

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

SEPTEMBER 16, 2014

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, September 16, 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, 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 August 19, 2014.

### III. APPOINTMENTS

#### SHOW CAUSE HEARING

8:32 a.m. BRIAN L. SCHULTE 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 Therrien, decided to allow Mr. Schulte to apply for his original salesperson's license in inactive status, and prior to applying for an active license, the Commission must receive a letter from Mr. Schulte's principal broker notifying the Commission that he/she is aware of Mr. Schulte's prior criminal history.

#### SHOW CAUSE HEARING

8:38 a.m. MEGHAN M. GADWAY 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. Gadway to apply for her original salesperson's license. Commissioner Barry opposed.

#### SHOW CAUSE HEARING

8:55 a.m. MATTHEW R. FEE 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 table its decision and requested that Mr. Fee submit 3 letters of reference which address the ability of Mr. Fee to control his anger, and appear at the next meeting, and if the Commission decides to allow Mr. Fee to apply for his original salesperson's license in inactive status, Mr. Fee will be required to have his principal broker to submit a letter notifying the Commission that he/she is aware of Mr. Fee's criminal history, prior to the Commission issuing Mr. Fee a license in active status. Commissioner Barry opposed.

### IV. DISCUSSION

Attorney Frank P. Spinella, Jr. requests a clarification from the Commission on whether his client a licensed real estate broker, may use another licensee from another agency to hold an open house on

one of his client's listings. After review and discussion, the Commission on motion by Commissioner Dunn, seconded by Commissioner Barry, decided that RSA 331-A does not prohibit a licensed real estate broker from using another licensee from another agency to hold an open house, as long as all other provisions of RSA 331-A are complied with, particularly in regards to all necessary disclosures and agency requirements. Attorney Frank P. Spinella, Jr. to be so notified.

V. **PRE-HEARING CONFERENCE 9:18 AM**  
FILE NO. 2014-034 NEW HAMPSHIRE REAL ESTATE COMMISSION VS SCOTT W. WARD  
& KATHRYN J. LEE & MARGHERITA VERANI

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

Respondents: Scott W. Ward  
Kathryn J. Lee  
Margherita Verani

Attorney: John F. Bisson, Esquire

VI. **MOTION TO DISMISS 9:58 AM**  
Attorney Joseph Prieto, on behalf of his client Paul Schaefer, Jr., submitted Motions to Dismiss for File Nos. 2013-024 New Hampshire Real Estate Commission & Arthur Taylor v. Paul Schaefer, Jr. & Affordable Property Management, LLC, and 2014-013 New Hampshire Real Estate Commission v. Paul Schaefer, Jr. Re: Complaint of Destiny Camire & Raymond Maccalla. Respondent Prieto in his Motions to Dismiss stated that the Commission lacked the jurisdiction to investigate and hear File Nos. 2013-024 and 2014-013 because the Respondent has an expired license. After review and discussion, the Commission on motion by Commissioner Lipnick, seconded by Commissioner Therrien, denied the Motions to Dismiss for File Nos. 2013-024 and 2014-013, based on its authority under RSA 331-A:28, to investigate alleged violations against the Respondent where Respondent was licensed at the time of the alleged violations and impose sanctions if the Respondent is found guilty after a hearing for violations of RSA 331-A and Administrative Rules Rea 300-700.

VII. **HEARINGS:**  
The hearings scheduled for 9:30 a.m. for File No. 2013-024 New Hampshire Real Estate Commission & Arthur Taylor v. Paul Schaefer, Jr. & Affordable Property Management, LLC, and

11:00 a.m. for File No. 2014-013 New Hampshire Real Estate Commission v. Paul Schaefer, Jr. Re: Complaint of Destiny Camire & Raymond Maccalla were postponed until the November 18, 2014 meeting to allow for possible resolution of the matter between the parties of Complaint File Nos. 2013-024 and 2014-013.

VIII. **OTHER BUSINESS**

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

October 21, 2014 at 8:30 a.m.

2. CASE EVALUATIONS

(a) FILE NO. 2013-035

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, hearing to be scheduled.

