

NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
May 16, 2023

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, May 16, 2023, at 8:30 a.m. The meeting was conducted at the Office of Professional Licensure and Certification, 7 Eagle Square, Concord, New Hampshire. Public could attend in person or via teleconference.

Present Commissioners: Steven Hyde, Esq., Matthew Cabana, Ralph Valentine, Susan Doyle, and Paul Lipnick.

Also present from OPLC office: Administrators Dawn Couture, Talia Wilson and Brenda Rines; Board Counsel Attorney Rahkiya Medley and Division Director Bethany Cottrell.

The below times are noted for breaks taken by the Commission.

10:05 a.m. – 10:19 a.m.

11:51 p.m. – 11:58 p.m.

I. Call To Order –

The meeting was called to order at 8:49 a.m. by Chairman Hyde.

II. Review Public Minutes

A. April 18, 2023 – Commissioner Valentine made a few suggestive corrections.

- Under minutes for the March 27, 2023 meeting, item B; third line down change “renewal” to “renewed.”
- Under Public Appearances, item b; sixth line down add ‘ed’ to email.
- Under Public Appearances, item c; second line down add a ‘d’ to include.
- Under Public Appearances, item f; second paragraph, first line, add in the word “regarding” in between ‘order’ and ‘any’.

Chairman Hyde made a motion to accept the minutes as amended. The motion was seconded by Commissioner Valentine. The motion passed unanimously.

III. Public Appearances

A. Division Director Cottrell introduced Senior Board Administrator Talia Wilson and the new Board Administrator, Brenda Rines. Administrator Wilson will be mentoring Administrator Rines in her new position. Administrator Rines comes with a background in mortgage underwriting. The Commissioners welcomed both Administrators.

IV. Non-Public Meeting

At 8:57 a.m. following a motion by Chairman Hyde and seconded by Commissioner Doyle to go in to a non-public session the Commission, by roll call, voted to conduct a non-public session for the purpose of evaluating complaints against licensees,

accredited individuals, institutions, or organization, 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*, 118 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 vote of all members present.

V. Public Meeting Reconvened

At 9:43 a.m. following a motion made by Commissioner Valentine and seconded by Commissioner Doyle, the Commission unanimously voted by roll call to reconvene the public meeting. The motion passed unanimously.

VI. Non-Public Minutes Sealed

On a motion by Chairman Hyde and seconded by Commissioner Valentine, by roll call voted to seal the minutes of the non-public session 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*, 118 N.H. 574 (1978), and the Commission's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

VII. OPLC and/or Board Administration Updates

- A. Report from ARELLO Conference – Bethany Cottrell, Division Director, Division of Licensing and Board Administration – Division Director Cottrell provided an update of the topics from the conference.
- B. Press Releases and Role of Public Information Officer (PIO) – Division Director Cottrell informed the Commissioners on how OPLC is trying to increase their public communication with enforcement/disciplinary issues, and licensing. Division Director Cottrell asked for clarification if the Commission would like for Emergency Orders and other actions to be released to the press. Currently these notices are posted on the Commission webpage under Board Actions. At this time the Commission will take under advisement and report back to OPLC.

VIII. Old Business

- A. The following applications were acted upon after the April meeting – Division Director Cottrell informed the Commissioners that these applicants were on the April agenda regarding Commission approval for equivalency. After the April meeting Executive Director Courtney and Division Director Cottrell reviewed these applications and found that they do meet the requirement guidelines under RSA 331-A:11-a and did not need to come back before the Commission and their applications have been approved.
 - 1. Brent Clemans
 - 2. Karen Coulliard
 - 3. Stephen Forcillo

IX. Administrative Rules & Legislative Topics – Board Counsel Attorney Medley stated that there are no new updates at this time.

X. Non-Public Meeting

At 10:03 a.m. following a motion by Commissioner Valentine and seconded by Commissioner Cabana to go in to a non-public session the Commission, by roll call, voted to conduct a non-public session for the purpose of the reading and approval of the non-public minutes of the April 18, 2023 meeting, and evaluating complaints against licensees, accredited individuals, institutions, or organization, 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*, 118 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 vote of all members present.

VIII. Public Meeting Reconvened

At 12:19 p.m. following a motion made by Chairman Hyde and seconded by Commissioner Valentine, the Commission unanimously voted by roll call to reconvene the public meeting. The motion passed unanimously.

IX. Non-Public Minutes Sealed

On a motion by Chairman Hyde and seconded by Commissioner Valentine, by roll call voted to seal the minutes of the non-public session 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*, 118 N.H. 574 (1978), and the Commission’s executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

XI. Questions And Comments – Chairman Hyde informed everyone that speakers will only be allowed to speak once and there will be a time limit of three minutes each.

