

BEFORE THE  
NEW HAMPSHIRE REAL ESTATE COMMISSION  
CONCORD NH 03301

In the Matter of:

File No. 2014-034      NH Real Estate Commission v. Scott W. Ward & Kathryn J. Lee & Margherita Verani

Allegations:            RSA 331-A:26, XXIX

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 Kathryn J. Lee (“the Licensee” or “the Respondent”), a real estate broker currently licensed by the Commission until July 10, 2016, 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:

On May 14, 2014 Scott Ward brought his NH Application for Renewal of Broker’s License Form 6-RE to the NH Real Estate Commission office at 64 South Street, Concord NH. The application could not be processed for Scott Ward to renew under Scott Ward’s current broker Margherita Verani because the Associate Broker Affiliation Form was not filled out. Scott Ward left the Commission office and returned several minutes later and

stated to the Commission's Licensing Coordinator Laurel Untiet that he "got lucky" and Scott Ward subsequently submitted an Associate Broker Affiliation Form with Margherita Verani's signature notarized by Cynthia A. Proulx. Since Margherita Verani is typically in the Londonderry office Laurel Untiet thought it was doubtful that Scott Ward could have returned to the Commission office so quickly. After Scott Ward left the Commission office, it was noticed that Margherita Verani's first name was misspelled (Margharita) on the form and when Laurel Untiet compared other examples of Margherita Verani's signature it didn't match what was on file at the Commission (October 22, 2012 & January 10, 2008 documents and a January 4, 2013 stamped signature; however, there was also an April 2, 2014 document with a signature that doesn't match). The Commission Investigator Ann Flanagan called the Verani Concord branch office and asked if Cynthia Proulx worked there, and the person who answered the phone stated that she was Cynthia Proulx. Ann Flanagan asked Cynthia Proulx if she recently notarized an Associate Broker Affiliation Form for Scott Ward. After further questioning Cynthia Proulx admitted that Respondent Lee had permission to sign Margherita Verani's name and that she notarized Respondent Lee's signing of Margherita Verani's name on the form. Ann Flanagan spoke to Respondent Lee (managing broker at the Concord branch office) and she stated that when Scott Ward came into the office she called Margherita Verani to see if she could send Scott Ward down to Londonderry for her

signature, but Margherita Verani told her that she wasn't going to be in the office for a few days and that Margherita Verani told Respondent Lee that it would be okay for Respondent Lee to just sign her name on the form.

Ann Flanagan called Scott Ward and he indicated that Cynthia Proulx told him that Respondent Lee had authorization to sign for Margherita Verani.

Ann Flanagan called Margherita Verani who confirmed that Respondent Lee called her about the situation that Scott Ward's license was expiring soon, and Margherita Verani indicated that she was not going to be in the office so she told Respondent Lee to sign her name on the form.

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 five-hundred dollars (\$500) 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's 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, Kathryn J. Lee, 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: 9/16/14, 2014

Kathryn J. Lee  
Kathryn J. Lee  
Respondent

On this 16<sup>th</sup> day of September A.D. 20 14  
personally appeared the person who subscribe to the following instrument and acknowledged the same as her voluntary act and deed before me.

John F. Bressi  
Justice of the Peace/Notary Public

My commission expires:  
12/5/17

For the Commission

Dated: September 16<sup>th</sup>, 2014

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