

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

JUNE 17, 2014

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, June 17, 2014 at 8:30 a.m. in the Real Estate Commission Conference Room, 64 South Street, Concord, New Hampshire 03301.

- I. Meeting was called to order at 8:33 a.m. by Chairman Daniel Jones.
Present: Commissioners Daniel Jones, David Dunn, William Barry, Paul Lipnick, and James Therrien.
- II. On motion by Commissioner Dunn, seconded by Commissioner Lipnick, the Commission approved the Minutes of the Commission meeting held on May 20, 2014.

III. APPOINTMENTS

SHOW CAUSE HEARING

8:33 a.m. CHRISTOPHER J. HAGER appeared before the Commission for a show cause hearing regarding his criminal history record submitted with his application for an original salesperson's license. After review and discussion the Commission, on motion by Commissioner Barry, seconded by Commissioner Therrien, decided to allow Mr. Hager to apply for his original salesperson's license.

SHOW CAUSE HEARING

8:40 a.m. TIFFANY M. HOWARD appeared before the Commission for a show cause hearing regarding her criminal history record submitted with her application for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Therrien, seconded by Commissioner Lipnick, decided to allow Ms. Howard to apply for her original salesperson's license.

9:10 a.m. PAMELA YOUNG of Re/Max Omega Group submitted a request for clarification of the definition of RSA 331-A:2 (h) "Assists or directs in the procuring of prospects, calculated to result in the sale, exchange, lease, or rental of real estate", and whether an unlicensed assistant can perform the ministerial act of making a phone call to "solicit an appointment" for a licensed real estate agent? Ms. Young explained that the unlicensed assistant would make calls to solicit appointments from consumers for the real estate agents. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Jones, determined that any telephone calls by an unlicensed assistant to consumers that would result in assisting or directing prospects to a real estate agent that would result in the sale, exchange, lease, or rental of real estate would be in violation of RSA 331-A.

IV. DISCUSSION

SHEANA WALTERS of The Gove Group Real Estate submitted a Request for Declaratory Ruling on whether Shayna is a reasonable and acceptable derivative of the name Sheana as required by RSA 331-A:16, IV (a). After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Therrien, decided that the name Shayna Walters is not a

reasonable derivative of Sheana Walters as required by RSA 331-A:16, IV (a), because the Real Estate Commission staff would be unable to identify her as a licensed individual in response to a public inquiry. Ms. Walters to be so notified.

PAUL GRIFFIN, the Executive Vice President of the NH Association of Realtors submitted a Request for Declaratory Ruling from the Commission on the Definition of "Reasonable Supervision" as used in RSA 331-A:16, I and II, and RSA 331-A:26, XXVII. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Barry, decided to table its decision on the request for a Declaratory Ruling and to e-mail all active principal and managing brokers to solicit any written or oral comments regarding the petition for Declaratory Ruling on the definition of "Reasonable Definition" prior to the July 15, 2014 Commission meeting. Commissioner Lipnick was opposed to the decision. Commissioner Therrien was recused from the discussion and decision.

V. **PRE-HEARING CONFERENCE 10:16 AM**
FILE NO. 2013-027 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ALAN R. RICE

The following persons were present at the pre-hearing conference:

Commission: Commissioners Daniel Jones, William Barry, Paul Lipnick and James Therrien.

Evaluator: Commissioner Dunn evaluated the above matter and abstained from participation in the discussion.

Complainant: The NH Real Estate Commission through its Investigator Ann Flanagan

Attorney: Pro Se

Respondent: Alan R. Rice

Attorney: Matthew R. Johnson, Esquire

VI. **PRE-HEARING CONFERENCE 10:29 AM**
FILE NO. 2013-042 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ALAN R. RICE

The following persons were present at the pre-hearing conference:

Commission: Commissioners Daniel Jones, William Barry, Paul Lipnick and James Therrien.

Evaluator: Commissioner Dunn evaluated the above matter and abstained from participation in the discussion.

Complainant: The NH Real Estate Commission through its Investigator Ann Flanagan

Attorney: Pro Se

Respondent: Alan R. Rice

Attorney: Matthew R. Johnson, Esquire

VII. **OTHER BUSINESS**

1. The Commission unanimously approved the following date for the July meeting:

July 15, 2014 at 8:30 a.m.

2. CASE EVALUATIONS

(a) FILE NO. 2014-021

Evaluator: Commissioner Barry

Determination: On motion by Commissioner Dunn, seconded by Commissioner Lipnick, the Commission approved the evaluating commissioner's determination to offer a Settlement Agreement to the Respondent in the alternative to a hearing. Commissioner Therrien was opposed to the decision.

(b) FILE NO. 2014-035

Evaluator: Commissioner Lipnick

Determination: On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission approved the evaluation commissioner's determination to have the complaint reassigned for evaluation. Commissioner Jones to evaluate the complaint.

(c) FILE NO. 2014-013

Evaluator: Commissioner Jones

Determination: On motion by Commissioner Barry, seconded by Commissioner Therrien, the Commission approved the evaluating commissioner's determination that the matter should be heard.

3. ORDERS

The following Order was issued by the Commission and is attached to the Minutes of this meeting:

(1) DOCKET NO. 2013-045 NEW HAMPSHIRE REAL ESTATE COMMISSION VS JOSEPH P. ARMANO

(2) DOCKET NO. 2013-046 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ROBERT MACDONALD & BMB HOME INSPECTIONS, LLC DBA: OMNISPECT

- (3) DOCKET NO. 2014-009 NEW HAMPSHIRE REAL ESTATE COMMISSION VS
ANDREW F. ARMATA & PRESITGE REAL ESTATE INC. DBA: RE/MAX PRESTIGE

4. SETTLEMENT AGREEMENTS

The following Settlement Agreements were approved by the Commission and are attached to the Minutes of this meeting:

- (1) FILE NO. 2014-014 NEW HAMPSHIRE REAL ESTATE COMMISSION VS TERESA
M. WOODS
- (2) FILE NO. 2014-001 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ROBERT
M. SULLIVAN & GENE T. FENNELLY (Settlement Agreement for Gene Fennelly)
- (3) FILE NO. 2013-032 NEW HAMPSHIRE REAL ESTATE COMMISSION VS GILDA K.
STIGLIANO RE: COMPLAINT OF DONNA J. DOSTIE
- (4) FILE NO 2014-001 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ROBERT M.
SULLIVAN & GENE T. FENNELLY (Settlement Agreement for Robert Sullivan)

