

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

OCTOBER 21, 2014

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 21, 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 8:32 a.m. by Chairman Daniel Jones.
Present: Commissioners Daniel Jones, David Dunn, William Barry, and Paul Lipnick.
- II. APPOINTMENT OF COMMISSION CLERK – On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission appointed Commissioner Lipnick as the Commission Clerk.
- III. On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission approved the Minutes of the Commission meeting held on September 16, 2014.

IV. APPOINTMENTS

8:35 a.m. SHOW CAUSE HEARING

RYAN S. PETTIGREW 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 Lipnick, seconded by Commissioner Dunn, decided to allow Mr. Pettigrew to apply for his original salesperson's license.

8:40 a.m. EQUIVALENCY APPOINTMENT

PATRICIA TREMAIN appeared before the Commission to request that her real estate experience in Maine as an associate broker be approved as sufficient experience to take the NH real estate broker's examination and apply for a broker's license through reciprocity. The Commission explained to Ms. Tremain that an associate broker license in Maine is equivalent to a salesperson's license in NH under the current reciprocity agreement between Maine and New Hampshire and she would only be able to apply for salesperson's license under reciprocity, but she does qualify to apply for a NH real estate broker's license by completing 60 hours of approved study, taking the broker national and state portion of the examination, and submitting 6 acceptable real estate transactions.

8:55 a.m. SHOW CAUSE HEARING

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 at the September 16, 2014 meeting. The Commission tabled its decision at the September meeting 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 October meeting. Mr. Fee appeared at the October meeting with 5 character references, but 3 were from family members. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Lipnick, decided allow Mr. Fee one more opportunity to supply 3 character references, that are not related by blood or marriage as required by law, that address the statement that's set forth in the application for a salesperson's license, and have the 3 references be present at the next Commission meeting with him. The Commission directed the Executive Director to get a clarification from the proctor and

witnesses on what occurred at the AMP test center when Mr. Fee received his test results. Commissioner Barry was opposed to the decision.

ALTERNATE COMMISSIONER APPOINTMENT – The Commission, on motion by Commissioner Dunn, seconded by Commissioner Barry, appointed former commissioner Nancy G. LeRoy, as an alternate commissioner to hearing Complaint 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 scheduled for the November 2014 Commission meeting.

WILLIAM T. LYDON submitted a partial payment of the disciplinary fine due for File No. 2014-023 New Hampshire Real Estate Commission v. William T. Lydon with an explanation of a circumstance of financial hardship. After review and discussion, the Commission directed the Executive Director to request Mr. Lydon to submit a request for a specific extension of time to pay the remainder of the disciplinary fine owed to be presented to the Commission for consideration. Mr. Lydon to be so notified.

V. HEARING 9:40 AM

FILE NO. 2013-037 & 2014-008 NEW HAMPSHIRE REAL ESTATE COMMISSION VS
TIFFANI L. FRISELLA RE: COMPLAINTS OF DIANE L. SHAKRA AND ANITA & WILLIAM
J. BECKER

The following persons were present at the hearing:

Commission: Commissioners Daniel Jones, David Dunn, William Barry, and Paul Lipnick.

Evaluator: Former Commissioner Therrien 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: Tiffani L. Frisella

Attorney: Jason A. Bielagus, Esquire

Witnesses: Dianne L. Shakra
Elizabeth Dionne
Gary Madden
Tracy Murphy-Roche
Alan Rice

VI. OTHER BUSINESS

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

November 18, 2014 at 8:30 a.m.

2. CASE EVALUATIONS

- (a) FILE NO. 2014-050

Evaluator: Commissioner Barry

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

- (b) FILE NO. 2014-049

Evaluator: Commissioner Barry

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

- (c) FILE NO. 2014-030

Evaluator: Commissioner Barry

Determination: On motion by Commissioner Dunn, seconded by Commissioner Lipnick, the Commission approved the evaluating commissioner's determination that the matter should be heard, hearing to be scheduled.

- (d) FILE NO. 2014-038

Evaluator: Commissioner Barry

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

- (e) FILE NO. 2014-042

Evaluator: Commissioner Jones

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

- (f) FILE NO. 2014-037

Evaluator: Commissioner Jones

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

3. ORDERS

The following Amended 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. 2014-017 NEW HAMPSHIRE REAL ESTATE COMMISSION VS NANCY L. BURKE

(2) FILE NO. 2014-011 NEW HAMPSHIRE REAL ESTATE COMMISSION VS STEPHANIE J. DROLET

5. COURSE ACCREDITATIONS AND RE-ACCREDITATIONS

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

ACCREDITED BUYER'S REPRESENTATIVE CORE DESIGNATION COURSE 6 HOURS
Course Provider: Dynamic Directions

NH RESIDENTIAL ENERGY CODE WORKSHOP FOR REAL ESTATE PROFESSIONALS 2 HOURS
Course Provider: GDS Associates, Inc.

REAL ESTATE WASTER WATER AND ENVIRONMENTAL PERMITTING 2 HOURS
Course Provider: Vermont Realtors

ENERGY ISSUES IN EXISTING HOMES: WHAT NH AND VT REAL ESTATE PROFESSIONALS NEED TO KNOW 3 HOURS
Course Provider: Sustainable Energy Resource Group

RESPA ENFORCEMENT AND THE CONSUMER FINANCIAL PROTECTION BUREAU 2 HOURS
Course Provider: First American Title Insurance

UNDERSTANDING THE "NEW" 2014 CFPB FORECLOSURE REGULATIONS AND HOW THEY AFFECT REAL ESTATE PROFESSIONALS 1 HOUR

Course Provider: Jonathan D. Weidman

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

UNDERSTANDING TODAY'S FINANCING OPTIONS 3 HOURS

Course Provider: Mortgage Bankers and Brokers Association of New Hampshire, Inc.