- Attorney Matt Johnson stated that his client received a notice to attend today’s meeting as his renewal was going to be reviewed by the Commission. Chairman Hyde indicated that he was not aware that Attorney Johnson was present for that particular reason and that the matter was discussed in non-public session. Chairman Hyde indicated that the Commission would go back into non-public session to discuss Attorney Johnson’s clients’ situation if it was preferred. Attorney Johnson requested the Commission return to non-public session before continuing further discussions.

XII. Non-Public Meeting

At 12:22 p.m. following an motion by Chairman Hyde and seconded by Commissioner Valentine to go in to a non-public session the Commission, by roll call, voted to conduct a non-public session for the purpose of evaluating complaints against licensees, accredited individuals, institutions, or organization, 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*, 118 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 vote of all members present.

XIII. Public Meeting Reconvened

At 12:33 p.m. following a motion made by Chairman Hyde and seconded by Commissioner Valentine, the Commission unanimously voted by roll call to reconvene the public meeting. The motion passed unanimously.

XIV. Non-Public Minutes Sealed

On a motion by Chairman Hyde and seconded by Commissioner Cabana, by roll call voted to seal the minutes of the non-public session 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*, 118 N.H. 574 (1978), and the Commission's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

XV. Questions And Comments

- Myles Underwood informed the Commission that he received an email notifying him that his application would be reviewed by the Commission and since he had not received any additional communication, he decided to attend to represent himself. Chairman Hyde informed Mr. Underwood that his application was reviewed in non-public session and that he really did not want to go into non-public session for the fourth time. Chairman Hyde stated that Mr. Underwood knows why his application was reviewed in non-public session and it would be up to him if he wants to disclose the information in public. Mr. Underwood indicated that he would like it to stay in non-public. Chairman Hyde informed Mr. Underwood that the Commission determined there was no cause to disqualify him.
- Joseph Haas would like the Commissioners to submit a statute change regarding recordings and signatures on proposed bills submitted to the legislative house. Mr. Haas mentioned that legislators should also provide their initials on top of each page to signify that it was actually read. Chairman Hyde informed Mr. Haas that the Commission does not have any purview on requirements of other States of what is to be recorded and that the Commission cannot comment.
- Kelly Giruad asked for clarification on post licensing requirements and what can the providers tell their students. Division Director Cottrell referred Ms. Giruad to the recent email notification that was sent out on May 15, 2023.
- Ann Flanagan asked for clarification regarding the 6 transactions for broker applications. Ms. Flanagan mentioned that OPLC staff has been requesting these transactions be submitted for broker applications even if the applicant is applying for licensure recognition. She was under the impression that the

transactions no longer applied under licensure recognition. Division Director Cottrell indicated that she would work with legal to get a better answer.

- Shannon Whaley asked about how long rules may take to be approved by JLCAR. She mentioned the difficulty it is to teach post licensing courses if the rules are not yet updated. Chairman Hyde stated that rule making could take up to a year or longer; or it could be as short as 6 months.
- Kristen Vaughn asked about the deactivation of licenses as she wants to make sure that she is understanding it correctly. If an active salesperson is not affiliated with a broker, it does not present to the removal of the license or put the licensee into inactive status and should be able to practice. The licensee can still practice pending upon a complaint being filed for not being affiliated with a broker. Ms. Vaughn stated that the licensee lookup on OPLC's website is a source that is used to verify if a licensee can or cannot work with someone. She asked if the licensee would be disciplined for an active status but not affiliated with a broker. Ms. Vaughn also asked about roster lists and if there will be a database option available again. Administrative rule Rea 301.05 allows the distribution of a list to be available upon request. Division Director Cottrell stated that OPLC has taken steps to ensure the types of information that is sent out regarding licensees. She asked Ms. Vaughn to send her an email on her request and the rule.
- Kathy Roosa asked if there was any progress regarding the incorrect information for the expiration of exams in the PSI handbook. Division Director Cottrell indicated that the correct information was sent to PSI and she just received approval from PSI of the change.
- Monika McGillicuddy asked about the new process for approved instructors. She indicated that she never had to reapply as an instructor previously, just to reapply the courses she teaches. Does she need to be approved as an instructor if she has been approved previously. Division Director Cottrell stated that it is being treated as if it was a license; therefore, an application for instructor is required. Applications for instructors do not need to coincide with the course renewals.
- Carrie Kellerman asked for confirmation regarding course application fees. Division Director Cottrell stated that there is no fee to submit a course application. Ms. Kellerman indicated that the form she was currently looking at states a \$100.00 application fee to be submitted. Division Director Cottrell asked for Ms. Kellerman to send her an email as to where she is seeing that information.

- X. **ADJOURNMENT** – At 1:09 p.m. Commissioner Valentine made a motion to adjourn. The motion was seconded by Commissioner Cabana. The motion passed unanimously.