5. COURSE ACCREDITATIONS AND RE-ACCREDITATIONS

The following continuing education courses were approved for accreditation by the Commission:

CFPB – UNDERSTANDING THE DFPB RULE ON INTEGRATED DISCLOSURE Course Provider: Stewart Title	1 HOUR
FOUNDATIONS FOR SUCCESS IN COMMERCIAL REAL ESTATE Course Provider: CCIM Institute	6 HOURS
BOOTCAMP FOR YOUR FIRST-TIME HOMEBUYER CLIENTS Course Provider: SIS Bank	2 HOURS
THE POWER OF EXCHANGE Course Provider: Asset Preservation, Inc.	3 HOURS
THE POWER OF STRATEGY Course Provider: Asset Preservation, Inc.	3 HOURS
PRICING & OFFER STRATEGIES FOR CONSUMERS Course Provider: Alan Rice	3 HOURS

THE TRUTH ABOUT MOLD IN INDOOR ENVIRONMENTS 3 HOURS
Course Provider: Yerhot Environmental Solutions

The following continuing education courses were approved for re-accreditation by the Commission:

UNCLE SAM HAS HOMES FOR SALE: LISTING AND SELLING 2 HOURS
HUD HOMES (Internet)
Course Provider: The CE Shop, Inc.

DETERMINING VALUE OF COMMERCIAL PROPERTIES (Internet) 3 HOURS
Course Provider: The CE Shop, Inc.

ETHICAL BEHAVIOR IN THE REAL ESTATE BUSINESS 3 HOURS
Course Provider: Coldwell Banker Residential Brokerage

FINANCE 101 – PROCESSING & CLOSING RESIDENTIAL REAL ESTATE 3 HOURS
Course Provider: Linda Saunders/Lynn McLaren

REAL ESTATE FINANCING 2 HOURS
Course Provider: ABC Real Estate Training Institute

TITLE CLAIMS CHRONICLES, ILLUSTRATIONS OF TITLE INSURANCE 3 HOURS
COVERAGE
Course Provider: First American Title Insurance Company

PROPERTY MANAGEMENT 2 HOURS
Course Provider: ABC Real Estate Training Institute

CORE (Class & Correspondence) 3 HOURS
Course Provider: Charline Mason Seminars Unlimited

BUYER REPRESENTATION (Correspondence) 3 HOURS
Course Provider: Charline Mason Seminars Unlimited

COMMERCIAL AND INVESTMENT REAL ESTATE TOOS OF 3 HOURS
THE TRADE (Correspondence)
Course Provider: Charline Mason Seminars Unlimited

FAIR HOUSING (Correspondence) 3 HOURS
Course Provider: Charline Mason Seminars Unlimited

MORTGAGE FRAUD AND PREDATORY LENDING (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
PROPERTY MANAGEMENT AND MANAGING RISK (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
REAL ESTATE FINANCE TODAY (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
RED FLAGS PROPERTY INSPECTION GUIDE (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
REVERSE MORTGAGES FOR SENIOR HOMEOWNERS (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
SUSTAINABLE HOUSING AND BUILDING GREEN (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
THE TRUTH ABOUT MOLD (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
UNDERSTANDING THE 1031 TAX-FREE EXCHANGE (Correspondence) Course Provider: Charline Mason Seminars Unlimited	3 HOURS
AGENCY Course Provider: ABC Real Estate Training Institute	2 HOURS
KNOW THE CODE: REAL ESTATE ETHICS (Internet) Course Provider: Dearborn Real Estate Education	2 HOURS

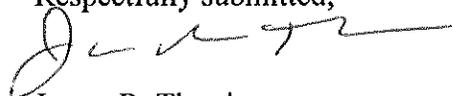
The following pre-licensing education courses were approved for re-accreditation by the Commission:

PRE-LICENSING Course Provider: Charline Mason Seminars Unlimited	40 HOURS
BROKER PRE-LICENSING Course Provider: Charline Mason Seminars Unlimited	7, 9, 18, OR 50 HOURS

VIII. ADJOURNMENT

On a motion by Commissioner Barry, seconded by Commissioner Dunn, Chairman Daniel Jones adjourned the meeting at 11:35 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Therrien', with a long horizontal flourish extending to the right.

James R. Therrien
Clerk

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

In The Matter Of: **Docket No.: 2013-045**
New Hampshire Real Estate Commission v. Joseph P. Armano
License No.: 067468
(Adjudicatory/Disciplinary Proceeding)

FINAL DECISION AND ORDER

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding In the Matter of Joseph P. Armano ("Respondent" or "Mr. Armano") in Docket Number 2013-045.

Background Information:

On October 31, 2013, Respondent submitted a falsified New Hampshire Real Estate Commission continuing education affidavit to the Commission by email that was issued by Course Provider OmniSpect, Instructor Robert MacDonald, for 2 continuing education credits for Course #E975 "Chimneys & Fireplaces" taught at the RE/MAX Legacy Office in Dover, NH on October 16, 2013, for renewal of Respondent's New Hampshire real estate salesperson's license, which was due to expire on October 31, 2013. On December 4, 2013, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2013-045 against Respondent. Subsequent to an investigation, on March 25, 2014, the Commission issued a Notice of Hearing for a hearing scheduled for April 15, 2014.

On Tuesday, April 15, 2014, at 10:34 a.m., the Commission commenced the adjudicatory/disciplinary hearing in the above captioned matter. Commission members present¹ were:

David C. Dunn, Commissioner, Presiding Officer
Daniel S. Jones, Commissioner
William E. Barry, Commissioner
James R. Therrien, Commissioner

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

The prosecution was conducted by Ann Flanagan, the Commission's Investigator. Mr. Armano was pro se.

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

- Complainant Investigator Flanagan's Exhibits:
 - Exhibit #1 - Complaint File 2013-045: pages 1-53.
 - Exhibit #2 – E-mail from Patti Kemen on April 3, 2014

- The Respondent's exhibits: none were introduced.

