

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

AUGUST 19, 2014

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, August 19, 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 8:30 a.m. by Chairman Daniel Jones.
Present: Commissioners Daniel Jones, David Dunn, William Barry, and Paul Lipnick.
- II. On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission approved the Minutes of the Commission meeting held on July 15, 2014.
- III. APPOINTMENTS
8:32 a.m. ELIZABETH DESMOND appeared before the Commission to request reinstatement of her lapsed salesperson's license pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Barry, decided to allow Ms. Desmond to reinstate her lapsed salesperson's for good cause shown as required by RSA 331-A:18, II, contingent upon receiving all required fees and documentation within 30 days of the date of this meeting

8:40 a.m. – Equivalency Appointment – TERRY L. AUSTIN

Ms. Austin appeared before the Commission to request that her real estate experience be approved as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Barry, decided to approve Ms. Austin's real estate experience as sufficient experience pursuant to RSA 331-A:10, II (c) and (g), and directed Ms. Austin to cease and desist any brokerage activity requiring a license until she obtains a NH license. The Commission directed the Commission's Investigator to investigate the transactions that Ms. Austin listed on transaction form for unlicensed activity.

SHOW CAUSE HEARING

9:15 a.m. TAYLOR A. THOMPSON 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 Dunn, seconded by Commissioner Lipnick, decided to allow Mr. Thompson to apply for his original salesperson's license.

9:20 a.m. Equivalency Appointment – DONALD F. HEBERT, ESQ.

Donald Hebert appeared before the Commission to request that his real estate experience be approved as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Barry, decided to approve Mr. Hebert's real estate experience as sufficient experience pursuant to RSA 331-A:10, II (c) and (g).

9:25 a.m. ROBERT J. BRENT appeared before the Commission to request reinstatement of his lapsed salesperson's license pursuant to RSA 331-A:18, II. After review and discussion, the

Commission, on motion by Commissioner Lipnick, seconded by Commissioner Dunn, decided to allow Mr. Brent to reinstate his lapsed salesperson's license pursuant to RSA 331-A:18, II, contingent upon submitting the license fees and documentation required to reinstate the license within 30 days of the date of this meeting.

IV. **DISCUSSION**

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 at the June 17, 2014 meeting. The Commission decided to table its decision at the June meeting to solicit any written or oral comments regarding the petition for Declaratory Ruling from active principal and managing brokers. After review and discussion of all written and oral comments received, the Commission decided to table its decision at the July 15, 2014 meeting, to take in consideration all comments received prior to making a decision. After review and discussion, the Commission on motion by Commissioner Barry, seconded by Commissioner Lipnick, approved certain changes to the proposed Declaratory Ruling submitted by the NH Association of Realtors. The Executive Director to make the Commission amendments to the Declaratory Ruling for Commission approval at the September meeting.

ADVERTISEMENTS – The Commission discussed the issue of principal brokers advertising the sale, purchase, exchange, or lease of real property without properly identifying that they are a licensed broker. This type of advertisement can be misleading to the consumer who may be led to believe the licensee is the principal of the property. Rea 404.05 (a) states that a salesperson or broker shall not advertise the sale, purchase, exchange, or lease of real property, other than the sale, exchange or lease of her or his own real property, in a manner indicating the offer to sell, purchase, exchange or lease is being made by a principal. Every such advertisement shall clearly indicate that it is an advertisement of a principal broker, pursuant to RSA 331-A:16, IV.

V. **OTHER BUSINESS**

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

September 16, 2014 at 8:30 a.m.

2. CASE EVALUATIONS

(a) FILE NO. 2014-016

Evaluator: Commissioner Barry

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

(b) FILE NO. 2014-032

Evaluator: Commissioner Lipnick

Determination: On motion by Commissioner Barry, seconded by Commissioner Dunn, the Commission approved the evaluating commissioner's determination upon re-evaluation that there were no violations, no hearing necessary.

(c) FILE NO. 2014-034

Evaluator: Commissioner Dunn

Determination: On motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission approved the evaluating commissioner's determination upon re-evaluation to schedule a pre-hearing conference for the September meeting, and a hearing if necessary a hearing in November.

(d) FILE NO. 2014-039

Evaluator: Commissioner Jones

Determination: On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission approved the evaluating commissioner's determination that there were no violations, should not be heard.

3. SETTLEMENT AGREEMENTS

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

- (1) FILE NO. 2014-006 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ALFRED LINDQUIST, JR.

4. COURSE ACCREDITATIONS AND RE-ACCREDITATIONS

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

LEGAL ASPECTS OF CONDOMINIUM DEVELOPMENT AND HOMEOWNERS' ASSOCIATION Course Provider: NBI, Inc.	4 HOURS
BED BUGS: WHAT REALTORS MUST KNOW ABOUT NH'S NEW LAW Course Provider: JP Pest Services	1 HOUR
UNDERSTANDING BUGS THAT SPEND WINTER WITH US Course Provider: JP Pest Services	1 HOUR

INTRODUCTION TO BED BUGS & THEIR MANAGEMENT – RESIDENTIAL W/BEDS 1 HOUR
Course Provider: JP Pest Services

WOOD DESTROYING INSECTS 1 HOUR
Course Provider: JP Pest Services

INTRODUCTION TO BED BUGS & THEIR MANAGEMENT 1 HOUR
Course Provider: JP Pest Services

THE STANDARD FORM P&S TRICKS AND TRAPS 2 HOURS
Course Provider: Cronin, Bisson & Zalinski, P.C.

