

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

FEBRUARY 17, 2015

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, February 17, 2015 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 8:35 a.m. by Chairman Daniel Jones.
Present: Commissioners Daniel Jones, David Dunn, Calley Milne, and Paul Lipnick.
- II. On motion by Commissioner Dunn, seconded by Commissioner Milne, the Commission tabled the Minutes of the Commission meeting held on January 20, 2015.
- III. **APPOINTMENTS**
8:36 a.m. MARGHERITA VERANI and CYNTHIA WINTHROP appeared before the Commission to discuss having a managing broker manage multiple branch offices. Ms. Verani requested that the Commission allow her to designate Ms. Winthrop as the managing broker for the Portsmouth branch office and the Exeter branch office of Verani Realty, Inc. Ms. Winthrop stated that there are 46 agents at the Portsmouth office and 16 agents at the Exeter office. Ms. Winthrop stated that the offices are 15 minutes apart, so she is able to be at each office when needed and that the agents have access to her 24/7 through her calendar. Ms. Winthrop stated that she is a full time manager. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Lipnick, decided to allow Ms. Verani to designate Ms. Winthrop as managing broker for Verani Realty, Inc. Portsmouth branch office and Exeter branch office.

8:47 a.m. Show Cause Hearing - JOHN H. J. TACKETT 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. Tackett to apply for his original salesperson's license.

8:55 a.m. ANN FLANAGAN of Ann Flanagan New Hampshire Real Estate School appeared before the Commission to discuss the Commission required 50 question exam for the 3 hour Core course that is delivered by distance education. Ms. Flanagan requested the Commission consider reducing the number of questions from 50 questions to 20 questions. Ms. Flanagan explained that the Commission only requires a 20 question exam for distance education elective courses and felt that the requirement should be the same for Core courses delivered by distance education. Ms. Flanagan stated that in addition to spending 3 hours on the Core course, the student is required to complete an exam that will take anywhere from 50 to 1 ½ hours on a final exam. After review and discussion, the Commission decided not change the current 50 question exam requirement because the Commission placed a higher exam question requirement on the Core course due to the importance of the material delivered in the course.
- IV. **DISCUSSION**
FILE NO. 2013-025 New Hampshire Real Estate Commission v. Glen Kunofsky & Edward C. Otocka & Judson J. Kauffman & Todd R. Tremblay. After review and discussion, the Commission

on motion by Commissioner Dunn, seconded by Commissioner Milne decided to stay the Hearing on File No. 2013-025 for an indefinite period of time to allow for resolution of the matter. The parties to File No. 2013-025 to be so notified.

RSA 331-A:22-a Practice by Brokers of Other Jurisdictions. The Commission considered whether to amend HB 308 to include the following amended language to RSA 331-A:22-a or consider submitting the proposed language at a future legislative session:

Amend RSA 331-A:22-a Practice by Brokers of Other Jurisdictions.

~~[I. No broker licensed in another jurisdiction shall list, offer, attempt, or agree to list real estate in this state for sale or lease unless the broker has acquired a license pursuant to RSA 331-A:22.]~~

[H] *I.* A broker licensed in another jurisdiction ~~[representing a buyer or tenant]~~ wherein the broker is not licensed under this chapter~~;~~ may be actively involved in a real estate transaction in this state only if the broker has entered into a cooperative brokerage agreement with a broker licensed under this chapter who shall represent the *seller, landlord*, buyer, or tenant according to this chapter.

~~[H:]~~ *II.* No broker licensed in another jurisdiction who is not licensed under this chapter may act as a broker ~~[with the buyer or tenant]~~ unless the broker is working on behalf of and under the license of a broker licensed under this chapter.

~~[IV:]~~ *III.* The commission shall adopt rules pursuant to RSA 541-A relative to cooperative brokerage agreements under this section. Such rules shall include:

- (a) The form and content of a cooperative brokerage agreement.
- (b) The length of time an agreement may be effective.
- (c) The procedure for extension or early termination of an agreement.
- (d) Any fees which may be associated with a cooperative brokerage agreement.
- (e) The penalty, in addition to any other penalty under this chapter, for violation of the rules concerning cooperative brokerage agreements, and the procedure to appeal the commission's ruling.
- (f) ~~[Repealed.]~~

After review and discussion, and receiving concerns about the proposed language from various licensees, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Milne, decided not to amend HB 308 and will consider an amendment to RSA 331-A:22-a for a future legislative session.