The following witnesses were present and testified at the hearing:

- Laurel A. Untiet, Licensing Coordinator of the NH Real Estate Commission
- Sheila Haines, Administrative Assistant of the NH Real Estate Commission
- Fran LeSaffre, Corporate Admin. for Coco Early and Associates
- Harry Cheney, Real Estate Licensee for RE/MAX Legacy

Findings of Fact:

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

Respondent was first granted a real estate salesperson's license in the State of New Hampshire on October 31, 2011. At the time of the allegations, Respondent was licensed as a real estate salesperson, license #067468, in active status with a license period of October 31, 2011 – October 31, 2013. Respondent is currently licensed as a salesperson in active status until October 31, 2015.

1. On October 31, 2013, Respondent submitted a New Hampshire Real Estate Commission continuing education affidavit to the Commission by email that was issued by Course Provider OmniSpect, Instructor Robert MacDonald, for 2 continuing education credits for Course #E975 "Chimneys & Fireplaces" taught at the RE/MAX Legacy Office at 601 Central Avenue in

Dover, NH on October 16, 2013, for renewal of Respondent's New Hampshire real estate salesperson's license, which was due to expire on October 31, 2013.

2. The continuing education credit affidavit was not accepted by the Commission because it was a copy and difficult to read, so Respondent was asked by the Commission's Licensing Coordinator Laurel Untiet to submit the original education credit affidavit.

3. Respondent indicated to Laurel Untiet that he couldn't find a post office to mail the original education credit affidavit for the course, "Chimneys & Fireplaces", so he took another course online, Course #E1611, "Fair Housing", on November 3, 2013 from another instructor and faxed the education credit affidavit to the Commission to use to renew his license instead of the "Chimneys & Fireplaces" course. (Ex. 1, page 21)

4. Laurel Untiet, the Commission's Licensing Coordinator testified at the hearing that Respondent's salesperson renewal application, along with continuing education affidavits to satisfy the education requirement for license renewal was received at the Commission office on October 30, 2013, and one of the continuing education affidavits for Course #E940, "Radon Overview & Radon Air Mitigation" for 2 credit education hours was rejected due to the course being completed prior to the Respondent's two year license period. (Ex. 1, pages 15-24)

5. Ms. Untiet stated at the hearing that she contacted Respondent to let him know that he needed to submit an additional 2 credit hours of continuing education, and Respondent submitted an affidavit for Course #E975, "Chimneys & Fireplaces" by e-mail on October 31, 2013. (Ex. 1, pages 26-27)

6. Ms. Untiet testified at the hearing that when she received the affidavit from Respondent for Course #E975, "Chimneys & Fireplaces" she contacted the Respondent by phone to request that he submit the original affidavit because the affidavit was not legible and that he stated he could not find a post office to mail the affidavit to the Commission.

7. The "Chimneys & Fireplaces" course was taught at the RE/MAX Legacy office located at 601 Central Avenue in Dover, NH, and the managing broker, Patricia Kemen, of that office was present at the course.

8. The Commission Investigator Ann Flanagan contacted Patricia Kemen by telephone to find out if Respondent attended the "Chimneys & Fireplaces" course and Ms. Kemen stated to Investigator Flanagan that the course was only offered to RE/MAX Legacy agents and that Respondent did not work for their office and that he was not at the course. RE/MAX Legacy provided to the Commission a list of agents who attended the course and Respondent was not on the list. Patricia Kemen provided a copy of each agent's education credit affidavit from the course "Chimneys & Fireplaces" to the Commission and Ms. Kemen spoke to each agent and none of them knew Respondent. (Ex. 1, pages 33-42) and (Ex. 2)

9. Harry Cheney of RE/MAX Legacy testified that he was in attendance at the Chimneys & Fireplaces course held at the RE/MAX Legacy office in Dover, NH on October 16, 2013, and the instructor was Robert MacDonald of OmniSpect. Mr. Cheney testified that Respondent was not present at the course and he had never seen Respondent prior to the hearing. (Ex. 1, pg. 39)

10. Investigator Flanagan spoke to the course instructor, Robert MacDonald, who stated he remembered that there was only one man at the course and the rest of the attendants were women, but that he did not have a sign-in list, and that this course was the only course without a sign-in list because Karen, at OmniSpect used to prepare the sign-in list for him, but she was no longer working for OmniSpect at the time the course was offered.

11. Investigator Flanagan spoke to Respondent on November 14, 2013, and Respondent stated that he was at the course at RE/MAX Legacy Office on October 16, 2013, and when Respondent was informed by Investigator Flanagan that there was a list of agents who attended the course and he was not on the list, Respondent stated again that he was at the course, and then stated to Investigator Flanagan that it didn't matter anyway because he didn't end up using the course for his renewal.

12. When Investigator Flanagan told Respondent that the course was only open to RE/MAX Legacy Office agents and that he didn't work for RE/MAX Legacy, the phone call was disconnected.

13. Investigator Flanagan asked the instructor, Robert MacDonald, how Respondent could have gotten a copy of the education credit affidavit for "Chimneys & Fireplaces" if Respondent had not attended the course and Mr. MacDonald stated that he only passed one education credit affidavit out to each person at the class so he didn't know how Respondent could have gotten a copy of the education credit affidavit. Investigator Flanagan told Instructor Robert MacDonald to check the OmniSpect emails to see if Respondent was sent an education credit affidavit.

14. On November 15, 2013, Investigator Flanagan spoke to Respondent who stated that he had called OmniSpect at the end of October 2013 and told the man on the telephone his situation about not being able to use the "Radon Overview & Radon Air Mitigation" Course #E940 that he took on October 27, 2011 from OmniSpect 4 days before his original license was effective, and Respondent thought OmniSpect might just send him a new education credit affidavit for the "Radon Overview & Radon Air Mitigation" course with a date that he could use with his license renewal, but Respondent stated that the man said it was just a technicality and sent Respondent an affidavit for the "Chimneys & Fireplaces" course held on October 16, 2013.

15. Respondent admitted at the hearing that he spoke to Investigator Flanagan on November 14, 2013 and stated to Investigator Flanagan that he was in attendance at the course "Chimneys & Fireplaces" held at the RE/MAX Legacy office in Dover, NH on October 16, 2013, and when Investigator Flanagan informed Respondent that she had a list of attendants that were at the course and he was not on the list, he stated again that he was in attendance at the course. Respondent stated that he told Investigator Flanagan that that it didn't matter anyway because he didn't end up using the course for his renewal.

