

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING MINUTES

OCTOBER 18, 2016

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 18, 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 8:39 a.m. by Chairman Daniel Jones. Present: Commissioners Daniel Jones, John Cronin, Esquire, William Barry, Calley Milne, and Paul Lipnick. Also present: Peter Danles, Linda Capuchino, Beth Edes, and Kinsman Corthell.
- II. READING AND APPROVAL OF THE MINUTES - On motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission approved the Minutes of the public commission meeting held on September 20, 2016.

III. NEW BUSINESS

OPLC Executive Director Peter Danles presented the Commission with a flow chart of the complaint/investigative process he would like to have all boards, commissions, and councils to follow so that the process can be consistent throughout the OPLC.

9:15 a.m. Destiny Cheney appeared before the Commission to request reconsideration of the Commission's September 20, 2016 decision to deny her application for a salesperson's license. After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Barry, reaffirmed its September 20, 2016 decision of denying Ms. Cheney a salesperson's license and allowing Ms. Cheney to reapply with a new application with proper references that are properly notarized. Commissioner Lipnick was opposed to the decision.

10:15 a.m. – Paul W. Skarin appeared before the Commission to request reinstatement of his lapsed broker's license pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Cronin, decided to allow Mr. Skarin to reinstate his lapsed broker's license for good cause shown as required by RSA 331-A:18, II.

10:40 a.m. – Ann Flanagan appeared before the Commission to request a Declaratory Ruling on the definition of "Legal Name" as referenced in RSA 331-A:16, IV(a), Rea 301.01(a)(1), Rea 301.01(b)(1), Rea 401.01(a)(1), and Rea 401.01(b)(1). Ms. Flanagan explained that some licenses are issued with just the first initial of the applicant's first name, full middle name and last name, and some with full first name, middle initial and last name. Ms. Flanagan explained that one of her students contacted the Commission to find out if she could use her middle name as her first name on the real estate license and she was informed by Commission staff that she couldn't unless she had her name legally changed to reflect her request. The Commission stated that an applicant for a real estate license is required to supply the name on their birth certificate, or a name changed legally through marriage or through the courts.

10:50 a.m. HEARING – A hearing was conducted on Docket No. 2015-037 NH Real Estate Commission v. George N. Sanders, Jr.

11:25 a.m. HEARING – A hearing was on Docket No. 2016-045 NH Real Estate Commission v. David V. Scher

2:00 p.m. – Hearing on Docket No. 2014-002 NH Real Estate Commission v. Aaron E. Brown
Re: Complaint of Kenneth & Juanita LaGasse – The Commission granted a continuance of the hearing until December 20, 2016.

SETTLEMENT AGREEMENTS – The following Settlement Agreements were issued by the Commission:

File No. 2015-23 NH Real Estate Commission v. Rex O. Gray & Philip D. Carter
(Agreement for Philip Carter)

File No. 2015-023 NH Real Estate Commission v. Philip D. Carter (Agreement for Philip Carter only)

File No. 2015-024 NH Real Estate Commission v. Thomas N. T. Mullen & Winterbrook Realty, Inc. dba: Owl's Nest Realty

File No. 2016-011 NH Real Estate Commission v. Celina M. Barton

SHOW CAUSE ORDER – The following Show Cause Order was issued by the Commission:
DESTINY CHENEY

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

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

V. NON-PUBLIC MEETING 12:00 PM

On motion by Commissioner Cronin, seconded by Commissioner Milne, 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 September 20, 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 Cronin, the Commission adjourned the non-public meeting at 12:55 p.m.

VI. PUBLIC MEETING RECONVENED

On motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission by roll call vote reconvened the public meeting at 12:55 p.m.

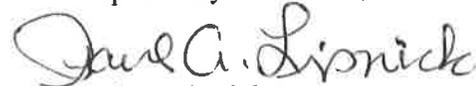
VII. NON-PUBLIC MINUTES SEALED

On motion by Commissioner Cronin, 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.

VIII. ADJOURNMENT

On a motion by Commissioner Cronin, seconded by Commissioner Milne, Chairman Daniel Jones adjourned the meeting at 2:39 p.m.

Respectfully submitted,



Paul A. Lipnick
Clerk