RULEMAKING – The Commission discussed proposed amended language for various administrative rules in Rea 300-700. The Commission will consider the proposed amended changes at the next Commission meeting to enter in the rulemaking process.

V. OTHER BUSINESS

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

March 17, 2015 at 8:30 a.m.

2. CASE EVALUATIONS

(a) FILE NO. 2014-056

Evaluator: Commissioner Jones

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

(b) FILE NO. 2014-057 and 2014-062

Evaluator: Commissioner Jones

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

(c) FILE NO. 2014-061

Evaluator: Commissioner Jones

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

(d) FILE NO. 2014-064

Evaluator: Commissioner Jones

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

3. COURSE ACCREDITATIONS AND RE-ACCREDITATIONS

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

THE POWER NEGOTIATOR'S PLAYBOOK Course Provider: The Greater Manchester/Nashua Board of Realtors	6 HOURS
10 CLOSING ESSENTIALS FOR REAL ESTATE AGENTS Course Provider: Monarch Title Services/Law Offices of Gould & Gould	3 HOURS
REAL ESTATE FLORECLOSURE: A STEP-BY-STEP WORKSHOP Course Provider: NBI, Inc.	1 HOUR
RESIDENTIAL LANDLORD-TENANT LAW Course Provider: Sterling Education Services, Inc.	3 HOURS

EMINENT DOMAIN FROM START TO FINISH 2 HOURS
Course Provider: NBI, Inc.

GO INS – THE CURRENT HOMEOWNER INSURANCE ENVIRONMENT 1 HOUR
Course Provider: Eames Insurance & Real Estate

TOP 10 CLOSING DISASTERS TO AVOID 3 HOURS
Course Provider: Kelly Roosa Cohen

The following continuing education course was denied accreditation by the Commission:

SELF DEFENSE CONCEPTS FOR REAL ESTATE AGENTS
Course Provider: Gregory Wehlre

The following continuing education courses were approved for re-accreditation by the Commission upon appropriate review by the Executive Director:

INTRODUCTION TO COMMERCIAL REAL ESTATE SALES (Internet) 3 HOURS
Course Provider: Carl Ripaldi School of Real Estate

UNDERSTANDING TODAY'S INVESTOR (Internet) 3 HOURS
Course Provider: Carl Ripaldi School of Real Estate

MORTGAGE FRAUD AND PREDATORY LENDING: WHAT EVERY AGENT SHOULD KNOW (Class, Correspondence & Internet) 3 HOURS
Course Provider: Carl Ripaldi School of Real Estate

SUSTAINABLE HOUSING AND BUILDING CODES 3 HOURS
(Class, Correspondence & Internet)
Course Provider: Carl Ripaldi School of Real Estate

TITLE INSURANCE FOR REAL ESTATE PROFESSIONALS 3 HOURS
(Class & Correspondence)
Course Provider: Carl Ripaldi School of Real Estate

WORKING WITH TODAY'S BUYERS 3 HOURS
Course Provider: David Millett

SMART GROWTH/SMART ENERGY 2 HOURS
Course Provider: ABC Real Estate Training Institute

FROM CONTRACT TO CLOSING 2 HOURS
Course Provider: Monique Shevlin

OPTIMIZING THE FEATURES OF INNO VIA Course Provider: Dennis Power	3 HOURS
MOLD INSTRUCTION Course Provider: R. J. Inspections, Inc.	1 HOUR
RADON SEMINAR Course Provider: R. J. Inspections, Inc.	1 HOUR
HOME INSPECTION Course Provider: R. J. Inspections, Inc.	1 HOUR
NH HOME INSPECTION LAW Course Provider: Hi-New Inspection	2 HOURS
FINANCING UPDATE 2015 Course Provider: Barbara Cunningham/Joseph Moriarty	3 HOURS
ADVOCATING FOR SHORT SALE CLIENTS (Internet) Course Provider: The CE Shop, Inc.	3 HOURS
SIGN HERE: CONTRACT LAW ON E-SIGNATURES (Internet) Course Provider: The CE Shop, Inc.	3 HOURS
A BRIEF INTRODUCTION TO REAL ESTATE FINANCE Course Provider: The CE Shop, Inc.	2 HOURS
CORE Course Provider: Shannon Aldrich	3 HOURS

VI. **ADJOURNMENT**

On a motion by Commissioner Dunn, seconded by Commissioner Milne, Chairman Daniel Jones adjourned the meeting at 12:35 p.m.

Respectfully submitted,

Paul A. Lipnick
Clerk