

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

AUGUST 18, 2015

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, August 18, 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 Barry, seconded by Commissioner Milne, the Commission approved the Minutes of the Commission meeting held on July 21, 2015.
- III. **APPOINTMENTS**  
8:36 a.m. Show Cause Hearing – SCOTT N. PERDUE 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 Barry, seconded by Commissioner Lipnick decided to allow Mr. Perdue to apply for his original salesperson's license.  
  
9:25 a.m. DENISE NEWMAN appeared before the Commission to request reinstatement of her lapsed salesperson's license as required by RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Milne, seconded by Commissioner Barry, decided to deny the reinstatement of Ms. Newman's lapsed license for the lack of good cause shown as required by RSA 331-A:18, II.
- IV. **DISCUSSION**  
RSA 331-A:16, IV – Investigator Corthell presented to the Commission an inquiry on advertisement signage as to whether it violated RSA 331-A:16, IV. The signage included a main sign and a rider separate from the main sign. The main sign had the firm name and a telephone number under the firm name, which was the firm telephone number but was not identified as the firm number. The rider is clearly separate from the main sign, separated by color and separate panel, which includes the words "Direct Response" with a telephone number. The telephone number is a cell phone number for the principal broker of the firm. After review and discussion, the Commission, on motion by Commissioner Cronin, seconded Commissioner Milne, decided that the advertisement was in compliance with RSA 331-A:16, IV, because the customer/client can get to the principal broker, which satisfies the legislative intent of RSA 331-A:16, IV.  
  
RSA 331-A:26, XXIV – a request for clarification on whether the following is in compliance with RSA 331-A:26, XXIV: A licensee working for a firm refers her son-in-law's parents to another agent within the firm to sell the son-in-law's parent's house. The house sells and the licensee is paid a referral fee. Once the licensee is paid the referral fee, the fee is deposited into the licensee's personal account. The licensee would like to pay the amount of the referral fee to her son-in-law and daughter as a gift. After review and discussion, the Commission, on motion by Commissioner

Cronin, seconded by Commissioner Barry, determined that paying the amount of the referral fee to her son-in-law and daughter as a gift would not be in violation of RSA 331-A.

V. **OTHER BUSINESS**

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

September 15, 2015 at 8:30 a.m.

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 9:35 a.m.

VII. **PUBLIC MEETING RECONVENED 10:14 AM**

On motion by Commissioner Cronin, seconded by Commissioner Barry, the Commission voted to seal the Minutes of non-public meeting at 10:15 a.m.

COMMISSIONER CRONIN WAS NOT PRESENT FOR THE REMAINDER OF THE MEETING

VIII. **HEARING 10:15 AM**

FILE NO. 2014-036 NH REAL ESTATE COMMISSION VS BRYAN D. WHEELER & THOMAS E. VAN HORN RE: COMPLAINT OF THOMAS AND BARBARA G. DYER

The following persons were present at the hearing:

Commission: Commissioners Daniel Jones, William Barry, Calley Milne and Paul Lipnick

Recused Member: Commissioner Cronin was recused from the above matter and abstained from participation in the discussion.

Complainant: The NH Real Estate Commission through its Investigator Kinsman Corthell

Attorney: Pro Se

Respondent: Bryan D. Wheeler

Attorney: Ralph Suozzo

Respondent: Thomas E. Van Horn

Attorney: Peter G. Callaghan

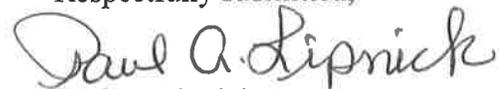
Witnesses: Thomas Dyer  
Mike Gallo

Mike Day  
Virginia Gregory  
Peg Walther  
Mark Kleiner  
Cliff Critch

IX. **ADJOURNMENT**

On a motion by Commissioner Milne, seconded by Commissioner Barry, Chairman Daniel Jones adjourned the meeting at 3:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul A. Lipnick".

Paul A. Lipnick  
Clerk