

February 26, 2016

**REAL ESTATE COMMISSION
MINUTES**

There was a meeting of the Real Estate Commission on February 16, 2016. The following were present: John Cronin, Esquire, William Barry, Calley Milne and Paul Lipnick. Commissioner Jones was present for portions of the meeting via telephone, Pursuant to RSA 91-A:2,III due to inclement weather. Also present were Linda Capuchino, Beth Edes and Kinsman Corthell.

1. Call to order – 8:59 a.m.

2. Interview/meeting/hearing – None.

3. Reading and approval of the minutes of the January 26, 2016 meeting – Moved, seconded and voted unanimously to accept the public and non-public minutes as written, with the minor revision set forth below:

On motion by Commissioner Milne, seconded by Commissioner Lipnick, the Commission voted to unseal section II of the January 26, 2016 Non-Public Minutes, which states as follows: “Deliberations: File #2014-063 NH Real Estate Commission v. G. Brandt Atkins – the Commission went into a nonpublic session to discuss the timeline for deliberations on File #2014-063. Due to the late hour and unanticipated post hearing motions to expand the record, the Commission, on motion by Commissioner Milne, seconded by Commissioner Lipnick, voted unanimously to commence deliberations at the next meeting. Commissioner Barry was the evaluator of Complaint File No. 2014-063 and was recused from the discussion and decision.”

4. Communications – General – None.

5. Communications – Commission Action – None

6. Unfinished Business –

a. On motion by Commissioner Milne, seconded by Commissioner Lipnick, the Commission deliberated on the matter of NH Real Estate Commission v. G. Brandt Atkins, File #2014-063. Commissioners Cronin, Lipnick and Milne were present and participated. Commissioner Jones participated by telephone. Commissioner Barry was recused and did not participate in the deliberations. The Commissioners deliberated on the evidence and on the Findings of Facts and Rulings of Law submitted by the Respondent.

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7. New Business

- a. Upon the motion of Commissioner Milne and seconded by Commissioner Lipnick, the Commission voted by roll call vote, to conduct a non-public session for the purpose of evaluating complaints against licensees, accredited individuals, institutions, or organizations or persons charged with practicing unlawful brokerage activity and noting that such a non-public session is authorized by RSA 91-A:3, II(c), RSA 91-A:5, IV, *Lodge v. Knowlton*, 11 N.H. 574 (1978), and the Commission's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Thereafter, Commissioner Milne motioned, which was seconded by Commissioner Lipnick and voted unanimously to adjourn the non-public meeting and to reconvene the public meeting.
- b. Upon the motion of Commissioner Milne and the second of Commissioner Lipnick, the Board, by roll call vote, resolved to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would likely affect adversely the reputation of licensees, accredited individuals, institutions, or organizations, or persons charged with practicing unlawful brokerage activity or likely to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.
- c. Appointment/Reinstatement: Michelle Dube appeared before the Commission at 11:10 a.m. 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 Lipnick, seconded by Commissioner Milne, decided to approve the reinstatement of Ms. Dube's lapsed salesperson's license for good cause as set forth in RSA 331-A:18, II.
- d. Initial Rulemaking Proposals: Real Estate Commission Executive Director Beth Edes presented rulemaking proposals to the following rules to the Commission for consideration: Rea 103.01, 204.01, 204.03, 204.04, 204.06, 205.16, 206.01, 206.02, 301.01 (a) and (b), 301.02 (i), 301.03, 301.04 (a), 302.01 (e) and (f), 302.02, 303.05, 401.01 (a) and (b), 403.01, 404.03, 702.01, and 703.01. After review and discussion, the Commission directed Executive Director Edes to initiate the rulemaking process on the above noted rules.
- e. Date and time of next meeting – *Tuesday, March 15, 2016 at 8:30 a.m.*

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8. Adjournment – 11:40 a.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Paul A. Lipnick". The signature is written in black ink and is positioned above the printed name and title.

Paul A. Lipnick,
Clerk