

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

In The Matter Of:

Docket No.: 2014-060

New Hampshire Real Estate Commission v. Regan Robbins & Yerhot Environmental Solutions, LLC

Accreditation No.: 065416

(Adjudicatory/Disciplinary Proceeding)

FINAL DECISION AND ORDER

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding In the Matter of Yerhot Environmental Solutions, LLC ("Respondent Yerhot Environmental Solutions") and Regan Robbins ("Respondent Robbins" or "Ms. Robbins") in Docket Number 2014-060.

Background Information:

Respondent Robbins of Yerhot Environmental Solutions, LLC taught course #E1432, "New EPA RRP Regulations: How It Will Affect the Real Estate Industry", when the course accreditation with the Commission had expired and provided the attendees with Commission education affidavits for 4 credit hours of continuing education and the course was accredited for 2 credit hours and 3 credit hours. On December 16, 2014, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2014-060 against Respondent. Subsequent to an investigation, on April 28, 2015, the Commission issued a Notice of Hearing for a hearing scheduled for May 19, 2015.

On Tuesday, May 19, 2015, at 9:30 a.m., the Commission commenced the adjudicatory/disciplinary hearing in the above captioned matter. Commission members present¹ were:

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

The prosecution was conducted by Kinsman Corthell, the Commission's Investigator. Ms. Robbins was pro se.

¹ These same Commission members also deliberated and voted on this Final Decision and Order.

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

- Complainant Investigator Corthell's Exhibits:
Exhibit #1 – Documents from Complaint File No. 2014-060, pages 1-35.
Exhibit #2 – Printout from the NH Secretary of State's Corporate Division for Yehot Environmental Solutions, LLC.

- The Respondent's exhibits introduced:
None.

The following witnesses were present and testified at the hearing:

- Laurel Untiet, Licensing Coordinator, NH Real Estate Commission
- Sheila Haines, Administrative Assistant, NH Real Estate Commission
- Jessica Perry, Association Executive, NH Greater Manchester/Nashua Board of Realtors

Findings of Fact:

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

1. Respondents Robbins and Yerhot Environmental Solutions were first accredited as real estate course providers on January 29, 2009. Respondents held accreditation number 065416.
2. On December 10, 2014 at the Greater Manchester/Nashua Board of Realtors (GMNBR), Respondent Robbins as instructor for Respondent Yerhot Environmental Solutions taught course #E1432 "New EPA RRP Regulations: How It Will Affect the Real Estate Industry"; however, the course accreditation was not renewed by Respondent Robbins and had expired on October 20, 2014.
3. Prior to the course expiration, Respondent Robbins was sent a re-accreditation letter by the Commission's Education Program Assistant Fran West on November 25, 2013 which showed the next date of expiration of the course accreditation as October 20, 2014 and on November 10,

2014, the Commission's Executive Director Beth Edes sent an email notification to Respondent Robbins notifying her that course #E1432 "New EPA RRP Regulations: How It Will Affect the Real Estate Industry" had expired along with the documents needed to be completed in order to have the course re-accredited. (Ex., pgs. 9-10)

4. The Commission's Licensing Coordinator Laurel Untiet testified at the hearing that Respondent Robbins called the Commission late morning on December 10, 2014 because she was presenting a course and stated that her computer crashed and she couldn't remember the course number of her accredited course, "New EPA RRP Regulations: How It Will Affect the Real Estate Industry", and that the course was for 4 credit hours. Ms. Untiet looked up the number and informed Respondent Robbins that the course accreditation had expired and the course was only worth 2 credit hours and 3 credit hours, and Ms. Robbins responded that the course accreditation hadn't expired, because she renewed the course accreditation and that the course was accredited for 4 credit hours. Ms. Untiet stated that Respondent would need to speak to the Executive Director Beth Edes and she would have her contact Ms. Robbins when she returned from a meeting. Ms. Untiet stated that she provided Executive Director Edes with the telephone message from Respondent, and Director Edes confirmed to Ms. Untiet that the course was expired and that the course when accredited was only worth 2 credit hours and 3 credit hours, not 4 credit hours. (Ex. 1, pg. 11)

5. Executive Director Edes called Respondent Robbins at 12:10 p.m. on December 10, 2014 and left her a detailed voice message that course #E1432 was indeed expired and when it was accredited it was only worth 2 credit hours and 3 credit hours, not 4 credit hours.

