

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2014-003 NH Real Estate Commission v. Jeannette N. Bandouveres

Allegations:

RSA 331-A:26, I; Rea 401.01 (b, 15); RSA 331-A:10-a, I; Rea 301.01 (b, 15)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Jeanette N. Bandouveres (“the Licensee” or “the Respondent”), a real estate salesperson currently licensed by the Commission until May 9, 2015, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondent would be:

Respondent Jeanette Bandouveres renewed her NH real estate salesperson license on April 20, 2011, however she answered “No” to question #6:

“Have any licenses which you have held to sell real estate been subject to disciplinary action in any state since your last original or renewal application. If yes, attach a letter of explanation disclosing which jurisdictions(s), details of the offense(s), and details of disciplinary action(s).” However, Respondent had entered into a Consent Agreement

with the Maine Real Estate Commission for failing to disclose a conviction on May 8, 1991 for Class D misdemeanor Assault, and Respondent was required to pay a \$200 disciplinary fine; this Consent Agreement was approved by the Maine Real Estate Commission on March 10, 2010.

Respondent on her NH original salesperson license application received at the NH Real Estate Commission on May 9, 2005 answered "No" to question #8: "Have you ever been convicted of a misdemeanor or felony offense. If yes, contact the Commission office at (603) 271-2703 for an Arrest and Conviction Form or obtain a copy from the Commission's website at: www.nh.gov/nhrec." However, Respondent had been convicted on May 8, 1991 for Class D misdemeanor Assault.

Respondent replied to this complaint that the legal incident in Maine for which she paid a \$150 fine occurred 23 years ago when she was 17 years old and that she hadn't really thought about it since then. Respondent has been licensed in New Hampshire since 2005 and in Maine since 2010, but after the disciplinary action with the Maine Real Estate Commission Respondent indicates that she didn't think to include it on her recent New Hampshire renewal applications because she mistakenly thought it was only applicable to her Maine real estate license.

2. The Respondent acknowledges and does not contest the allegations described in Paragraph 1 above.

3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) for each violation totaling 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 Settlement Agreement. Failure to comply with this disciplinary Settlement Agreement by Respondent will result in the suspension of Respondent Bandouveres' real estate license until the fine is paid
4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegations described above in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining whether the Respondent has engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
7. Respondent understands that her action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.

8. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this Agreement.
9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced her right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
10. Respondent certifies that she has read this document titled Settlement Agreement. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, she waives these rights as they pertain to the misconduct described herein.
11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

For the Respondent

I, Jeanette N. Bandouveres, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and

agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: February 26, 2014

Jeanette N. Bandouveres
Jeanette N. Bandouveres
Respondent

On this 26 day of February A.D. 2014 personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.



Barbara Whitten
Justice of the Peace/Notary Public

My commission expires:

Sept 14, 2016

For the Commission

Dated: March 18th, 2014

Beth A. Edes
Beth A. Edes
Executive Director
of the NH Real Estate Commission