

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

JULY 21, 2015

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, July 21, 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, John Cronin, William Barry, Calley Milne, and Paul Lipnick.
- II. On motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission approved the Minutes of the Commission meeting held on June 16, 2015.

### III. APPOINTMENTS

8:42 a.m. JOHN JENKINS appeared before the Commission to request accreditation of the following elective courses: Safe Listing & Showing-A-Stranger in the House-Property Safety System, SAFE Plan-Basic Program, and SAFE Plan-Office Safety Policy. After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Barry, decided to accredit the three courses presented where the course information presented would benefit the licensee's customers/clients in real estate brokerage activity. Mr. Jenkins to be so notified.

8:54 a.m. Show Cause Hearing – JONATHAN L. WELLS 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 Cronin, seconded by Commissioner Milne decided to allow Mr. Wells to apply for his original salesperson's license.

9:00 a.m. Show Cause Hearing – EMILY A. WIGGIN appeared before the Commission for a show cause hearing regarding her criminal history record submitted with her application of an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Lipnick, decided to allow Ms. Wiggin to apply for her original salesperson's license.

9:20 a.m. MICHAEL KEELER and STEVEN GRAY appeared before the Commission to request Steven Gray be allowed to be issued a principal broker's license for a property management company, and be able to continue to work for Michael Keeler, the principal broker of Coldwell Banker Residential Brokerage, as an Associate Broker. After review and discussion, the Commission decided to tabled its decision and to discuss at a future meeting whether Mr. Keeler's request would be permissible under RSA 331-A.

### IV. DISCUSSION

GEORGE FOSS submitted a letter to the Commission requesting permission from the NH Real Estate Commission to donate funds from his trust account that are currently being held at NH

Abandoned Property Division, so that he may donate the unclaimed property to the Town of Franconia. After review and discussion, the Commission determined that it has no authority to allow Mr. Foss to remove and donate the trust account monies that were originally held in the Post Road Realty n/k/a/ Post Investment Properties Limited trust account, other than pursuant to RSA 331-A:13.

MATTHEW PAVONE submitted a request for Commission reconsideration of its decision to deny Mr. Pavone's application for licensure based on a show cause hearing held on May 19, 2015. Even though Mr. Pavone's request for reconsideration of the Commission's decision to deny his application for a salesperson's license was premature where the decision was not issued yet, the Commission for the economy of time, considered his request for reconsideration for rehearing and did not find any errors of fact or law and no new evidence was presented that could not have been presented at the time of the hearing. Mr. Pavone to be so notified.

DIANE CARON DALEY submitted concerns with real estate for sale signs, sale pending signs, and sold signs, and arrow signs that will be placed miles prior to the property for sale on lands of others or state and town road sides pointing the way to a home for sale, and feels the signs look very unprofessional and would like to see Commission sign rules reviewed. After review and discussion, the Commission determined that Ms. Daley's concerns with signs would not fall under RSA 331-A, but would fall under the local towns and cities ordinances. Ms. Daley to be so notified.

COURSE ACCREDITATION AND RE-ACCREDITATION – The Commission decided that course accreditations and re-accreditations shall be conducted by the Executive Director and any courses that are recommended for denial or recommended for partial accreditation shall be brought before the Commission for a decision to deny or approve.

V. **OTHER BUSINESS**

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

August 18, 2015 at 8:30 a.m.