16. Respondent stated at the hearing that he attempted to find out if the Radon Overview & Radon Air Mitigation course that he completed before was available online because it would be the easiest course to complete since he was familiar with it, and unfortunately an easier solution came up. Respondent stated that it was a pretty poor judgment on his part.

17. On November 15, 2013, Investigator Flanagan spoke to Fran LeSaffre at Coco Early and Associates where Respondent worked at the time and she state that Respondent told her that

the Commission was not going to accept the "Radon Overview & Radon Air Mitigation" course because he took it before his license renewal period, and she also stated that she told Respondent to take another course; 2 weeks later Respondent told Ms. LeSaffre that he had forgotten that he had previously taken the "Chimneys & Fireplaces" course that he could use for his license renewal.

18. Sheila Haines, the Commission's Administrative Assistant, testified at the hearing that Laurel Untiet came to her regarding the affidavit for the Radon Overview & Radon Air Mitigation course which was taken before the Respondent's 2 year license period. Ms. Haines stated that she spoke to Fran LeSaffre at Coco Early and Associates and she stated that Ms. LeSaffre informed her that Respondent did not have any other courses to submit and asked what he needed to do. Ms. Haines informed Ms. LeSaffre that the Respondent would need to take another course.

19. Respondent testified at the hearing that he sent a letter to Fran LeSaffre stating that he didn't need another course because he took the Chimneys & Fireplaces course before his renewal and submitted to the Commission to renew his license.

20. On November 22, 2013 Investigator Flanagan spoke to Denise at OmniSpect and she stated that the only person who provides education credit affidavits to the students would be the instructor, Robert MacDonald.

21. Investigator Flanagan also spoke to Karen from OmniSpect, but she had not worked at OmniSpect since September 2013 and had no knowledge of the sign-in list or education credit affidavits for the course "Chimneys & Fireplaces" held on October 16, 2013.

22. On November 25, 2013, Investigator Flanagan again spoke to Instructor Robert MacDonald and he still denied that he sent Respondent the education credit affidavit for Course #E975, "Chimneys & Fireplaces", held on October 16, 2013.

23. On November 26, 2013, Respondent forwarded to the Commission the email that he had received from Instructor Robert MacDonald, which contained an incomplete "Chimneys & Fireplaces" education credit affidavit; Investigator Flanagan again spoke to Instructor Robert MacDonald who continued to deny that he sent Respondent an education credit affidavit for the

"Chimneys & Fireplaces" course, so Investigator Flanagan forwarded the email to Instructor Robert MacDonald. (Ex. 1, pages 43-45)

24. On December 3, 2013, Investigator Flanagan again spoke to Instructor Robert MacDonald who admitted that he did email the education credit affidavit for the "Chimneys & Fireplaces" course held on October 16, 2013 to Respondent (Instructor Flanagan told Robert MacDonald to forward the original email to the Commission), and when questioned to why by Investigator Flanagan, Instructor Robert MacDonald said that it was stupid thing to do, be he felt sorry for the guy and that he should have just told him to take another course. (Ex. 1, pages 46-47)

25. Respondent testified at the hearing that he didn't think of the significance of what he had done until Investigator Flanagan informed him that what he had done was fraud. Respondent stated that he didn't want his license to go inactive, because he couldn't afford to have an inactive license, and it was at the last hour for his renewal, and he was grasping at anything.

Relevant Law:

RSA 331-A:2, XV. – "Unprofessional conduct" means any action by a licensee which is unlawful, dishonorable, unethical, or immoral.

331-A:26, Prohibited Conduct. – The following acts, conduct or practices are prohibited, and any licensee found guilty after a hearing shall be subject to disciplinary action as provided in RSA 331-A:28:

I. – Obtaining or attempting to obtain a license by means of fraud, misrepresentation or concealment.

XXIX. – Unprofessional conduct defined in RSA 331-A:2, XV.

Rulings of Law:

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

1. The Respondent attempted to obtain a license by means of misrepresentation by submitting a falsified Education Credit Affidavit for Course #E975, titled "Chimneys & Fireplaces", taught by Instructor Robert MacDonald from OmniSpect for 2 credit hours, and submitting the falsified

continuing education affidavit for renewal of his salesperson's license in violation of RSA 331-A:26, I. (Notice of Hearing, paragraph 5A)

2. The Respondent committed unprofessional conduct by acting dishonorably and unethically when he submitted a falsified Continuing Education Course Affidavit for Course #E975, "Chimneys & Fireplaces" for 2 credit hours for renewal of his salesperson's license in violation of RSA 331-A:26, XXIX. (Notice of Hearing, paragraph 5B).

Disciplinary Action:

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

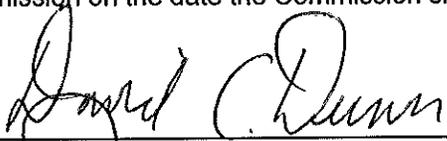
IT IS **ORDERED** that the Respondent pay a disciplinary fine in the amount of two-thousand dollars (\$2,000) for each violation for a total amount of four-thousand dollars (\$4,000) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within ninety (90) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid.

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:26, XXIX, 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.

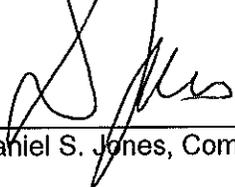
IT IS **FURTHER ORDERED** that if this decision is not appealed within 30 days of the effective date, it shall become final. See RSA 331-A:28, III ("The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior 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.



David C. Dunn, Presiding Officer

6/17/2014
Date



Daniel S. Jones, Commissioner

6/17/14
Date



William E. Barry, Commissioner

6/17/2014
Date



James R. Therrien, Commissioner

6/17/2014
Date

*\ Paul A. Lipnick, Commission member, (case evaluator) recused.

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

In The Matter Of: Docket No.: 2013-046
New Hampshire Real Estate Commission v. Robert MacDonald & BMB Home
Inspections, LLC dba: OmniSpect
Accreditation No.: 058673
(Adjudicatory/Disciplinary Proceeding)

FINAL DECISION AND ORDER

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding In the Matter of Robert MacDonald ("Respondent MacDonald" or "Mr. MacDonald") and BMB Homes Inspections, LLC dba: OmniSpect ("Respondent OmniSpect"), in Docket Number 2013-046.