THE PURCHASE REVERSE MORTGAGE 3 HOURS
Course Provider: American C.E. Institute, LLC

BETTER UNDERSTANDING OF RESIDENTIAL STRUCTURES 1 HOUR
Course Provider: Team Engineering

The following continuing education courses were tabled by the Commission for additional information:

THE DYNAMICS OF NEGOTIATING
Course Provider: Northeast Real Estate Institute

UNDERSTANDING THE NATIONAL MORTGAGE SETTLEMENT
Course Provider: Northeast Real Estate Institute

INTRODUCTION TO DIVERSITY AND INCLUSION
Course Provider: Northeast Real Estate Institute

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

ANTI-TRUST LAWS 2 HOURS
Course Provider: ABC Real Estate Training Institute

FUNDAMENTALS OF TITLE: LISTING TO CLOSING 1 HOUR
Course Provider: Paramount Settlement Services, LLC

INVESTMENT STRATEGIES IN COMMERCIAL REAL ESTATE (Internet) 3 HOURS
Course Provider: The CE Shop, Inc.

HEY, THAT'S NOT YOUR MONEY! Course Provider: Anita Hill	3 HOURS
IDENTIFY & MANAGE THE LIABILITY IN A REAL ESTATE TRANSACTION Course Provider: Anita Hill	3 HOURS
FEDERAL WETLANDS PROTECTION ACT Course Provider: ABC Real Estate Training Institute	2 HOURS
RESIDENTIAL NEW CONSTRUCTION Course Provider: ABC Real Estate Training Institute	2 HOURS
FORECLOSURE Course Provider: ABC Real Estate Training Institute	2 HOURS
SAILING THROUGH HOME INSPECTIONS Course Provider: Team Engineering	1 HOUR
MOLD AND INDOOR ENVIRONMENT Course Provider: Simplegrowing, LLC	1 AND 3 HOURS
THE A-Z's OF RURAL HOUSING DEVELOPMENT LOANS Course Provider: Arthur Gary School of Real Estate	3 HOURS
HELPING YOUR CLIENT BECOME A LANDLORD Course Provider: Arthur Gary School of Real Estate	3 HOURS
MORTGAGE FRAUD AND PREDATORY LENDING: WHAT EVERY AGENT SHOULD KNOW (Correspondence) Course Provider: Arthur Gary School of Real Estate	3 HOURS
SENIOR REAL ESTATE SPECIALIST (SRES) Course Provider: Arthur Gary School of Real Estate	3 HOURS
HEALTH ISSUES IN WATER Course Provider: Secondwind Water Systems	1 HOUR
FAIR HOUSING (Internet) Course Provider: McKissock, LP	1 HOUR
RED FLAGS PROPERTY INSPECTION GUIDE (Class, Correspondence & Internet) Course Provider: Aldrich & Associates, LLC	3 HOURS

INVESTMENT PROPERTY PRACTICE AND MANAGEMENT V4.0 (Internet) Course Provider: Dearborn Real Estate Education d.b.a. REcampus.com	6 HOURS
HOW CFPB RULES FOR LENDERS WILL AFFECT REAL ESTATE AGENTS AND CLOSINGS Course Provider: First American Title Insurance Company	2 HOURS
HOME ENERGY EFFICIENCY FOR REAL ESTATE PROFESSIONALS Course Provider: InterNACHI	1 HOUR

VI. ADJOURNMENT

On a motion by Commissioner Dunn, seconded by Commissioner Barry, Chairman Daniel Jones adjourned the meeting at 12:31 p.m.

Respectfully submitted,


William E. Barry
Acting Clerk

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2014-006 NH Real Estate Commission v. Alfred Lindquist, Jr.
Allegations: RSA 331-A:16, IV (a)

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 Alfred Lindquist, Jr. (“the Licensee” or “the Respondent”), a real estate broker currently licensed by the Commission until December 16, 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 advertised on Craigslist his services as a real estate licensee and advertised property for lease located at Morway & West Streets in Londonderry NH without including his name or reasonable derivative of his name (the advertisements only indicate “call Al”) as principal broker and the firm name Beaulieu-Lindquist Real Estate LLC. Respondent indicated that he would make sure to use his last name as principal broker and the firm name in all future advertising.

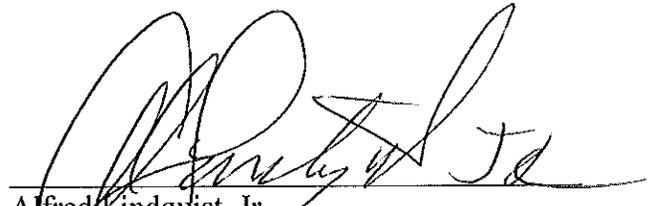
2. The Respondent acknowledges and does not contest the allegations described in Paragraph 1 above.
3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within thirty (30) 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.

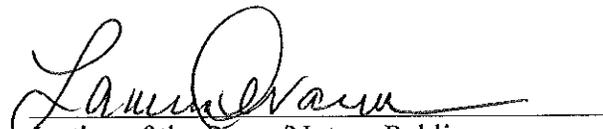
For the Respondent

I, Alfred Lindquist, Jr., 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: 6-27, 2014


Alfred Lindquist, Jr.
Respondent

On this 27 day of June A.D. 20 14
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
LAURIE A. DEVANNA
Notary Public - New Hampshire
My Commission Expires October 16, 2018

For the Commission

Dated: August 19th, 2014



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