2. ORDERS

DOCKET NO. 2014-030 NEW HAMPSHIRE REAL ESTATE COMMISSION VS G.  
BRANDT ATKINS

3. SHOW CAUSE ORDERS

MATTHEW PAVONE

4. SETTLEMENT AGREEMENTS

(1) FILE NO. 2015-007 NEW HAMPSHIRE REAL ESTATE COMMISSION VS JENNIFER  
M. VACHON & NATHAN DICKEY (Agreement for Nathan Dickey)

(2) FILE NO. 2015-007 NEW HAMPSHIRE REAL ESTATE COMMISSION VS JENNIFER  
M. VACHON & NATHAN DICKEY (Agreement for Jennifer Vachon)

5. COURSE ACCREDITATIONS AND RE-ACCREDITATIONS

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

DUE DILIGENCE IN SELLERS REPRESENTATION IN A RESIDENTIAL REAL ESTATE TRANSACTION 2 HOURS  
Course Provider: ABC Real Estate Training Institute

FINANCE SIG 1 ½ HOURS  
Course Provider: International Council of Shopping Centers

NEW AGENT BLAST OFF 1 ½ HOURS  
Course Provider: Caron's Gateway School of Real Estate

APPRAISAL PROCESS 3 HOURS  
Course Provider: Coldwell Banker Residential Brokerage

TILA/RESPA INTEGRATED DISCLOSURE RULES 2 HOURS  
Course Provider: James Fleming

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

BED BUGS: WHAT REALTORS MUST KNOW ABOUT NH'S NEW LAW 1 HOUR  
Course Provider: JP Pest Services

UNDERSTANDING BUGS THAT SPEND WINTER WITH US 1 HOUR  
Course Provider: JP Pest Services

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

WOOD DESTROYING INSECTS: UNDERSTANDING THESE THREATS TO THE INTEGRITY OF STRUCTURES 1 HOUR  
Course Provider: JP Pest Services

INTRODUCTION TO BED BUGS & THEIR MANAGEMENT – COMMERCIAL NO BEDS Course Provider: JP Pest Services	1 HOUR
REAL ESTATE FINANCE TODAY Course Provider: Deborah Austin-Brown	3 HOURS
HOME ENERGY EFFICIENCY FOR REAL ESTATE PROFESSIONALS (Internet) Course Provider: InterNACHI	1 HOUR
THE MORTGAGE PROCESS: WHAT REALTORS NEED TO KNOW Course Provider: Pamela Riesenber	2 HOURS
CREDIT 101: EVERYTHING YOU NEED TO KNOW ABOUT CONSUMER CREDIT SCORING Course Provider: Pamela Riesenber	1 HOUR
BETTER UNDERSTANDING OF RESIDENTIAL STRUCTURES Course Provider: Team Engineering	2 HOURS
SAILING THROUGH HOME INSPECTIONS Course Provider: Team Engineering	1 HOUR
ETHICAL BEHAVIOR IN THE REAL ESTATE BUSINESS Course Provider: Arthur Gary School of Real Estate	3 HOURS
UNDERSTANDING OLDER HOUSING Course Provider: Arthur Gary School of Real Estate	3 HOURS
TRANSACTION TROUBLESHOOTING Course Provider: Arthur Gary School of Real Estate	3 HOURS
OFFERS & COUNTER OFFERS Course Provider: Arthur Gary School of Real Estate	3 HOURS
MULTIPLE OFFERS – THE LICENSEE’S ROLE Course Provider: Arthur Gary School of Real Estate	3 HOURS
THE A-Z’S OF RURAL HOUSING DEVELOPMENT LOANS Course Provider: Arthur Gary School of Real Estate	3 HOURS

