioned matter. Commission members present<sup>1</sup> were:

David C. Dunn, Commissioner, Presiding Officer  
Daniel S. Jones, Commissioner  
William E. Barry, Commissioner  
Paul A. Lipnick, Commissioner

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<sup>1</sup> These same Commission members also deliberated and voted on this Final Decision and Order.

The prosecution was conducted by Ann Flanagan, the Commission's Investigator. Mr. Armata and Prestige Real Estate Inc. dba: Re/Max Prestige were pro se.

The following exhibits were introduced into evidence and accepted into the record:

- Complainant Investigator Flanagan's Exhibits:
  - Exhibit #1 - Complaint File 2013-049: pages 1-33.
  - Exhibit #2 – NH Real Estate Commission database license record information for Prestige Real Estate, Inc.
  
- The Respondent's exhibits: none were introduced.

There were no witnesses present at the hearing.

#### **Findings of Fact:**

In light of the testimony and exhibits, the Commission finds the following facts:

1. Respondent Armata was first granted a real estate broker's license on October 19, 2006. At the time of the allegations, Respondent was licensed as a real estate broker in the State of New Hampshire, license #063295 with a license period of October 19, 2012 – October 19, 2014. Respondent Prestige Real Estate was first granted a real estate firm broker license #066056 in the State of New Hampshire on September 24, 2007. At the time of the allegations, Respondent Prestige Real Estate firm broker license was expired. Respondent Prestige Real Estate is currently licensed as Prestige Real Estate, Inc. dba: Laer Realty Partners, license number 067274, with a license period of April 25, 2014 – April 25, 2016.
  
2. Respondent Prestige Real Estate, Inc. dba: Re/Max Prestige (located in Methuen, MA), New Hampshire firm broker license #066056 expired on November 17, 2013 and was renewed with a late fee on December 5, 2013, and withdrawn by Respondent Armata on April 25, 2014.

3. Respondent Armata was the New Hampshire real estate principal broker of Prestige Real Estate at the time of the allegations of Complaint File No. 2013-049.

4. Respondent Prestige Real Estate was marketing 11 listings with an expired New Hampshire real estate firm broker license. (Ex. 1, pages 6-27)

5. Respondent Amarta failed to supervise the activities of the NH real estate firm regarding brokerage activities during the expiration of the NH real estate firm broker license of Prestige Real Estate, Inc. dba: Re/Max Prestige.

6. Respondent Armata has a history of failing to renew the firm/firm branch office broker licenses of Prestige Real Estate, Inc. on time. (Ex. 1, page 3)

7. Respondent Armata in his reply to Complaint File No. 2013-049 admitted to conducting brokerage activities during the expiration of the firm/firm branch office broker licenses. (Ex. 1, page 33)

8. Respondent Armata admitted to the factual allegations of Complaint File No. 2013-049 at the hearing. (Notice of Hearing, paragraph 4A-F)

9. Respondent Armata testified at the hearing that he currently only has a firm broker license in NH and has no licensed firm branch offices.

10. Respondent Armata testified at the hearing that in the past he allowed staff to renew the firm/firm branch broker licenses and the licenses were not renewed in a timely manner by staff, and he realizes that it is his responsibility to ensure that licenses are renewed in a timely manner, and in the future he is going to personally be responsible for renewing the firm license, his broker license and re-registering the trade name on time.

**Relevant Law:**

**RSA 331-A:1 Purpose.** It is the policy of this state to regulate the practice of real estate brokers and salespersons in order to ensure that they meet and maintain minimum standards which promote public understanding and confidence in the business of real estate brokerage.

**RSA 331-A:18 Lapse of License.**

IV. The rights of the licensee under such expired or lapsed license shall be terminated. It shall be unlawful to act or attempt or offer to act in any matter as a real estate broker or salesperson under an expired or lapsed license.

**RSA 331-A:26 Prohibited Conduct.** The following acts, conduct or practices are prohibited, and any licensee found guilty after a hearing shall be subject to disciplinary action as provided in RSA 331-A:28:

**XXVII.** In the case of a principal broker or a licensee who is a branch manager, failing to exercise reasonable supervision over the activities of licensees and any unlicensed staff.

**Rulings of Law:**

The Commission makes the following findings by a preponderance of the evidence:

1. Respondent Prestige Real Estate Inc. dba: Re/Max Prestige marketed listings with an expired New Hampshire firm broker license, in violation of RSA 331-A:18, IV. (Notice of Hearing, paragraph 5A)
2. Respondent Amarta as principal broker of Prestige Real Estate, Inc. dba: Re/Max Prestige failed to exercise reasonable supervision over the activities of licensee and any unlicensed staff by allowing brokerage activities during the time that firm/firm branch office broker licenses were expired, in violation of RSA 331-A:26, XXVII. (Notice of Hearing, paragraph 5B).

**Disciplinary Action:**

Based upon the Findings of Facts and Rulings of Law above, the Commission has voted to order the following:

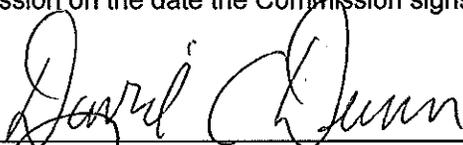
IT IS **ORDERED** that the Respondents pay a disciplinary fine in the amount of five-hundred dollars (\$500) for each violation for a total amount of one-thousand dollars (\$1,000) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within sixty (60) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondents' real estate license until the fine is paid.

IT IS **FURTHER ORDERED** that the Respondents' failure to comply with any terms or conditions imposed by this Final Decision and Order shall constitute unprofessional conduct pursuant to RSA 331-A:26, XXIX, and a separate and sufficient basis for further disciplinary action by the Commission against the Respondents.

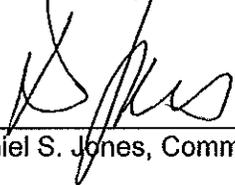
IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of the Respondents' disciplinary file, which is maintained by the Commission as a public document.

IT IS FURTHER ORDERED that if this decision is not appealed within 30 days of the effective date, it shall become final. See RSA 331-A:28, III ("The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior court at the instance of the licensee or an accredited individual, institution, or organization, within 30 days after the filing of the commission's decision...").

IT IS FURTHER ORDERED that this Final Decision and Order shall take effect as an Order of the Commission on the date the Commission signs it.

  
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David C. Dunn, Presiding Officer

6/17/2014  
Date

  
\_\_\_\_\_  
Daniel S. Jones, Commissioner

6/17/14  
Date

William E. Barry  
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William E. Barry, Commissioner

06/17/2014  
Date

  
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Paul A. Lipnick, Commissioner

June 17, 2014  
Date

\*\ James R. Therrien, Commission member, (case evaluator) recused.