

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2014-019 NH Real Estate Commission v. Diane M. Foley
Allegations: RSA 331-A:26, I; Rea 401.01(a), (21)

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 Diane M. Foley ("Licensee" or "Respondent"), a real estate broker currently licensed by the Commission until September 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 submitted her New Hampshire real estate broker license renewal application to the Commission which was received at the Commission office on July 28, 2011, and she answered "No" to question #8: "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." However, Respondent had entered into a Consent Agreement with the Maine Real Estate Commission for failing to notify the Maine Real Estate Commission within 10



days of the date of conviction, and Respondent was required to pay a \$200 disciplinary fine; this Consent Agreement was approved by the Maine Real Estate Commission on October 21, 2010. Respondent made the appropriate timely disclosure regarding the conviction on her NH real estate broker license renewal application received at the NH Real Estate Commission on September 9, 2009.

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 acknowledges that she should have answered "yes" rather than "no" to question #8 on her NH real estate broker license renewal application: "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." Respondent acknowledges her non-compliance and agrees that it will not happen again in the future.
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

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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, Diane M. Foley, 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: May 12, 2014

Diane M. Foley
Diane M. Foley
Respondent

On this 10th day of May A.D. 2014 personally appeared the person who subscribe to the following instrument and acknowledged the same as his voluntary act and deed before me.

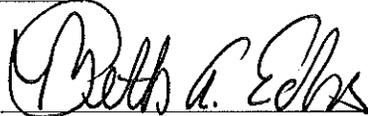
Deborah A. Delaney
Justice of the Peace/Notary Public

My commission expires:

DEBORAH A. DELANEY, Notary Public
My Commission Expires September 9, 2014

For the Commission

Dated: May 20th, 2014



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