Background Information:

Respondent MacDonald of OmniSpect taught Commission accredited course #E975, "Chimneys & Fireplaces" at the RE/MAX Legacy Office in Dover NH on October 16, 2013, and provided an affidavit of completion for this course to a New Hampshire real estate salesperson, Joseph Amarno, who had not attended or completed the course. On December 4, 2013, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2013-046 against Respondents. Subsequent to an investigation, on March 25, 2014, the Commission issued a Notice of Hearing for a hearing scheduled for April 15, 2014.

On Tuesday, April 15, 2014, at 12:23 p.m., the Commission commenced the adjudicatory/disciplinary hearing on Complaint File No. 2013-046. Commission members present¹ were:

David C. Dunn, Commissioner, Presiding Officer
Daniel S. Jones, Commissioner
William E. Barry, Commissioner

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

The prosecution was conducted by Ann Flanagan, the Commission's Investigator. Respondents MacDonald and OmniSpect were pro se.

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

- Complainant Investigator Flanagan's Exhibits:
 - Exhibit #1 - Complaint File 2013-046: pages 1-36.
 - Exhibit #2 – E-mail from Patti Kemen on April 3, 2014.
- Respondent MacDonald's & Respondent OmniSpect's Exhibits: None.

Witnesses: Frances M. West
Joseph Armano

Findings of Fact:

1. On October 31, 2013, Joseph Armano submitted a New Hampshire Real Estate Commission continuing education affidavit to the Commission by email that was issued by Course Provider OmniSpect, Instructor Robert MacDonald, for 2 continuing education credits for Course #E975 "Chimneys & Fireplaces" taught at the RE/MAX Legacy Office at 601 Central Avenue in Dover, NH on October 16, 2013, for renewal of Mr. Armano's New Hampshire real estate salesperson's license, which was due to expire on October 31, 2013. (Ex. 1, pages 16-17)
2. The continuing education credit affidavit was not accepted by the Commission because it was a copy and difficult to read, so Joseph Armano was asked by the Commission's Licensing Coordinator Laurel Untiet to submit the original education credit affidavit.
3. Joseph Armano indicated to Laurel Untiet that he couldn't find a post office to mail the original education credit affidavit for the course, "Chimneys & Fireplaces", so he took another course online, Course #E1611, "Fair Housing", on November 3, 2013 from another instructor and faxed the education credit affidavit to the Commission to use to renew his license instead of the "Chimneys & Fireplaces" course.

4. The "Chimneys & Fireplaces" course was taught at the RE/MAX Legacy office located at 601 Central Avenue in Dover, NH on October 16, 2013, and the managing broker, Patricia Kemen, of that office was present at the course.

5. The Commission Investigator Ann Flanagan contacted Patricia Kemen by telephone to find out if Joseph Armano attended the "Chimneys & Fireplaces" course and Ms. Kemen stated to Investigator Flanagan that the course was only offered to RE/MAX Legacy agents and that Mr. Armano did not work for their office and that he was not at the course. RE/MAX Legacy provided to the Commission a list of agents who attended the course and Mr. Armano was not on the list. Patricia Kemen provided a copy of each agent's education credit affidavit from the course "Chimneys & Fireplaces" to the Commission and Ms. Kemen spoke to each agent and none of them knew Mr. Armano. (Ex. 1, pages 20-29)

6. Investigator Flanagan spoke to Respondent MacDonald, who stated he remembered that there was only one man at the course and the rest of the attendants were women, but that he did not have a sign-in list, and that this course was the only course without a sign-in list because Karen, at OmniSpect used to prepare the sign-in list for him, but she was no longer working for OmniSpect at the time the course was offered.

7. The Commission's Education Program Assistant Frances West testified that the education affidavit for Course #E975, "Chimneys & Fireplaces" taught by Respondent MacDonald of OmniSpect on October 16, 2013 was submitted in conjunction with Joseph Armano's renewal paperwork and because there had been another issue with an affidavit from that same company, Ms. West called Respondent MacDonald to confirm that he indeed taught this course and Mr. Armano was in attendance in the course.

8. Ms. West testified that she requested an attendance list from Respondent MacDonald for Course #E975 taught on October 16, 2013 and Respondent MacDonald did not have an attendance list.

9. Investigator Flanagan spoke to Joseph Armano on November 14, 2013, and Mr. Armano stated that he was at the course at RE/MAX Legacy Office on October 16, 2013, and when

Mr. Armano was informed by Investigator Flanagan that there was a list of agents who attended the course and he was not on the list, Mr. Armano stated again that he was at the course, and then stated to Investigator Flanagan that it didn't matter anyway because he didn't end up using the course for his renewal.

10. When Investigator Flanagan told Joseph Armano that the course was only open to RE/MAX Legacy Office agents and that he didn't work for RE/MAX Legacy, the phone call was disconnected.

11. Investigator Flanagan asked Respondent MacDonald how Joseph Armano could have gotten a copy of the education credit affidavit for "Chimneys & Fireplaces" if Mr. Armano had not attended the course, and Respondent stated that he only passed one education credit affidavit out to each person at the class so he didn't know how Mr. Armano could have received a copy of the education credit affidavit. Investigator Flanagan told Respondent to check the OmniSpect emails to see if Mr. Armano was sent an education credit affidavit.

12. On November 15, 2013, Investigator Flanagan spoke to Joseph Armano who stated that he had called OmniSpect at the end of October 2013 and told the man on the telephone his situation about not being able to use the "Radon Overview & Radon Air Mitigation", Course #E940 that he completed on October 27, 2011 from OmniSpect 4 days before his original license was effective, and Mr. Armano thought OmniSpect might just send him a new education credit affidavit for the "Radon Overview & Radon Air Mitigation" course with a date that he could use with his license renewal, but Mr. Armano stated that the man said it was just a technicality and sent Mr. Armano an affidavit for the "Chimneys & Fireplaces" course held on October 16, 2013. (Ex. 1, pages 30-31)

13. On November 15, 2013, Investigator Flanagan spoke to Fran LeSaffre at Coco Early and Associates where Joseph Armano worked at the time and she stated that Mr. Armano told her that the Commission was not going to accept the "Radon Overview & Radon Air Mitigation" course because he took it before his license renewal period, and she also stated that she told Mr. Armano

to take another course; 2 weeks later Mr. Armano told Ms. LeSaffre that he had forgotten that he had previously taken the "Chimneys & Fireplaces" course that he could use for his license renewal.

