

NEW HAMPSHIRE REAL ESTATE COMMISSION

V.

GILBERT W. COX & IHOUSE.COM & MARLENE MINEMIER

RE: COMPLAINT OF ROY BRISCOE

ORDER

FILE NO. 2007-012

This matter comes before the Real Estate Commission on the complaint of Roy Briscoe and the New Hampshire Real Estate Commission through its Investigator, Ann Flanagan, who allege violations of NH RSA 331-A:26, II, IV, V, VII, XXVI, XXIX, XXXVI; RSA 331-A:25-b, I(2); RSA 331-A:25-b, II (a) by Gilbert W. Cox; RSA 331-A:3; RSA 331-A:34 by IHouse.com; and RSA 331-A:26, XXVII by Marlene Minemier. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Gilbert W. Cox (hereinafter referred to as Respondent Gilbert Cox) was licensed as a real estate salesperson on 03/10/03, and was so licensed and associated with KM Minemier & Associates, LLC at the time of the alleged violations against Respondent Gilbert Cox.
2. Marlene Minemier (hereinafter referred to as Respondent Marlene Minemier) was licensed as a real estate salesperson on 8/22/02 and was licensed as a real estate broker on 10/21/03, and was so licensed and the principal broker of KM Minemier & Associates, LLC at the time of the alleged violations against Respondent Gilbert Cox.

3. IHouse.com (Gilbert W. Cox, Manager) (hereinafter referred to as Respondent IHouse.com) and Respondent Gilbert Cox are licensed as auctioneers; Respondent Gilbert Cox was a licensed real estate salesperson, but Respondent IHouse.com is not licensed as a real estate agency.
4. Respondent IHouse.com auctioned a property located at 51 Moharimet Drive, Madbury, New Hampshire and Respondent Gilbert Cox as a real estate agent negotiated a purchase and sales agreement (P&S) through Exit 1 Realty with the Complainant Roy Briscoe as the buyer.
5. On 11/30/07, unlicensed Respondent IHouse.com (Gilbert W. Cox, Manager) on its website solicited brokerage activity as defined by RSA 331-A:2, III.
6. Respondent Gilbert Cox had previous disciplinary action and an Order involving his website activities (Order File No. 2004-008 & File No. 2004-009).
7. Gilbert W. Cox signed a Settlement Agreement on behalf of Respondent IHouse.com, approved by the New Hampshire Real Estate Commission at its February 15, 2011 Commission meeting.

Respondent Marlene Minemier through her attorney requested a Motion to Dismiss based on the fact that Marlene Minemier was no longer Respondent Gilbert Cox's principal broker on 11/30/07 when the unlicensed Respondent IHouse.com (Gilbert W. Cox, Manager) solicited brokerage activity on its website.

Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

The charges against Respondent Gilbert Cox were dismissed based on a Consent Order entered into with the Commission, dated October 18, 2011.

There was no evidence presented to indicate any wrongdoing by Respondent Gilbert Cox regarding the transaction at 51 Moharimet Drive, Madbury, New Hampshire, while Respondent Marlene Minemier was Respondent Gilbert Cox's principal broker; and the Commission accepted Respondent Marlene Minemier's Motion to Dismiss based on the fact that Respondent Marlene Minemier was no longer Respondent Gilbert Cox's principal broker on 11/20/07 when the unlicensed Respondent 1House.com (Gilbert W. Cox, Manager) solicited brokerage activity on its website. Therefore, the Commission rules that Respondent Marlene Minemier did not violate NH RSA 331-A:26, XXVII.

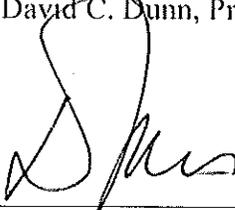
Former Commissioner Nancy G. LeRoy evaluated this case and did not take part in the hearing or decision.



David C. Dunn, Presiding Officer

11/30/2011

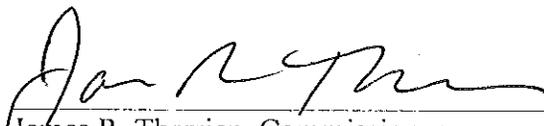
DATE



Daniel S. Jones, Commissioner

12/6/2011

DATE



James R. Therrien, Commissioner

12/2/2011

DATE