HELP YOUR CLIENT BECOME A LANDLORD 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
MILITARY RELOCATION PROFESSIONAL (MRP) CERTIFICATION COURSE Course Provider: Arthur Gary School of Real Estate	3 HOURS
DEEDS, DESCRIPTIONS AND DUE DILIGENCE Course Provider: Arthur Gary School of Real Estate	3 HOURS
DUE DILIGENCE IN BUYER BROKERAGE Course Provider: Arthur Gary School of Real Estate	3 HOURS
WIDEN YOUR VISION WHEN YOU LIST AND SELL REAL ESTATE Course Provider: Arthur Gary School of Real Estate	3 HOURS
SELLER BROKERAGE IN A WORLD OF BUYER BROKERAGE Course Provider: Arthur Gary School of Real Estate	3 HOURS
1031 TAX-DEFERRED EXCHANGES – BASIC Course Provider: Arthur Gary School of Real Estate	3 HOURS
1031 TAX-DEFERRED EXCHANGES – ADVANCED Course Provider: Arthur Gary School of Real Estate	3 HOURS
CYA – COVER YOUR ASPIRATIONS WHEN IT COMES TO ENVIRONMENTAL ISSUES Course Provider: Arthur Gary School of Real Estate	3 HOURS
THE A-Z'S OF REAL ESTATE LOAN PROCESSING Course Provider: Arthur Gary School of Real Estate	3 HOURS
REAL ESTATE FINANCE TODAY (Correspondence) Course Provider: Arthur Gary School of Real Estate	3 HOURS
UNDERSTANDING 1031 TAX-FREE EXCHANGES (Correspondence) 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

BUYER REPRESENTATION IN REAL ESTATE V5.0 3 HOURS  
Course Provider: Dearborn Real Estate Education

MORTGAGE FRAUD AND PREDATORY LENDING: WHAT EVERY AGENT SHOULD KNOW V2.0 3 HOURS  
Course Provider: Dearborn Real Estate Education

THE MORTGAGE PROCESS: WHAT REALTORS NEED TO KNOW 2 HOURS  
Course Provider: Pamela Riesenber

THE POWER OF EXCHANGE 3 HOURS  
Course Provider: Asset Preservation, Inc.

THE POWER OF STRATEGY 3 HOURS  
Course Provider: Asset Preservation, Inc.

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

PRE-LICENSING 40 HOURS  
Course Provider: Workshops for Modern Real Estate

VI. **NON-PUBLIC MEETING**

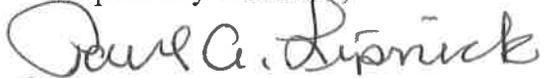
On motion by Commissioner Cronin, seconded by Commissioner Barry, the Commission adjourned the meeting and went into a non-public meeting pursuant to RSA 91-A:3, II-c at 11:12 a.m.

VII. **PUBLIC MEETING RECONVENED 11:47 AM**

On motion by Commissioner Cronin, seconded by Commissioner Barry, the Commission voted to seal the Minutes of non-public meeting at 11:47 a.m.

VIII. **ADJOURNMENT**

On a motion by Commissioner Cronin, seconded by Commissioner Barry, Chairman Daniel Jones adjourned the meeting at 11:48 a.m.

Respectfully submitted,  
  
Paul A. Lipnick  
Clerk

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

**In The Matter Of:** **Docket No.: 2014-030**  
**New Hampshire Real Estate Commission v. G. Brandt Atkins**  
License No.: 011504  
(Adjudicatory/Disciplinary Proceeding)

**FINAL DECISION AND ORDER**

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding In the Matter of G. Brandt Atkins ("Respondent" or "Mr. Atkins") in Docket Number 2014-030.

**Background Information:**

Respondent's broker renewal application was received at the Commission office on January 10, 2003, and he answered "No" to question #6 on his application, "Have you, since your last original or renewal application, been convicted of any offense that has not been annulled by the court other than a traffic violation?", and failed to provide information regarding his September 5, 2001 Habitual Offender Class B Misdemeanor Offense, and Respondent's broker renewal application was received at the Commission office on January 31, 2007, and he answered "No" to question #6 on his application, "Have you, since you last original or renewal application, been convicted of any offense that has not been annulled by the court other than a traffic violation?", and failed to provide information regarding his April 29, 2005 Driving Under the Influence Class B Misdemeanor Offense. On April 18, 2014, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2014-030 against Respondent, and May 22, 2014, initiated an Amended Complaint File No. 2014-030. Subsequent to an investigation, on December 31, 2014, the Commission issued a Notice of Hearing for a hearing scheduled for January 20, 2015.

