

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING MINUTES

SEPTEMBER 20, 2016

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, September 20, 2016 at 8:30 a.m. in Conference Room #B119, 121 South Fruit Street, Concord, New Hampshire 03301.

- I. CALL TO ORDER - Meeting was called to order at 8:33 a.m. by Chairman Daniel Jones. Present: Commissioners Daniel Jones, John Cronin, Esquire, William Barry, Calley Milne, and Paul Lipnick. Also present: Linda Capuchino, Beth Edes, and Kinsman Corthell.
- II. ADJOURNMENT – On motion by Commissioner Lipnick, seconded by Commissioner Milne, Chairman Daniel Jones adjourned the meeting at 8:35 a.m. and reconvened the meeting at 8:50 a.m.
- III. READING AND APPROVAL OF THE MINUTES - On motion by Commissioner Milne, seconded by Commissioner Lipnick, the Commission approved the Minutes of the public commission meeting held on August 16, 2016. On motion by Commissioner Milne, seconded by Commissioner Lipnick, the Commission approved the Minutes of the public commission meeting on September 12, 2016. Commissioner Cronin was not present at the September 12, 2016 meeting and abstained from the discussion and approval.
- IV. NEW BUSINESS

8:55 a.m. – OPLC Executive Director Peter Danles discussed with the Commission that he is in the process of trying to find out how efficiently the boards, commissions and councils within the OPLC are currently working, if the workload is being completed in a timely manner, and figure out where processes could be streamlined to create efficiencies.

9:20 a.m. – Sarah Tahir appeared before the Commission to request reinstatement of her lapsed salesperson’s license pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Milne, seconded by Commissioner Lipnick, decided to allow Ms. Tahir to reinstate her lapsed salesperson’s license for good cause shown as required by RSA 331-A:18, II, contingent upon receiving her salesperson renewal application, renewal fee of \$90.00, plus a late fee of \$60.00, and the appropriate continuing education affidavits within 30 days from the date of the Commission meeting. As part of the Commission’s decision, Ms. Tahir will be required to complete the mandatory 3 hour Core course for her next renewal date with a different instructor than the instructor she completes the 3 hour Core course with to reinstate her lapsed salesperson’s license.

9:30 a.m. – Destiny Cheney appeared at the August Commission meeting for a Show Cause Hearing regarding her criminal history record submitted with her application for a salesperson’s license. At this meeting the Commission decided to table its decision and request the Commission’s Investigator to obtain additional information regarding her criminal history. After review and discussion of the additional information presented by Investigator Corthell, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Milne, decided to deny Ms. Cheney’s

request for a salesperson's license for failure to furnish satisfactory evidence of trustworthiness as required by RSA 331-A:10, I, (d).

11:00 a.m. –A Hearing was conducted on the Emergency Immediate Suspension, Docket No. 2016-045 NH Real Estate Commission v. David V. Scher

COMMISSION DISCUSSION – Recommendations for a Hybrid Pre-licensing Course were submitted to the Commission by pre-licensing instructors, with suggested rulemaking changes to allow for a hybrid pre-licensing course which would consist of 34 hours of accredited national material completed through an online learning management system and 8 hours of classroom attendance with a minimum of 6 hours consisting of New Hampshire state specific material.

ORDERS – The following Order was issued by the Commission:

Docket No. 2015-006 New Hampshire Real Estate Commission v. Marlene Minemier

PHIL LAROCHE submitted concerns on whether Home Away and Vacation Rentals by Owner (VRBO) are forcing him to operate and are decreasing his ability to provide fiduciary duties to his clients. Mr. LaRoche alleges the companies are collecting commissions while being unlicensed in the State of New Hampshire. Mr. LaRoche claims he is forced to use an online system or the companies will reduce his rating and cause him to lose business, and that he can't vet clients properly for the owner; therefore the companies are prohibiting him from fulfilling fiduciary duties. After review and discussion, the Commission directed Investigator Corthell to forward his concerns to the AG's office for review.

V. NEXT MEETING – The Commission unanimously approved the following date for the November meeting:

November 15, 2016 at 8:30 a.m.

VI. NON-PUBLIC MEETING 11:20 AM

On motion by Commissioner Cronin, seconded by Commissioner Lipnick, the Commission, by roll call vote, voted unanimously to conduct a non-public session for the purpose of the reading and approval of the non-public minutes of the August 16, 2016 meeting, and 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. On motion by Commissioner Milne, seconded by Commissioner Lipnick, the Commission adjourned the non-public meeting at 11:55 a.m.

VII. PUBLIC MEETING RECONVENED

On motion by Commissioner Milne, seconded by Commissioner Lipnick, the Commission

by roll call vote reconvened the public meeting at 11:55 a.m.

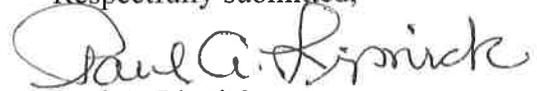
VIII. NON-PUBLIC MINUTES SEALED

On motion by Commissioner Lipnick, seconded by Commissioner Milne, the Commission, unanimously voted to seal the Minutes of the non-public meeting from public disclosure pursuant to RSA 91-A:3, III (c), 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, 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 unanimous vote of all members present.

IX. ADJOURNMENT

On a motion by Commissioner Milne, seconded by Commissioner Cronin, Chairman Daniel Jones adjourned the meeting at 11:58 a.m.

Respectfully submitted,



Paul A. Lipnick
Clerk