

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, I

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 Scott W. Ward (“the Licensee” or “the Respondent”), a real estate broker currently licensed by the Commission until May 18, 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 Respondent 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 Respondent Ward to renew under Respondent Ward’s current broker Margherita Verani because the Associate Broker Affiliation Form was not filled out. Respondent 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 Respondent 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 Respondent Ward could have returned to the Commission office so quickly. After Respondent 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 Respondent Ward. After further questioning Cynthia Proulx admitted that Kathryn Lee had permission to sign Margherita Verani's name and that she notarized Kathryn Lee's signing of Margherita Verani's name on the form. Ann Flanagan spoke to Kathryn Lee (managing broker at the Concord branch office) and she stated that when Respondent Ward came into the office she called Margherita Verani

to see if she could send Respondent 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 Kathryn Lee that it would be okay for Kathryn Lee to just sign her name on the form. Ann Flanagan called Respondent Ward and he indicated that Cynthia Proulx told him that Kathryn Lee had authorization to sign for Margherita Verani. Ann Flanagan called Margherita Verani who confirmed that Kathryn Lee called her about the situation that Respondent Ward's license was expiring soon, and Margherita Verani indicated that she was not going to be in the office so she told Kathryn 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 two-hundred and fifty dollars (\$250) 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 him other than those terms and conditions expressly stated herein.
7. Respondent understands that his 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 his choosing in connection with his 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 his right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
10. Respondent certifies that he has read this document titled Settlement Agreement. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the

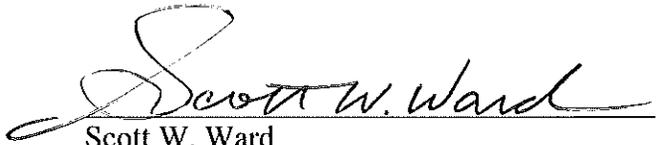
courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, he waives these rights as they pertain to the misconduct described herein.

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, Scott W. Ward, 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



Scott W. Ward
Respondent

On this 16th day of September 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.



John F. Bressi
Justice of the Peace/Notary Public

My commission expires:

12/5/17

For the Commission

Dated: September 16th, 2014



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