

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

In the Matter of:

File No. 2015-025 NH Real Estate Commission v. Thomas N. T. Mullen & Winterbrook Realty, Inc. dba: Owl's Nest Realty

Allegations: RSA 331-A:18, IV

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission ("Commission") and Thomas N. T. Mullen ("Respondent Mullen"), a real estate broker currently licensed by the Commission until October 24, 2016 and Winterbrook Realty, Inc. a real estate firm currently licensed by the Commission until October 24, 2016, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondents pursuant to RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondents would be:

Respondent Mullen was issued a NH broker's license on October 24, 1969 and has been the principal broker for Winterbrook Realty, Inc. dba: Owl's Nest Realty since October 24, 1984. Winterbrook Realty, Inc. license expired October 25, 2010 and was not renewed until February 18, 2011 despite multiple reminders from the Commission. Winterbrook Realty,

Inc. did not have an active license during the time when the following
MLS listings were active and business was being conducted by
Respondent Mullen and Winterbrook Realty, Inc dba: Owl's Nest Realty:
MLS Nos. 4006864, 4061839, 4049419, 2836386, 2833636, 4018014,
2792006, 2832009, 4006859, 4006861, 2780288, 4013143, 2810592,
2835141, 4022343, 4022320, and 4022329. MLS No. 2780288 closed on
May 6, 2011.

2. The Respondents acknowledge and do not contest the allegations described in Paragraph 1 above.
3. The Respondents consent to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. Respondents shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within thirty (30) days of the effective date of this Settlement Agreement. Failure to comply with this disciplinary Settlement Agreement by Respondents will result in the suspension of Respondents' real estate licenses until the fine is paid.
4. The Respondents' failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegations described above in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining whether the Respondents have

engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.

6. The Respondents voluntarily sign this Settlement Agreement and state that no promises or representations have been made to them other than those terms and conditions expressly stated herein.
7. Respondents understand that their action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.
8. Respondents have had the opportunity to seek and obtain the advice of an attorney of their choosing in connection with their decision to enter into this Agreement.
9. Respondents understand that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondents specifically waive any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced their right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
10. Respondents certify that they have read this document titled Settlement Agreement. Respondents understand that they have the right to a formal adjudicatory hearing concerning this matter and that at said hearing they would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on their own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondents fully understand the nature, qualities and

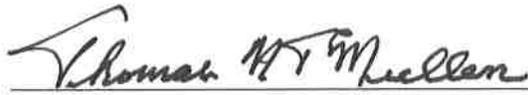
dimensions of these rights. Respondents understand that by signing this Agreement, they waive these rights as they pertain to the misconduct described herein.

11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

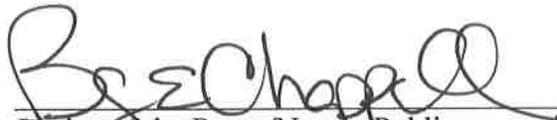
For the Respondents

We, Thomas N. T. Mullen and Winterbrook Realty, Inc. dba: Owl's Nest Realty, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against us, and, of our own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, we knowingly and freely waive our right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: October 5, 2016


Thomas N. T. Mullen
Respondent

On this 5th day of OCTOBER, A.D. 20 16
personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.


~~Justice of the Peace~~/Notary Public

My commission ~~BEVERLY E. CHAPPELL~~
Notary Public - New Hampshire
My Commission Expires December 3, 2019

Dated: October 5, 2016 2016

Thomas W. Mullan, President

Authorized Representative for
Winterbrook Realty, Inc.
Respondent

On this 5th day of OCTOBER A.D. 20 16
personally appeared the person who subscribe to the following instrument and acknowledged the
same as her/his voluntary act and deed before me.

Beverly E. Chappell
Justice of the Peace/Notary Public

BEVERLY E. CHAPPELL
My commission expires ~~2019~~ **New Hampshire**
Notary Public
My Commission Expires December 3, 2019

For the Commission

Dated: October 18th, 2016

Beth A. Edes

Beth A. Edes
Executive Director
of the NH Real Estate Commission