(b) FILE NO. 2014-041

Evaluator: Commissioner Jones

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

(c) FILE NO. 2014-046

Evaluator: Commissioner Jones

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

(d) FILE NO. 2014-029

Evaluator: Commissioner Jones

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

(e) FILE NO. 2014-044

Evaluator: Commissioner Barry

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

3. ORDERS

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

DOCKET NO. 2014-018 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ANTHONY W. CANER

4. SETTLEMENT AGREEMENTS

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

- (1) FILE NO. 2014-034 NEW HAMPSHIRE REAL ESTATE COMMISSION VS SCOTT W. WARD & KATHYRN J. LEE & MARGHERITA VERANI (Settlement for Scott Ward)
- (2) FILE NO. 2014-034 NEW HAMPSHIRE REAL ESTATE COMMISSION VS SCOTT W. WARD & KATHYRN J. LEE & MARGHERITA VERANI (Settlement for Kathryn Lee)
- (3) FILE NO. 2014-034 NEW HAMPSHIRE REAL ESTATE COMMISSION VS SCOTT W. WARD & KATHYRN J. LEE & MARGHERITA VERANI (Settlement for Margherita Verani)
- (4) FILE NO. 2014-028 NEW HAMPSHIRE REAL ESTATE COMMISSION VS MICHELLE A. HEALY

5. DECLARATORY RULING

Definition of "Reasonable Supervision" as used in RSA 331-A:16, I-II & RSA 331-A:26, XXVII

6. COURSE ACCREDITATIONS AND RE-ACCREDITATIONS

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

REALTOR'S GUIDE TO MANUFACTURED HOME LENDING Course Provider: NH Community Loan Fund	1 HOUR
MILITARY RELOCATION PROFESSIONAL (MRP) Certification Course Course Provider: Arthur Gary School of Real Estate	3 HOURS
PROPERTY MANAGEMENT AND MANAGING RISK V4.0 (Class, Correspondence, and Internet) Course Provider: Aldrich & Associates	3 HOURS

REAL ESTATE FINANCE TODAY V7.0 (Class, Correspondence, and Internet) Course Provider: Aldrich & Associates	3 HOURS
MANAGEMENT/SUPERVISION – IT’S A TWO-WAY STREET Course Provider: John Doran & Associates	3 HOURS
LISTING DISTRIBUTION, OPTIONS FOR TODAY’S CONSUMER Course Provider: David Millett/James Fleming	3 HOURS
REAL ESTATE CODE OF ETHIC CLASS Course Provider: ABC Real Estate Training Institute	2 HOURS
2014 NH RESIDENTIAL ENERGY CODE WORKSHOP Course Provider: GDS Associates, Inc.	2 HOURS
DID YOU SERVE? IDENTIFYING HOMEBUYING ADVANTAGES FOR VETERANS (Internet) Course Provider: The CE Shop, Inc.	3 HOURS
The following continuing education courses were approved for re-accreditation by the Commission:	
CORE Course Provider: Sharon Harrison Real Estate	3 HOURS
APPRAISAL PROCESS FOR REAL ESTATE PROFESSIONALS Course Provider: McKissock, LP	3 HOURS
TRENDS AND INFLUENCES ON REAL ESTATE Course Provider: Brooks Real Estate Services	3 HOURS
GREEN CONSTRUCTION A.1 Course Provider: Brooks Real Estate Services	3 HOURS
GREEN CONSTRUCTION A.2 Course Provider: Brooks Real Estate Services	3 HOURS
ENERGY ISSUES IN EXISTING HOMES: WHAT REAL ESTATE PROFESSIONALS NEED TO KNOW Course Provider: Sustainable Energy Resource Group	3 HOURS
BUYER REPRESENTATION IN REAL ESTATE V5.0 Course Provider: Dearborn Real Estate Education	3 HOURS

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

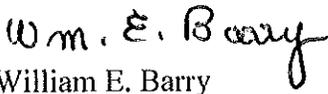
PRE-LICENSING 40 HOURS  
Course Provider: Aldrich & Associates

PRE-LICENSING 40 HOURS  
Course Provider: Kelly L. Cullen

IX. ADJOURNMENT

On a motion by Commissioner Barry, seconded by Commissioner Lipnick, Chairman Daniel Jones adjourned the meeting at 12:04 p.m.

