

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

OCTOBER 20, 2015

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 20, 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 8:36 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 September 15, 2015.

III. APPOINTMENTS

8:37 a.m. Equivalency Appointment – ALLISON E. WILLIAMS

Ms. Williams appeared before the Commission to request that her real estate experience be approved as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Milne, decided to approve Ms. Williams' real estate experience as sufficient experience pursuant to RSA 331-A:10, II (c) and (g).

8:45 a.m. Show Cause Hearing – MICHAEL A. FOX 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. Fox to apply for his original salesperson's license, contingent upon receipt of a letter from his principal broker notifying the Commission he/she is aware of Mr. Fox's previous criminal history.

8:48 a.m. Show Cause Hearing – SAMANTHA R. ESCOBAR 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 Cronin, seconded by Commissioner Lipnick, decided to allow Ms. Escobar to apply for her original salesperson's license.

8:50 a.m. JOHN TRUMBULL, the principal broker of Exit Realty Trailblazers appeared before the Commission by telephone to request that he be allowed to manage his firm office located in Lancaster and the branch office located in Berlin, which is currently managed by Jeffrey Gagnon, a temporary managing broker. Mr. Gagnon's temporary managing broker license is due to expire in December 2015. Mr. Trumbull explained that the offices are 45 minutes apart and he presently splits his time equally between the offices. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Cronin, decided to allow Mr. Trumbull to manage the firm office in Lancaster and the branch office located in Berlin, as long as the maximum number of licensees does not exceed 12 between both offices.

9:05 a.m. Equivalency Appointment – JOSEPH A. ROMBERG

Mr. Romberg appeared before the Commission by telephone to request that his real estate experience be approved as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Milne, decided to deny Mr. Romberg's real estate experience as sufficient experience pursuant to RSA 331-A:10, II (c) and (g).

9:20 a.m. MICHAEL KEELER, the principal broker of Coldwell Banker Residential Brokerage, along with Michelle Oates, the managing broker for the Coldwell Banker Andover Massachusetts branch office, appeared before the Commission to request that Michelle Oates be allowed to manage the Andover branch office and the Topsfield, Massachusetts branch office. Mr. Keeler and Ms. Oates stated that the branch offices are 10 minutes apart and that Ms. Oates currently manages 11 NH licensees in the Andover branch office and would only be managing only 1 NH licensee at the Topsfield branch office. After review and discussion, the Commission, on motion by Commissioner Milne, seconded by Commissioner Cronin, decided to allow Ms. Oates to be designated as the managing broker for the Andover branch office and the Topsfield branch office as long as the total number of NH licensees at the two offices remains at 12 or under.

9:30 a.m. BLAISE COCO of Coco, Early & Associates appeared before the Commission to request that he be allowed to be the principal broker of Coco, Early & Associates in Salem and principal broker of Coco, Early & Associates Windham Division, LLC in Windham. Mr. Coco stated that the two offices are less than 3 miles apart and the Salem office has 19 licensees and the Windham office has 36 licensees. After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Barry decided that, because the offices are so close in distance, Mr. Coco be allowed to be the principal broker for both firm offices as long as the total number of licensees at both offices remains at 75 or under.

IV. **DISCUSSION:**

REQUEST FOR INTERVENOR STATUS – On behalf of Complainant Thomas Sobell, Attorney Sandra Bloomenthal submitted a Request to Intervene in the disciplinary proceedings for Docket No. 2015-021 NH Real Estate Commission & Thomas Sobell v. Sharon L. Havens & David F. Hennessey, pursuant to Rea 205.09 which was received at the Commission office on October 19, 2015. Commissioner Daniel Jones, the presiding officer, denied the request for intervenor status where the request was not submitted to the Commission or the parties to Docket No. 2015-021 at least 3 days prior to the pre-hearing conference scheduled for October 20, 2015, and the Request did not include any facts or reason for intervening in the pre-hearing conference or hearing, as required by RSA 541-A:32, I.

V. **PRE-HEARING CONFERENCE 9:35 AM:**

DOCKET NO. 2015-021 NH REAL ESTATE COMMISSION & THOMAS SOBELL VS
SHARON L. HAVENS & DAVID F. HENNESSEY

The following persons were present at the pre-hearing conference:

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

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

Attorney: Pro Se

&

Thomas Sobell

Attorney: Sandra Bloomenthal

Respondents: Sharon L. Havens
&
David Hennessey

Attorney: Peter Callaghan

VI. **OTHER BUSINESS**

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

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

2. **SETTLEMENT AGREEMENTS**

The following Settlement Agreement was approved by the Commission:
FILE NO. 2015-024 NEW HAMPSHIRE REAL ESTATE COMMISSION VS GRACIELA
BEAUDRY & JOSEPH M. BEAUCHEMIN (Agreement for Graciela Beaudry)

3. **SHOW CAUSE ORDERS**

KRISTIES DESAUTELS
GARY ANDERSON
BRYAN DUBY
NATHAN DELOIS
JONATHAN WELLS

VII. **NON-PUBLIC MEETING**

On motion by Commissioner Milne, seconded by Commissioner Cronin, the Commission adjourned the meeting and went into a non-public meeting pursuant to RSA 91-A:3, II-c at 11:04 a.m.

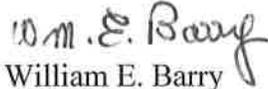
VIII. **PUBLIC MEETING RECONVENED 11:20 AM**

On motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission voted to seal the Minutes of non-public meeting at 11:20 a.m.

IX. ADJOURNMENT

On a motion by Commissioner Barry, seconded by Commissioner Milne, Chairman Daniel Jones adjourned the meeting at 11:21 a.m.

Respectfully submitted,


William E. Barry
Acting Clerk

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2015-024 NH Real Estate Commission v. Graciela Beaudry &
Joseph M. Beauchemin

Allegations: Graciela Beaudry RSA 331-A:16, IV (a)

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 Graciela Beaudry (“the Respondent” or “Respondent Beaudry”), a real estate salesperson currently licensed by the Commission until March 30, 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 Beaudry advertised New Hampshire properties and her services as real estate licensee on a public sign without using her legal name or a reasonable derivative thereof. This public sign was being displayed at multiple properties.

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'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

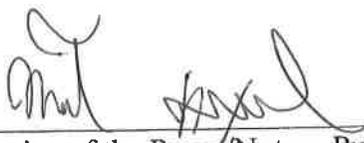
I, Graciela Beaudry, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress,

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: 9/28/15, 2015


Graciela Beaudry
Respondent

On this 28th day of September 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:


Mathew K. Huxel
Notary Public, State of New Hampshire
My Commission Expires Mar. 13, 2020

For the Commission

Dated: October 20th, 2015


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