6. Respondent Robbins issued course affidavits to attendees for the expired course #E1432 on December 10, 2014 for 4 credit hours.

7. Jessica Perry, the Association Executive for GMNBR submitted a letter dated December 12, 2014 to the Commission stating that Respondent Robbins taught course #E1432 for the GMNBR and arrived 15 minutes late for the class without handouts and continuing education affidavits and the class was scheduled to go until 1:00 p.m., and after giving a lengthy mid-way break, she dismissed the class at 12:30 p.m., and that the class was 45 minutes short of being the

required 4 hours in length. Ms. Perry also submitted e-mail communications with Respondent Robbins and student course evaluations. (Ex. 1, pgs. 12-29)

8. Ms. Perry testified at the hearing that she had e-mail communications with Respondent Robbins regarding presenting a course, and Ms. Robbins stated in the emails that she had 2 courses that had been accredited with the Commission, her mold course had expired, but the lead course "New EPA RRP Regulations: How It Will Affect the Real Estate Industry" was accredited for 4 credit hours. Ms. Perry stated that she was present for the course and there were about 40 Realtors that attended the course, and Respondent Robbins started the course 15 minutes late, because she had to hook up her computer, she gave a lengthy break, and ended the course early. Ms. Perry first discovered that course #E1432 was not accredited when a Realtor went to the Commission the day the course was presented to renew her license which included a continuing education affidavit issued by Respondent Robbins for course #E1432 for 4 credit hours, and the Realtor was told that she did not have enough continuing education hours to renew her license, because course #E1432 for 4 credit hours was not an accredited course. Respondent Robbins told Ms. Perry that she was pretty sure that the course would be retroactively accredited by the Commission. Ms. Perry stated that she asked Ms. Robbins if she would contact the attendees to notify them that the course was not accredited, at first she said she would, then she said she wouldn't. Ms. Perry stated that one of the messages she received from Respondent Robbins was that Ms. Perry should have confirmed with the Commission that the course was accredited before Respondent Robbins presented the course. Ms. Perry stated that at one point, Respondent Robbins told her to stop contacting her. Ms. Perry and the Director of Member Services at GMNBR contacted all of the attendees on the list to notify them that the course was not accredited. Ms. Perry felt that Respondent Robbins was unprofessional to not own up to her mistake and let people know and not to offer to make up the class to those attendees that didn't receive education credit. Ms. Perry stated that she received evaluations from attendees expressing their frustration with Ms. Robbins lack of preparedness. (Ex. 1, pages 19-20)

9. Respondent Robbins stated at the hearing that she probably ended the course a little early because she usually tracked the time of the course by her computer, but her computer crashed during the course and she had no way to track the timing of the course. Ms. Robbins stated that she may have arrived a little late for the course, and the break during the class was a little longer than usual because that is when her computer crashed.

10. The Commission made attempts to get Respondent Robbins to reply to this complaint, and Respondent Robbins indicated she was not going to respond. (Ex. 1, pg. 34)

11. Respondent Robbins testified at the hearing that she contacted the Commission on December 10, 2014, the day of the presentation because it was brought to her attention by Jessica Perry GMNBR that the course accreditation for course #E1432 had expired and stated that she spoke to Sheila Haines at the Commission and asked her if she should send the request for re-accreditation forms to her so that she could get the course accredited.

12. Respondent Robbins testified that she recalls Ms. Perry being upset about the course not being accredited, and Respondent thought if she sent the updated course information and the accreditation fee to the Commission the course would be accredited retroactively and she informed Ms. Perry that she would have the course re-accredited and the course would be re-accredited retroactively.

13. Ms. Robbins stated that Ms. Perry told her that she needed to contact all of the attendees to inform them that they were not getting credit for the course and I was in the middle of a hearing with attorneys about my three children, and I couldn't deal with the matter at the moment, due to the stress I was experiencing with the issues with my children. Ms. Robbins never contacted the attendees. Ms. Robbins stated that due to the issues she was dealing with in her life regarding her children, she probably should not have agreed to offer the course that day.