Respectfully submitted,

  
William E. Barry  
Acting Clerk

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

In The Matter Of: Docket No.: 2014-018  
New Hampshire Real Estate Commission v. Anthony W. Caner  
License No.: 061543  
(Adjudicatory/Disciplinary Proceeding)

**FINAL DECISION AND ORDER**

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding in the Matter of Anthony W. Caner ("Respondent" or "Mr. Caner") in Docket Number 2014-018.

**Background Information:**

Respondent's broker renewal application was received at the Commission office on August 15, 2011. Respondent on his renewal application 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 you last original or renewal application." However, Respondent had a disciplinary action against his designated broker license with the Maine Real Estate Commission on November 18, 2010. On February 6, 2014, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2014-018 against Respondent. Subsequent to an investigation, on June 23, 2014, the Commission issued a Notice of Hearing for a hearing scheduled for July 15, 2014.

On Tuesday, July 15, 2014, at 9:35 a.m., the Commission commenced the adjudicatory/disciplinary hearing in the above captioned matter. Commission members present<sup>1</sup> were:

David C. Dunn, Commissioner, Presiding Officer  
Daniel S. Jones, Commissioner  
Paul A. Lipnick, Commissioner  
James R. Therrien, Commissioner

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

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<sup>1</sup> 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 Flanagan's Exhibits:  
Exhibit #1 - Complaint File 2014-018: pages 1-20.
  
- The Respondent's exhibits: none were introduced.

The following witnesses were present and testified at the hearing:

- William E. Barry, Commissioner, NH Real Estate Commission

#### Findings of Fact:

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

1. Respondent has held a license as a real estate broker from the Commission since August 22, 2005. At the time of the allegations, Respondent was licensed as a real estate broker, license #061543, in active status with a license period of August 22, 2011 – August 22, 2013.
2. Respondent submitted his New Hampshire real estate broker license renewal application to the Commission which was received at the Commission office on August 15, 2011, and he 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. (Ex. 1, pages 10-11)
3. Respondent had a disciplinary Decision & Order issued against him by the Maine Real Estate Commission on November 18, 2010, and Respondent was required to pay a \$600 disciplinary fine for falsely certifying continuing education requirements for renewal of his Maine real estate designated broker license, even though he had completed the required 21 clock hours of approved continuing education, he had not taken the required core course for renewal "What I Am and Why It Is Important". (Ex. 1, pages 4-9)

4. Respondent testified at the hearing that he has licenses in 4 states, in Rhode Island, New Hampshire, Maine, and Connecticut, and does all of his continuing education for all states on-line through course provider McKissock. Respondent stated that he contacts McKissock and relies on the course provider to sign him up for the courses he needs for renewal in each state.

5. Mr. Caner explained that his continuing education for the renewal of his Maine license was audited and he submitted proof of courses completed and found that he didn't complete the core course, he then took the core course and submitted proof of completion of the required course 13 days after his license expired.

6. Respondent testified that one year after the Maine Decision & Order was issued, he submitted his NH broker renewal and answered "No" to question #8 on the renewal application, because he didn't think of the Maine action as a disciplinary action.

7. Respondent did not dispute any of the facts of this case.

8. Witness William Barry testified at the hearing that he was the NH Real Estate Commission evaluator of Complaint File No. 2014-018, and made the determination to the Commission that the matter should be scheduled for a hearing. Mr. Barry testified that he made the determination that a hearing should be held on the matter because the Respondent answered "no" to question #8 on his NH broker renewal applications in 2011 and 2013, and that does not take responsibility for his renewal requirements and relies on a third party, course provider McKissock to comply with his renewal requirements in the states that he is licensed, and that he certified to the Maine Real Estate Commission that he met all the requirements of renewal of his real estate license, including the core course, when he had not completed the course.

#### Relevant Law:

**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:

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

**Rea 401.01 Renewal of License.**

(a) Applicants for renewal of a broker's license shall use Form 6-RE and provide the following:

(21) Any real estate licenses that have been subject to disciplinary actions in any state since the licensee's last original or renewal application.

