



Real Estate Commission Public Meeting

Minutes

Real Estate Commission (Brokers & Salespersons)
Feb 20, 2024 at 8:30 AM EST
7 Eagle Square, Concord, NH 03301

Attendance

Members:

Members: Ralph Valentine, Chair (RV), Suzanne Brunelle (SB), Matthew Cabana (MC), Susan Doyle (SD)

Absent:

Staff:

Brenda Rines, Board Administrator, Michael Gianunzio, Board Administrator, Rahkiya Medley, Esq., Board Counsel

- I. Call to Order – 8:43 am
- II. Public Meeting Minutes - January 16, 2024

Motion:

Upon a motion by SB with a second by MC, the Commission voted to approve the minutes; unanimously approved.

- III. Public Comment – 8:45 am – 9:04 am
 - A. Jenn Vachon at Keller Williams w/ Doug Spicher. Mr. Spicher is trying to license by reciprocity from California. Mr. Spicher went to PSI, passed the NH Exam and is being told he can't be issued a license through reciprocity. OPLC needs to confirm that there is a national test given to the CA agents as they license. PSI only issued the State test to him which he passed. OPLC says this is under review and it can't be moved forward. He tested back in November and still does not have clarity on the national test and status of his application.
 1. Bethany Cottrell, Division Director of Licensing and Board Administration has been very communicative as well as Jenna Halle, the Licensing Supervisor.

2. Mr. Spicher passed the exam in December, submitted the application and fee in January. Does he have to take another national test or more class time? They are getting frustrated as to the lack of direction. The “goalposts” keep moving.
3. Board Counsel provided the information that 60 days from a completed application being submitted where a decision has to be made or the application would be approved by operational law. Also pointed out that NH infrequently gets applicants from CA, so there is most likely research that needs to be done to ensure nothing is missed.
4. Ms. Vachon encouraged OPLC and the Board to have further conversation with PSI to better set expectations.

B. Joe Haas from Gilmananton

1. Mr. Haas attended a meeting with the oversight committee and Senator Carson and wished to provide feedback. He stated that OPLC Director Lindsey Courtney said that the Board does policy and OPLC does procedure.
2. The main reason for his attendance today is to expand on an email that he sent to OPLC and the Board this morning.
 - a. Mr. Haas arrived for a meeting that was cancelled but Mr. Haas was not personally notified so he showed up to the meeting. This was the November 21, 2023 meeting.
 - b. Mr. Haas should have been included in the October minutes but he wasn't.
 - c. Mr. Haas filed a complaint in June 2022. In November he came and spoke to 2 investigators who said that the Commission has the Report. As of today's meeting Mr. Haas has not been notified of the outcome or Commission's decision.
 - d. Mr. Haas requests Director Courtney at the next Commissioners Meeting to find out more about the status of his complaint. This is an official 91:A request, can he see and be able to copy the report. If we do not reply within 5 days he will file a lawsuit against OPLC.

C. Kristen Vaughn from Prime MLS

1. OPLC is now posting the downloadable list once per week. They are requesting office affiliation to be listed as well. The text file OPLC is updating a text file which is outdated. They can make it work but it is more difficult.
2. The website indicates it is being updated once per week. The information they are asking for is public information. They want to make sure that they are operating with MLS legally. All they are asking is for Office Affiliation.

IV. OPLC and/or Board Administration Updates

A. Heather Kelley, Director of Operations - 9:00 am

1. This meeting is being tabled to next meeting

B. Board Travel Policy - Reminder – Informational

C. Complaint Process

1. RV – is concerned that the complaints are stacking up. We may be up 15-20 complaints from last month and they aren't sure what is happening.
2. The feeling is that the process moved more quickly when the Commission was doing the review.
3. The Commission is on the record that they are willing to help assist reviewing cases to help clear the backlog.

V. Hearings

A. New England Real Estate Academy - 10:00 am – Continued, new date TBD

B. Robert Phillips - Continuance Order – Informational

1. A request on the 19th was granted by Attorney Goulet on the 22nd. The continuance was granted stipulating that Mr. Phillips' license remains inactive.

VI. Administrative Rules & Legislative Topics - Board Counsel

A. When changes are made to OnBoard, there is no mechanism to alert them to changes and what changed.

B. HB 1095

1. The Commission will no longer be adopting the application form as it's universal, however they still we be responsible for the addendum to be in compliance with their rules.
- C. SB 538 – Zoning procedures for residential housing
1. Hearing on 2/13, did not finish to they are reconvening today 2/20 at 9:15am.
- D. SB 502 – Scanning of non-driver IDs by RE Brokers
1. Hearing and report issued. It looks like it will be passing and moving to the House.
 - a. Q: RV – is this only NH licenses or any state?

A: Attorney Medley – it does not seem to specify NH vs. other states.
- E. SB 480 – Administration of licensure and certification and the regulation of real estate practice.
1. Looks like it will pass and move to the house.
 - a. RV: OPLC was in discussion with NHAR to discuss massaging the bill. When this went to NHAR committee meeting it was a resounding “no” and NHAR does not want any changes to the bill.
- F. HB 1420 – Brought up by RV
1. Assure agencies promptly respond to all inquiries and complaints within 3 business days of being contacted. Not sure if this includes the Real Estate Commission. Not sure this is possible for any State agency. There was a hearing on 2/14/2024. Board Counsel will review and provide any necessary information.
- G. HB 1521 – Brought up by RV
1. Agencies adopt admin rule prior to effectiveness. This requires a detailed explanation if any public comments are overruled. Board Counsel stated that if the Commission overruled public comment, they would provide

their reasoning to the Rules Coordinator, who would bring it back to Admin Rules.

2. There is a hearing scheduled for 2/21/23.

H. HB 1622 – Brought up by RV

1. License renewals and lapses. RV hopes that OPLC can handle this. If an applicant provides a complete renewal application, unless OPLC denies, the renewal is “automatically” approved.
2. Board Counsel – When someone applies for renewal before the expiration date, it will remain active until a determination is made.
3. RV – What happens with the expiration date? Does it go out 2 years or is it still going to show a past expiration date and the licensee will look expired even though they are active?
4. Board Counsel – It will remain active until a determination is made.

VII. New Business

A. Plc 500 - Notice and Rules

Documentation provided by Executive Director, Lindsey Courtney

B. Public Commission Member Application

1. Stuart Arnett

Motion:

Upon a motion by MC with a second by SB, the Commission voted to nominate him as the Public Member; unanimous.

VIII. Non-Public Session

Upon a motion by MC with a second by SD, the Commission voted to initiate the 1st non public session at 9:35 am; unanimous roll call vote.

IX. Resume Public Session

Upon a motion by SB with a second by MC, the Commission voted to resume public session at 10:53; unanimous roll call vote

X. Seal the Minutes of the Non-Public Session

Minutes of the non-public session are sealed to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion:

Upon a motion by RV with a second by SB, the Commission voted to seal the minutes of the non 1st non public session; unanimous

XI. Adjournment - Next meeting is March , 2024 at 8:30 a.m.

Motion:

Upon a motion by SD with a second by MC, the Commission voted to adjourn the meeting at 10:55; unanimous.