14. The Commission's Administrative Assistant Sheila Haines testified at the hearing, that she had communications with Respondent Robbins the day that Ms. Robbins presented the expired course #E1432. Ms. Haines sent Ms. Robbins a copy of the re-accreditation letter that was sent to her on November 25, 2013, which showed the date of expiration of the course as October 20,

2014. Ms. Haines also sent Respondent Robbins the course re-accreditation forms to submit the course for re-accreditation, and Ms. Robbins submitted the forms by e-mail and a check by overnight mail that day for the course re-accreditation. Ms. Haines and other Commission personnel have had e-mail communications regarding this complaint and the course not receiving retroactive re-accreditation, and Ms. Haines felt that Respondent Robbins was uncooperative with Commission personnel. (Ex. 1, pages 4-8, 31-34)

15. Respondent Yerhot Environmental Solutions, LLC is not in Good Standing with the NH Secretary of State, Corporate Division. (Ex. 2, pg. 1)

Relevant Law:

RSA 331-A:20 Programs of Study; Preparatory Education; Continuing Education.

V. Any individual, institution, or organization offering a preparatory or continuing education program who commits any of the following acts, conduct, or practices shall, after a hearing under RSA 331-A:30, be subject to disciplinary action as provided in RSA 331-A:28:

(g) Providing an affidavit of completion of an accredited course to a licensee or a potential licensee who has not completed the required hours of such course.

(k) Demonstrating unprofessional conduct as defined by RSA 331-A:2, XV, or, when presenting a course to licensees or potential licensees, engaging in inappropriate conduct.

(m) Offering or providing a course for credit that has not yet been accredited or whose accreditation has expired.

(i) Receiving poor student evaluations or commission audits.

Rulings of Law:

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

1. Respondent Robbins of Yerhot Environmental Solutions, LLC taught course #E1432 "New EPA RRP Regulations: How It Will Affect the Real Estate Industry" when the course accreditation with the Commission had expired and provided the attendees with Commission education affidavits for 4 credit hours of continuing education and the course was accredited for 2 credit hours and 3 credit hours. Respondent Robbins arrived 15 minutes late to present the course, provided a lengthy mid-way break, and dismissed the class 30 minutes early making the course at least 45 minutes short of the required 4 hours. Respondent Robbins received poor student evaluations from some of the attendees who were frustrated with the disorganized presentation of the course. Respondent Robbins refused to contact the attendees to let them know the course was not an accredited course and that the continuing education affidavits she issued to the attendees for 4 credit hours would not

be honored by the Commission; therefore, the Commission found Respondent Robbins and Respondent Yerhot Environmental Solutions in violation of RSA 331-A:20, V (g), (i), (k), and (m). The Commission did recognize that Respondent Robbins was going through a difficult time in her life when she presented this course, but felt that there was no excuse to refuse to reply to the Commission complaint filed against her. (Notice of Hearing, paragraph 5A, 5B, 5C, and 5D)

Disciplinary Action:

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

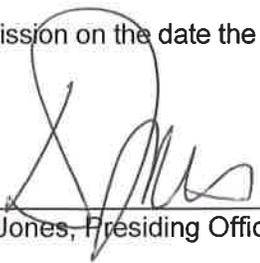
IT IS **ORDERED** that the Respondent pay a disciplinary fine in the amount of seven hundred and fifty dollars (\$750) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within ninety (90) days of the effective date of this Order, and Respondent shall show proof of 3 hours of New Hampshire Real Estate Commission accredited continuing education course on ethics by submitting to the Commission an affidavit for the completed course (this continuing education is to be completed by classroom delivery method only) within ninety (90) days of the effective date of this Order. Failure to comply with this Disciplinary Order will result in the suspension of Respondent's accreditation until the fine is paid and the course is completed.

IT IS **FURTHER ORDERED** that the Respondent's failure to comply with any terms or conditions imposed by this Final Decision and Order shall constitute unprofessional conduct pursuant to RSA 331-A:20, V, (k), and a separate and sufficient basis for further disciplinary action by the Commission against the Respondent.

IT IS **FURTHER ORDERED** that this Final Decision and Order shall become a permanent part of the Respondent's 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.



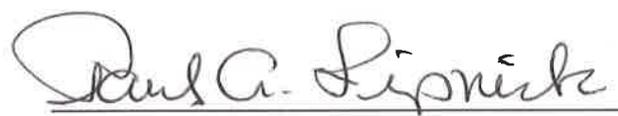
Daniel S. Jones, Presiding Officer

11/6/15
Date

William E. Barry

William E. Barry, Commissioner

11/06/2015
Date



Paul A. Lipnick, Commissioner

11-6-15
Date

*\ Calley M. Milne, Commission member, (case evaluator) recused.