On Tuesday, January 20, 2015, at 12:42 p.m., the Commission commenced the adjudicatory/ disciplinary hearing in the above captioned matter. Commission members present were:

David C. Dunn, Commissioner, Presiding Officer  
Daniel S. Jones, Commissioner  
Calley M. Milne, Commissioner  
Paul A. Lipnick, Commissioner

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

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

- Complainant Investigator Flanagan's Exhibits:  
Exhibit #1 - Complaint File 2014-030: pages 1-40.
  
- 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 February 27, 1987. At the time of the allegations, Respondent was licensed as a real estate broker, license #011504.
  
2. Respondent submitted his New Hampshire real estate broker license renewal application to the Commission which was received at the Commission office on January 10, 2003, and he answered "No" to question #6, "Have you, since your last original or renewal application, been convicted of any offense that has not been annulled by the court other than a traffic violation?"  
(Ex. 1, pg. 8)

3. Respondent had been convicted on September 5, 2001 at Strafford County Superior Court for Habitual Offender a Class B Misdemeanor Offense and received a \$1,200 (\$200 suspended) fine. (Ex. 1, pg. 30)

4. Respondent submitted his NH real estate broker license renewal application to the Commission which was received at the Commission office on January 31, 2007, and answered "No" to question #6, "Have you, since your last original or renewal application, been convicted of any offense that has not been annulled by the court other than a traffic violation?" (Ex. 1, pg. 12)

5. Respondent had been convicted on April 29, 2005 at Portsmouth District Court for Driving Under the Influence a Class B Misdemeanor Offense and received a \$500 fine. (Ex. 1, pg. 30)

6. The Commission Investigator Ann Flanagan contacted Respondent to have Respondent arrange to have his criminal history sent to the Commission which was received on April 15, 2014, and revealed that there was also a conviction on March 18, 2014 at Portsmouth District Court for Simple Assault, a Class Misdemeanor Offense for which Respondent received a 30 day suspended sentence, drug counseling, batterers program, no victim contact, domestic violence program, with a requirement for proof and follow up with the court. (Ex. 1, pg. 29)

7. Respondent's NH Criminal History Record was received on April 15, 2014 at the Commission at which time the Commission Investigator discussed the Simple Assault conviction with Respondent on the phone and told Respondent to include the details in his reply to the original complaint which was received on May 22, 2014.

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

9. Respondent stated in his response to Complaint File 2014-030 and at the hearing that he had a driver's license for a long time and had it locked in his mind that the convictions for Habitual Offender Class B Misdemeanor Offense in 2001 and the Driving Under the Influence Class B Misdemeanor Offense in 2005, were both traffic related offenses and were not criminal convictions.

10. Respondent testified that between the years 1995 through 2005 he was driving approximately 75,000-90,000 miles a year and was convicted of the Habitual Offender Offense, because he received 12 speeding tickets within a 5 year period of time, and that the Driving Under the Influence Offense occurred during a traffic stop, and felt it was traffic related.

11. Mr. Atkins explained at the hearing that he also has a broker license in the State of Maine, and that the Maine Real Estate Commission has a 10 day reporting requirement for certain criminal convictions, which he did disclose to the Maine Real Estate Commission the March 18, 2014 conviction for Simple Assault within the 10 day reporting requirement, and was preparing to disclose this conviction to NH as well.

12. In Respondent's reply to Complaint File 2014-030, he explained he received a letter from the Maine Real Estate Commission on March 19, 2014, informing him that they had received information indicating that he had a DWI conviction in 2005, that was not disclosed on his 2006 designated broker license renewal application, and several days after this letter he had a telephone conversation with the Maine Real Estate Commission regarding his written response to this conviction, and during the phone conversation, he mentioned his March 18, 2014 Simple Assault conviction, and submitted his written notification of this conviction to Maine on March 27, 2014 within the 10 day reporting requirement.