14. On November 22, 2013, Investigator Flanagan spoke to Denise at OmniSpect and she stated that the only person who provides education credit affidavits to the students would be the instructor, Robert MacDonald.

15. Investigator Flanagan also spoke to Karen from OmniSpect, but she had not worked at OmniSpect since September 2013 and had no knowledge of the sign-in list or education credit affidavits for the course "Chimneys & Fireplaces" held on October 16, 2013.

16. On November 25, 2013, Investigator Flanagan again spoke to Respondent and he still denied that he sent Joseph Armano the education credit affidavit for Course #E975, "Chimneys & Fireplaces" held on October 16, 2013.

17. On November 26, 2013, Joseph Armano forwarded to the Commission the email that he had received from Respondent, which contained an incomplete "Chimneys & Fireplaces" education credit affidavit; Investigator Flanagan again spoke to Respondent who continued to deny that he sent Mr. Armano an education credit affidavit for the "Chimneys & Fireplaces" course, so Investigator Flanagan forwarded the email to Respondent. (Ex. 1, pages 30-31)

18. On December 3, 2013, Investigator Flanagan again spoke to Respondent who admitted that he did email the education credit affidavit for the "Chimneys & Fireplaces" course held on October 16, 2013 to Joseph Armano and forwarded the original email to the Commission, and when questioned why he supplied the affidavit by Investigator Flanagan, Respondent said that it was stupid thing to do, but he felt sorry for the guy and that he should have just told him to take another course. (Ex. 1, pages 32-33)

19. Investigator Flanagan made attempts to get Respondents to reply to Complaint File Number 2013-046 as required by NH Administrative Rule Rea 204.04, and although Respondent MacDonald stated he would do so, Respondents did not reply to the complaint.

20. Joseph Armano testified at the hearing that Respondent sent him an affidavit with the course information for Course #E975 and Mr. Armano filled in his personal information on the education affidavit.

21. Respondent MacDonald admitted to the factual allegations of Complaint File Number 2013-046 at the hearing that he denied to Investigator Flanagan that he sent Joseph Armano an education affidavit for Course #975, "Chimneys & Fireplaces" held on October 16, 2013 during his telephone conversations with Investigator Flanagan held on November 25, 2013 and on November 26, 2013.

22. Respondent MacDonald admitted at the hearing that he did email the education credit affidavit for Course #E975, "Chimneys & Fireplaces" held on October 16, 2013 to Joseph Armano even though he knew he did not complete the course but sent him the affidavit because he felt sorry for Mr. Armano.

23. Respondent MacDonald testified that he did not reply to Complaint File Number 2013-046, because he was really busy with five kids at home.

24. Respondent MacDonald stated at the hearing that he would not blame the Commission if the Commission revokes his accreditation.

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.

(n) Failing to preserve, for at least 3 years from the beginning date of an accredited course, attendance records, documentation, and materials relating to the course.

Rulings of Law:

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

1. Respondent MacDonald of OmniSpect provided an affidavit of completion of an accredited course to a licensee who had not completed the required hours of such course, in violation of RSA

331-A:20, V (g), when he provided an affidavit to Joseph Armano, a NH real estate salesperson for Course #E975, "Chimneys & Fireplaces" which Respondent MacDonald taught on October 16, 2013 at the RE/MAX Legacy office in Dover, NH. (Notice of Hearing, paragraph 5A)

2. Respondent MacDonald of OmniSpect, a NH Real Estate Commission accredited instructor demonstrated unprofessional conduct when he offered Joseph Armano an education affidavit for a course that Respondent MacDonald knew Mr. Armano did not complete, and denied to Investigator Flanagan that he provided Joseph Armano the education affidavit, in violation of RSA 331-A:20, V (k). (Notice of Hearing, paragraph 5B)

3. Respondent MacDonald of OmniSpect did not have an attendance list for Course #E975, "Chimneys & Fireplaces" which was taught by Respondent MacDonald on October 16, 2013 at the RE/MAX Legacy office in Dover, NH, in violation of RSA 331-A:20, V (n).

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 Respondent MacDonald's and Respondent OmniSpect's accreditation be hereby revoked.

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.

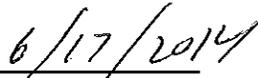
IT IS **FURTHER ORDERED** that if this decision is not appealed within 30 days of the effective date, it shall become final. See RSA 331-A:28, III ("The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior 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...") If the decision is not appealed within thirty (30) days, this order will become final.

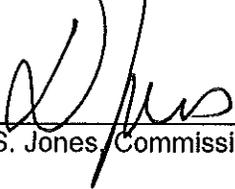
IT IS FURTHER **ORDERED** that this Final Decision and Order shall take effect as an Order of the Commission on the date the Commission signs it.



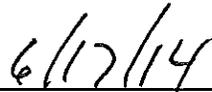
David C. Dunn, Presiding Officer



Date



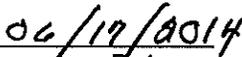
Daniel S. Jones, Commissioner



Date



William E. Barry, Commissioner



Date

*\ Paul A. Lipnick, Commission member, (case evaluator) recused.
James R. Therrien, Commission member, recused.

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

In The Matter Of:

Docket No.: 2013-049

**New Hampshire Real Estate Commission v. Andrew F. Armata &
Prestige Real Estate, Inc. dba: Re/Max Prestige**

License No.: 063295; 066056

(Adjudicatory/Disciplinary Proceeding)

FINAL DECISION AND ORDER

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding in the matter of Andrew F. Armata ("Respondent Armata" or "Mr. Armata") and Prestige Real Estate, Inc. dba: Re/Max Prestige ("Respondent Prestige Real Estate") in Docket Number 2013-049.