EASEMENTS & RIGHTS OF WAY 3 HOURS

Course Provider: James J. Fleming

THE TRUTH ABOUT MOLD V3.0 (Internet) 3 HOURS

Course Provider: Dearborn Real Estate Education

UNDERSTANDING 1031 TAX-FREE EXCHANGES V2.5 (Internet) 3 HOURS

Course Provider: Dearborn Real Estate Education

THE POWER OF SECTION 1031 FOR REAL ESTATE PROFESSIONALS 3 HOURS

Course Provider: Edmund & Wheeler, Inc.

MORTGAGES 101 – KNOW ENOUGH TO ASK 1 HOUR

Course Provider:

ZONING & BUILDING CODES 2 HOURS

Course Provider: ABC Real Estate Training Institute

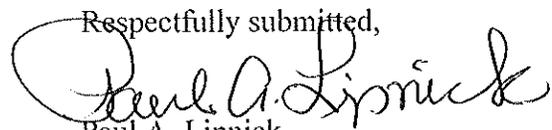
The following continuing education course that was approved for re-accreditation by the Commission at the September 2014 meeting for 1 hour has been amended for 2 hours.

BETTER UNDERSTAND OF RESIDENTIAL STRUCTURES 2 HOURS

Course Provider: Team Engineering

VII. ADJOURNMENT

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

Respectfully submitted,

Paul A. Lipnick
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)

AMENDED 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 present¹ 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.

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

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

- Complainant Investigator 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 two-hundred fifty 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.



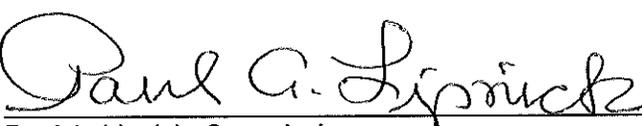
David C. Dunn, Presiding Officer

10/21/2014
Date



Daniel S. Jones, Commissioner

10/21/14
Date



Paul A. Lipnick, Commissioner

Oct 21, 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. 2014-011

Allegations:

NH Real Estate Commission v. Stephanie J. Drolet
RSA 331-A:26, I; Rea 401.01 (b), (15)

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 Stephanie J. Drolet ("the Licensee" or "the Respondent"), a real estate salesperson currently licensed by the Commission until May 2, 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 Stephanie Drolet (formerly Stephanie Burridge) submitted her NH real estate salesperson license renewal application to the Commission which was received at the NH Real Estate Commission on April 29, 2011, and she answered "No" to question #6: "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 falsely certifying continuing education requirements for renewal of her Maine real estate associate broker license and Respondent was required to pay a \$900 disciplinary fine and submit 3 hours of continuing education; this Consent Agreement was approved by the Maine Real Estate Commission on September 17, 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 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

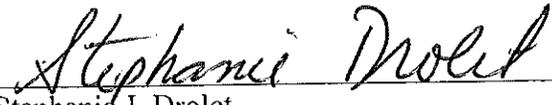
dimensions of these rights. Respondent understands that by signing this Agreement, she waives these rights as they pertain to the misconduct described herein.

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

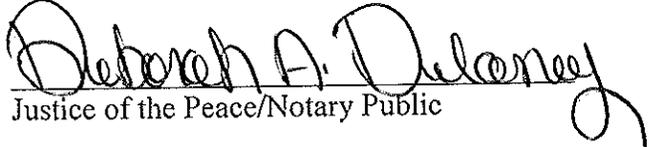
For the Respondent

I, Stephanie J. Drolet, 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: 10 - 7, 2014


Stephanie J. Drolet
Respondent

On this 7th day of October 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.

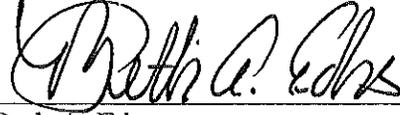

Justice of the Peace/Notary Public

My commission expires:

DEBORAH A. DELANEY, Notary Public
My Commission Expires September 3, 2019

For the Commission

Dated: October 21st, 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. 2014-017 NH Real Estate Commission v. Nancy L. Burke
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 Nancy L. Burke (“Licensee” or “Respondent”), a real estate broker currently licensed by the Commission until June 29, 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 submitted her New Hampshire real estate broker license renewal application to the Commission which was received at the Commission office on June 26, 2008, 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 falsely certifying

continuing education requirements for renewal of her Maine real estate associate broker license and Respondent was required to pay a \$300 disciplinary fine and submit copies of her continuing education course certificates; this Consent Agreement was approved by the Maine Real Estate Commission on May 22, 2008. Respondent submitted her NH real estate broker license renewal application to the Commission which was received at the Commission office on June 29, 2010, 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 a disciplinary Decision & Order issued against her by the Maine Real Estate Commission for paying the \$300 disciplinary fine issued to her in the above Consent Agreement 34 days late and for submitting the continuing education certificates 46 days late, and her Maine real estate license was revoked; this Decision & Order was approved by the Maine Real Estate Commission on October 16, 2008.

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 six-hundred dollars (\$600) 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, Nancy L. Burke, 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: 10/2/2014, 2014



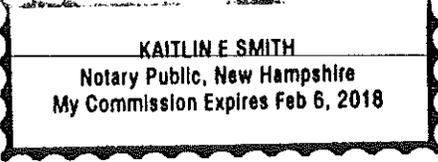
Nancy L. Burke
Respondent

On this 2nd day of October 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: October 21, 2014



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