13. Mr. Atkins explained that it came as no surprise when he received a telephone call from Investigator Flanagan in the later part of March 2014 informing him that an anonymous letter was received at the Commission regarding his 2005 DUI conviction, and during his phone conversation with Investigator Flanagan, she asked him if he would agree to have his NH Criminal History Record submitted to the Commission. Mr. Atkins stated that he did not inform Investigator Flanagan of the March 18, 2014 Simple Assault conviction during their telephone conversation, but felt that he complied with the NH 30 day disclosure requirement, because the conviction was on his Criminal History Record received at the Commission office on April 15, 2014.

14. Witness William Barry testified at the hearing that he was the NH Real Estate Commission Evaluator of Complaint File No. 2014-030, 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 #6 on his NH broker renewal applications in 2003 and 2007 and failed to provide his criminal conviction information with his renewals, and felt that if Investigator Flanagan did not call him regarding his criminal convictions from 2001 and 2005 that he did not disclose to the Commission, that he would not have disclosed his March 18, 2014 criminal conviction for Simple Assault within the 30 day reporting requirement to the Commission, if Investigator Flanagan hadn't requested Respondent to submit his NH Criminal History Record to the Commission.

15. Respondent explained the details of his March 18, 2014 Simple Assault conviction that occurred when he found his former live-in girlfriend and life partner sitting at a bar in a restaurant with his best friend leaning over in a very close and intimate fashion talking with his best friend. Respondent stated that when he approached them that he swore in a loud voice and asked them what was going on, at which point his girlfriend immediately turned away, so he used her ponytail to turn her head in his direction, and told her not to bother to come home and then left the restaurant, and was arrested for Simple Assault for pulling his girlfriend's ponytail on September 30, 2013. Mr. Atkins stated in his reply to the complaint that he has had no contact with his former girlfriend, and since early October 2013 he resumed seeing a counselor on a weekly basis and submitted himself to a voluntary Anger and LADAC Evaluation, and in early December 2013, he voluntarily enrolled in a 36 week batterers and DV program called "Ending the Violence", and had completed 29 of the 36 weeks as of September 12, 2014 when he filed his reply.

**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.

III. – Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses; provided that, for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended.

XXXVII. – Failing to inform the commission in writing within 30 days of being convicted in a court of competent jurisdiction of this or any other state or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses, or an offense or offenses involving sexual crimes, drug distribution, arson, or physical violence; provided that, for the purpose of this paragraph, being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended. This paragraph applies only when the conviction has not first been annulled by a court pursuant to RSA 651:5.

**Rea 401.01 Renewal of License.**

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

(19) All criminal convictions for misdemeanor or felony offenses 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 #6, "Have you, since your last original or renewal application, been convicted of any offense that has not been annulled by the court other than a traffic violation?" on his NH real estate broker license renewal application that was received at the Commission office on January 10, 2003, and was convicted on September 5, 2001 for Habitual Offender Class B Misdemeanor Offense, and answered "No" to question #6, "Have you, since your last original or renewal application, been convicted of any offense that has not been annulled by the court other than a traffic violation?" on his broker license renewal application that was received at the Commission office on January 31, 2007, and was convicted on April 29, 2005 for Driving Under the Influence, a Class B Misdemeanor Offense, in violation of RSA 331-A:26, I. (Notice of Hearing, paragraph 5A)

2. Respondent was convicted of Simple Assault on March 18, 2014 in Portsmouth, NH District Court, a Class A Misdemeanor Offense, in violation of RSA 331-A:26, III. (Notice of hearing, paragraph 5B)

3. The Respondent failed to provide to the Commission information regarding his conviction on September 5, 2001 for Habitual Offender Class B Misdemeanor Offense on his NH real estate broker renewal received at the Commission office on January 10, 2003, and failed to provide to the Commission information regarding his conviction on April 29, 2005 for Driving Under the Influence Class B Misdemeanor Offense on his NH real estate broker renewal received at the Commission office on January 31, 2007, in violation of Rea 401.01(a)(19). (Notice of Hearing, paragraph 5D).