**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 answering "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" on his NH real estate broker license renewal application that was received at the Commission office on August 15, 2011, in violation of RSA 331-A:26, I. (Notice of Hearing, paragraph 5A)

2. The Respondent failed to provide to the Commission information regarding the disciplinary Decision & Order issued against him by the Maine Real Estate Commission on November 18, 2010 with his NH real estate broker renewal received at the Commission office on August 15, 2011, in violation of Rea 401.01(a)(21). (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 five-hundred dollars (\$250) for each violation for a total amount of five hundred dollars (\$500) 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.

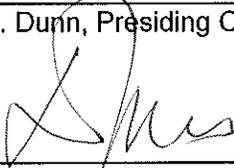
IT IS FURTHER ORDERED that if this decision is not appealed within 30 days of the effective date, it shall become final. See RSA 331-A:28, III ("The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior court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



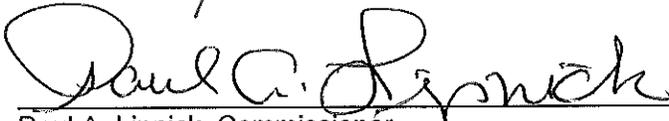
David C. Dunn, Presiding Officer

9/16/14  
Date



Daniel S. Jones, Commissioner

9/16/14  
Date



Paul A. Lipnick, Commissioner

09-16-2014  
Date



James R. Therrien, Commissioner

09-16-2014  
Date

\*\ William E. Barry, Commission member, (case evaluator) recused.

BEFORE THE  
NEW HAMPSHIRE REAL ESTATE COMMISSION  
CONCORD NH 03301

In the Matter of:

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

Allegations:            RSA 331-A:26, I

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Scott W. Ward (“the Licensee” or “the Respondent”), a real estate broker currently licensed by the Commission until May 18, 2016, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondent would be:

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

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

to see if she could send Respondent Ward down to Londonderry for her signature, but Margherita Verani told her that she wasn't going to be in the office for a few days and that Margherita Verani told Kathryn Lee that it would be okay for Kathryn Lee to just sign her name on the form. Ann Flanagan called Respondent Ward and he indicated that Cynthia Proulx told him that Kathryn Lee had authorization to sign for Margherita Verani. Ann Flanagan called Margherita Verani who confirmed that Kathryn Lee called her about the situation that Respondent Ward's license was expiring soon, and Margherita Verani indicated that she was not going to be in the office so she told Kathryn Lee to sign her name on the form.

2. The Respondent acknowledges and does not contest the allegations described in Paragraph 1 above.
3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within sixty (60) days of the effective date of this Settlement Agreement. Failure to comply with this disciplinary Settlement Agreement by Respondent will result in the suspension of Respondent's real estate license until the fine is paid.
4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific

- allegations described above in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining whether the Respondent has engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
  7. Respondent understands that his action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.
  8. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this Agreement.
  9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced his right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
  10. Respondent certifies that he has read this document titled Settlement Agreement. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the

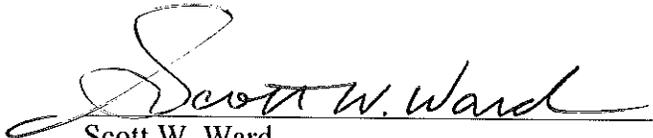
courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, he waives these rights as they pertain to the misconduct described herein.

11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

For the Respondent

I, Scott W. Ward, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: 9/16/14, 2014



Scott W. Ward  
Respondent

On this 16<sup>th</sup> day of September A.D. 2014  
personally appeared the person who subscribe to the following instrument and acknowledged the same as his voluntary act and deed before me.