Background Information:

On November 17, 2013 Respondent Prestige Real Estate's New Hampshire firm broker license #066056 expired and was renewed on December 5, 2013. Respondent Armata was the principal broker of Prestige Real Estate, Inc. dba: Re/Max Prestige and failed to supervise the activities of the firm when Respondent Prestige Real Estate was marketing listings in New Hampshire with an expired license. On December 16, 2013, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2013-049 against Respondents. Subsequent to an investigation, on April 29, 2014, the Commission issued a Notice of Hearing for a hearing scheduled for May 20, 2014.

On Tuesday, May 20, 2014, at 10:35 a.m., the Commission commenced the adjudicatory/disciplinary hearing in the above captioned matter. Commission members present¹ were:

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

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

The prosecution was conducted by Ann Flanagan, the Commission's Investigator. Mr. Armata and Prestige Real Estate Inc. dba: Re/Max Prestige were pro se.

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

- Complainant Investigator Flanagan's Exhibits:
 - Exhibit #1 - Complaint File 2013-049: pages 1-33.
 - Exhibit #2 – NH Real Estate Commission database license record information for Prestige Real Estate, Inc.

- The Respondent's exhibits: none were introduced.

There were no witnesses present at the hearing.

Findings of Fact:

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

1. Respondent Armata was first granted a real estate broker's license on October 19, 2006. At the time of the allegations, Respondent was licensed as a real estate broker in the State of New Hampshire, license #063295 with a license period of October 19, 2012 – October 19, 2014. Respondent Prestige Real Estate was first granted a real estate firm broker license #066056 in the State of New Hampshire on September 24, 2007. At the time of the allegations, Respondent Prestige Real Estate firm broker license was expired. Respondent Prestige Real Estate is currently licensed as Prestige Real Estate, Inc. dba: Laer Realty Partners, license number 067274, with a license period of April 25, 2014 – April 25, 2016.

2. Respondent Prestige Real Estate, Inc. dba: Re/Max Prestige (located in Methuen, MA), New Hampshire firm broker license #066056 expired on November 17, 2013 and was renewed with a late fee on December 5, 2013, and withdrawn by Respondent Armata on April 25, 2014.

3. Respondent Armata was the New Hampshire real estate principal broker of Prestige Real Estate at the time of the allegations of Complaint File No. 2013-049.
4. Respondent Prestige Real Estate was marketing 11 listings with an expired New Hampshire real estate firm broker license. (Ex. 1, pages 6-27)
5. Respondent Amarta failed to supervise the activities of the NH real estate firm regarding brokerage activities during the expiration of the NH real estate firm broker license of Prestige Real Estate, Inc. dba: Re/Max Prestige.
6. Respondent Armata has a history of failing to renew the firm/firm branch office broker licenses of Prestige Real Estate, Inc. on time. (Ex. 1, page 3)
7. Respondent Armata in his reply to Complaint File No. 2013-049 admitted to conducting brokerage activities during the expiration of the firm/firm branch office broker licenses. (Ex. 1, page 33)
8. Respondent Armata admitted to the factual allegations of Complaint File No. 2013-049 at the hearing. (Notice of Hearing, paragraph 4A-F)
9. Respondent Armata testified at the hearing that he currently only has a firm broker license in NH and has no licensed firm branch offices.
10. Respondent Armata testified at the hearing that in the past he allowed staff to renew the firm/firm branch broker licenses and the licenses were not renewed in a timely manner by staff, and he realizes that it is his responsibility to ensure that licenses are renewed in a timely manner, and in the future he is going to personally be responsible for renewing the firm license, his broker license and re-registering the trade name on time.

Relevant Law:

RSA 331-A:1 Purpose. It is the policy of this state to regulate the practice of real estate brokers and salespersons in order to ensure that they meet and maintain minimum standards which promote public understanding and confidence in the business of real estate brokerage.

RSA 331-A:18 Lapse of License.

IV. The rights of the licensee under such expired or lapsed license shall be terminated. It shall be unlawful to act or attempt or offer to act in any matter as a real estate broker or salesperson under an expired or lapsed license.

RSA 331-A:26 Prohibited Conduct. The following acts, conduct or practices are prohibited, and any licensee found guilty after a hearing shall be subject to disciplinary action as provided in RSA 331-A:28:

XXVII. In the case of a principal broker or a licensee who is a branch manager, failing to exercise reasonable supervision over the activities of licensees and any unlicensed staff.

Rulings of Law:

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

1. Respondent Prestige Real Estate Inc. dba: Re/Max Prestige marketed listings with an expired New Hampshire firm broker license, in violation of RSA 331-A:18, IV. (Notice of Hearing, paragraph 5A)
2. Respondent Amarta as principal broker of Prestige Real Estate, Inc. dba: Re/Max Prestige failed to exercise reasonable supervision over the activities of licensee and any unlicensed staff by allowing brokerage activities during the time that firm/firm branch office broker licenses were expired, in violation of RSA 331-A:26, XXVII. (Notice of Hearing, paragraph 5B).

Disciplinary Action:

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

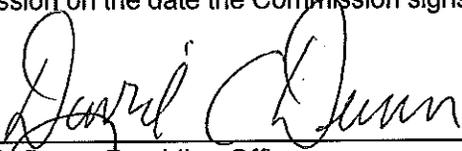
IT IS ORDERED that the Respondents pay a disciplinary fine in the amount of five-hundred dollars (\$500) for each violation for a total amount of one-thousand dollars (\$1,000) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within sixty (60) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondents' real estate license until the fine is paid.

IT IS FURTHER ORDERED that the Respondents' failure to comply with any terms or conditions imposed by this Final Decision and Order shall constitute unprofessional conduct pursuant to RSA 331-A:26, XXIX, and a separate and sufficient basis for further disciplinary action by the Commission against the Respondents.

IT IS FURTHER **ORDERED** that this Final Decision and Order shall become a permanent part of the Respondents' disciplinary file, which is maintained by the Commission as a public document.

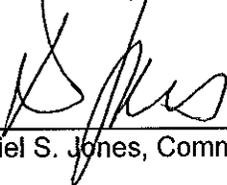
IT IS FURTHER **ORDERED** that if this decision is not appealed within 30 days of the effective date, it shall become final. See RSA 331-A:28, III ("The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior 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.