4. The Commission did not find Respondent in violation of RSA 331-A:26, XXXVII where Respondent did fulfill the 30 day reporting requirement when he submitted his criminal history record to the Commission, which was received at the Commission Office on April 15, 2014, that included his March 18, 2014 conviction for Simple Assault, a Class A Misdemeanor Offense. (Notice of Hearing, paragraph 5C).

**Disciplinary Action:**

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

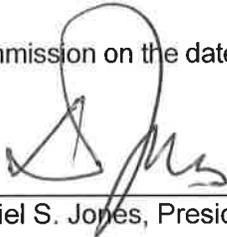
IT IS **ORDERED** that the Respondent pay a disciplinary fine in the amount of one thousand two-hundred and fifty dollars (\$1,250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within ninety (90) days of the effective date of this Order. Failure to comply 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.



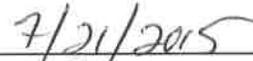
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Daniel S. Jones, Presiding Officer



\_\_\_\_\_  
Date



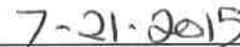
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Calley M. Milne, Commissioner



\_\_\_\_\_  
Date



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Paul A. Lipnick, Commissioner



\_\_\_\_\_  
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. 2015-007 NH Real Estate Commission v. Jennifer M. Vachon &  
Nathan W. Dickey

Allegations: Nathan Dickey            RSA 331-A:26, XXVII

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Nathan W. Dickey (“the Respondent” or “Respondent Dickey”), a real estate broker currently licensed by the Commission until January 19, 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:

Jennifer Vachon advertised real estate property via Craigslist (see printout dated 3/11/15) using a direct phone number (603-610-8582) (see screenshot of Craigslist ad) without also including the office phone number (603-610-8500), nor did Ms. Vachon include any identifying information of the principal broker or brokerage firm through which the Respondent Dickey operates. Respondent Dickey is the principal

broker of New England Coastal Realty Inc. dba Keller Williams Coastal Realty and failed to supervise the advertising activities of Jennifer Vachon.

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 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 Dickey'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.

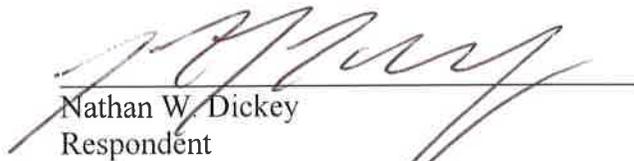
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
7. Respondent understands that his action in entering into this agreement is a final act and not subject to 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, Nathan W. Dickey, 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: July 6, 2015

  
Nathan W. Dickey  
Respondent

On this 6<sup>th</sup> day of July, A.D. 20 15  
personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.

  
Justice of the Peace/Notary Public



My commission expires:  
11/20/2018

Dated: July 21<sup>st</sup> 2015

For the Commission



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. 2015-007 NH Real Estate Commission v. Jennifer M. Vachon &  
Nathan W. Dickey

Allegations: Jennifer M. Vachon RSA 331-A:16, IV

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Jennifer M. Vachon (“the Respondent”), a real estate salesperson currently licensed by the Commission until August 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:

Respondent advertised real estate property via Craigslist (see printout dated 3/11/15) using a direct phone number (603-610-8582) (see screenshot of Craigslist ad) without also including the office phone number (603-610-8500), nor did Respondent include any identifying information of the principal broker or brokerage firm through which the respondent operates.

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 Vachon'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

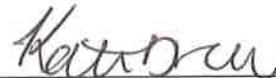
I, Jennifer M. Vachon, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement 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: 7/13/, 2015

  
Jennifer M. Vachon  
Respondent

On this 13<sup>th</sup> day of July A.D. 2015  
personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.



  
Justice of the Peace/Notary Public

My commission expires:  
10/16/18

Dated: July 21<sup>st</sup>, 2015

For the Commission



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