Justice of the Peace/Notary Public

My commission expires:

12/5/17

For the Commission

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



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

BEFORE THE  
NEW HAMPSHIRE REAL ESTATE COMMISSION  
CONCORD NH 03301

In the Matter of:

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

Allegations:            RSA 331-A:26, XXIX

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

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4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegations described above in Paragraph 1, provided, however, that this Agreement

- may be considered by the Commission in determining whether the Respondent has engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
  7. Respondent understands that her action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.
  8. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this Agreement.
  9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced her right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
  10. Respondent certifies that she has read this document titled Settlement Agreement. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and

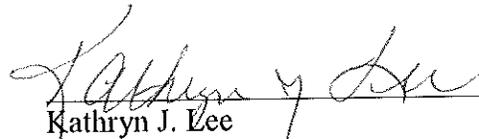
dimensions of these rights. Respondent understands that by signing this Agreement, she waives these rights as they pertain to the misconduct described herein.

11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

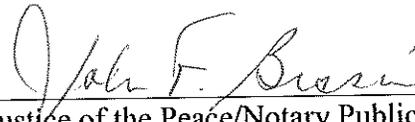
For the Respondent

I, Kathryn J. Lee, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: 9/16/14, 2014

  
Kathryn J. Lee  
Respondent

On this 16<sup>th</sup> day of September 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.

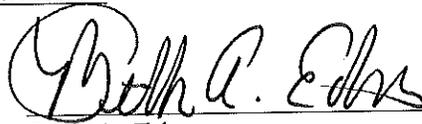
  
Justice of the Peace/Notary Public

My commission expires:

12/5/17

For the Commission

Dated: September 16<sup>th</sup>, 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. 2014-034      NH Real Estate Commission v. Scott W. Ward & Kathryn J. Lee &  
Margherita Verani

Allegations:            RSA 331-A:26, XXIX

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Margherita Verani (“the Licensee” or “the Respondent”), a real estate broker currently licensed by the Commission until January 4, 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:

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

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

Margherita Verani told her that she wasn't going to be in the office for a few days and that Margherita Verani told Kathryn Lee that it would be okay for Kathryn Lee to just sign her name on the form. Ann Flanagan called Scott Ward and he indicated that Cynthia Proulx told him that Kathryn Lee had authorization to sign for Margherita Verani. Ann Flanagan called Respondent Verani who confirmed that Kathryn Lee called her about the situation that Scott Ward's license was expiring soon, and Respondent Verani indicated that she was not going to be in the office so she told Kathryn Lee to sign her name on the form.

2. The Respondent acknowledges and does not contest the allegations described in Paragraph 1 above.
3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent shall pay a disciplinary fine in the amount of 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 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, Margherita Verani, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: 9/14/14, 2014

Margherita Verani  
Margherita Verani  
Respondent

On this 18<sup>th</sup> day of September A.D. 20 14  
personally appeared the person who subscribe to the following instrument and acknowledged the same as her voluntary act and deed before me.

John F. Brossi  
Justice of the Peace/Notary Public

My commission expires:  
12/5/17

For the Commission

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

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

BEFORE THE  
NEW HAMPSHIRE REAL ESTATE COMMISSION  
CONCORD NH 03301

In the Matter of:

File No. 2014-028      New Hampshire Real Estate Commission v. Michelle A. Healy  
Re: Complaint of Diane & Paul Slater  
Allegations:            RSA 331-A:26, XXIX

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Michelle A. Healy (“the Licensee” or “the Respondent”), a real estate salesperson currently licensed by the Commission until January 26, 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 admits she suggested to another agent from her office who was listing Complainant’s property to be careful when dealing with Complainants, and indicated to the other agent that Complainants had told Respondent that Complainants made claims against various service providers. Whether it was true or not that Complainants have sued people, if Respondent was genuinely concerned about Complainants’ supposed

history of suing people, then Respondent could have spoken to their managing broker.

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 show proof of full attendance at a New Hampshire Real Estate Commission accredited 3-hour continuing education course about Ethics (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within ninety (90) 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 course is completed.
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, Michelle A. Healy, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: 9-20, 2014

Michelle A. Healy  
Michelle A. Healy  
Respondent

On this 10<sup>th</sup> day of September 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.

Pamela J. Zannini  
Justice of the Peace/Notary Public

My commission expires  
**Pamela J. Zannini**  
**State of New Hampshire**  
**Notary Public**  
**My Commission Expires April 23, 2019**

For the Commission

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



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