David C. Dunn, Presiding Officer

6/17/2014
Date



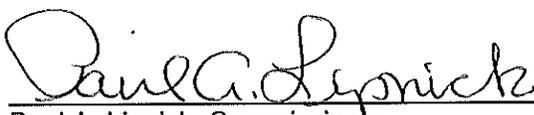
Daniel S. Jones, Commissioner

6/17/14
Date



William E. Barry, Commissioner

06/17/2014
Date



Paul A. Lipnick, Commissioner

June 17, 2014
Date

*\ James R. Therrien, Commission member, (case evaluator) recused.

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2014-014 NH Real Estate Commission v. Teresa M. Woods
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 Teresa M. Woods ("Licensee" or "Respondent"), a real estate broker currently licensed by the Commission until March 22, 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 March 22, 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 disclosing the

terms of an offer without the prior written permission of the buyer and seller, and Respondent was required to pay a \$200 disciplinary fine; this Consent Agreement was approved by the Maine Real Estate Commission on April 10, 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 shall pay a disciplinary fine in the amount of two-hundred dollars (\$200) 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.

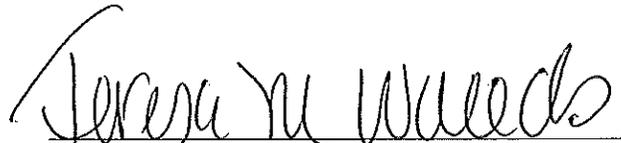
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
7. Respondent understands that her action in entering into this agreement is a final act and not subject to 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

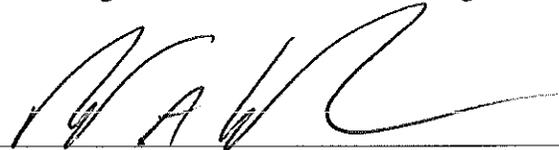
I, Teresa M. Woods, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. 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: 5/13/14, 2014



Teresa M. Woods
Respondent

On this 13th day of May A.D. 2014
personally appeared the person who subscribe to the following instrument and acknowledged the same as her voluntary act and deed before me.



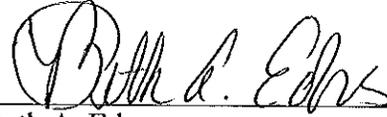
Justice of the Peace/Notary Public

My commission expires:



For the Commission

Dated: June 17th, 2014



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

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2014-001 NH Real Estate Commission v. Robert M. Sullivan & Gene T. Fennelly

Allegations: RSA 331-A:26, XXVII

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 Gene T. Fennelly (“the Licensee” or “the Respondent”), a real estate broker currently licensed by the Commission until June 24, 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:

Robert Sullivan advertised property through signage located at 196 Meetinghouse Rd, Bedford NH (12/26/13 printout) using his cell phone number (603-231-5240) only without including and identifying the firm phone number (603-880-6950) or the regular business name of the firm.

Robert Sullivan also listed property located at 196 Meetinghouse Rd, Bedford NH; Rte 4 Dover Rd, Epsom NH; and 320 Dover Rd, Rte 4, Chichester NH; and advertised his services as a NH real estate licensee on

<http://www.newenglandcommercialproperty.com> (12/27/13 printouts)

using his cell phone number only (603-231-5240) but identifying it as an office phone number. Respondent is the principal broker of Gene Fennelly dba: Allison James Estates & Homes Gene Fennelly & Associates and has failed to supervise the advertising activities of Robert Sullivan.

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

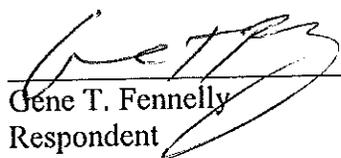
these rights. Respondent understands that by signing this Agreement, he waives these rights as they pertain to the misconduct described herein.

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, Gene T. Fennelly, 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: 5-28, 2014


Gene T. Fennelly
Respondent

On this 28th 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.


Justice of the Peace/Notary Public

My commission expires:

Deborah A. Cobleigh
Notary Public
State of New Hampshire
My Commission Exp. Sept. 18, 2018

For the Commission

Dated: June 17th, 2014

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

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2013-032 New Hampshire Real Estate Commission v. Gilda K. Stigliano,
RE: Compliant of Donna J. Dostie

Allegations: RSA 331-A:26, IV

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 Gilda K. Stigliano ("the Licensee" or "the Respondent"), a real estate broker currently licensed by the Commission until February 22, 2014, 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 admits that she forgot to tell her landlord client that the prospective tenant Donna J. Dostie ("Ms. Dostie") had a cat. When Respondent did tell her landlord client about the cat, the landlord client independently decided she wanted a pet deposit. Respondent agrees that her handling of the issue and Respondent's Craigslist advertisement caused some confusion.

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, Gilda K. Stigliano, 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: June 4, 2014

Gilda K. Stigliano
Gilda K. Stigliano
Respondent

On this 4TH day of JUNE A.D. 20 14
personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.

William B. Cornwell
Justice of the Peace/Notary Public

My commission expires:

WILLIAM B CORNWELL
Notary Public, New Hampshire
My Commission Expires Feb 16, 2016

For the Commission

Dated: June 17th, 2014



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

<http://www.newenglandcommercialproperty.com> (12/27/13 printouts)

using his cell phone number only (603-231-5240) but identifying it as an office phone number.

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.

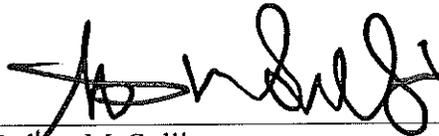
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
7. Respondent understands that his action in entering into this agreement is a final act and not subject to 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, Robert M. Sullivan, 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: June 12th, 2014



Robert M. Sullivan
Respondent

On this 12th day of June A.D. 20 14
personally appeared the person who subscribed to the following instrument and acknowledged the same as his voluntary act and deed before me.



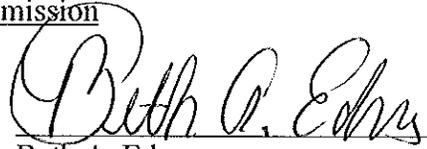
Justice of the Peace/Notary Public

My commission expires:

LAUREL W. UNTIET, Notary Public
My Commission Expires December 14, 2016

Dated: June 17th, 2014

For the Commission



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