

**State of New Hampshire  
Office of Professional Licensure and Certification  
Real Estate Commission  
Concord, New Hampshire**

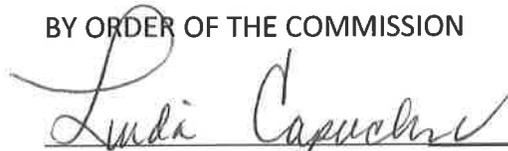
In the Matter of:  
Application of Philip Brouillard for Real Estate Salesperson  
Show Cause Non-Adjudicatory Proceeding

**Order on Request for Reconsideration**

The Applicant's Request for Reconsideration of the Commission's denial of the his application for licensure as a New Hampshire Real Estate Salesperson is hereby DENIED.

Dated: February 28, 2017

BY ORDER OF THE COMMISSION



Linda Capuchino, Director  
Technical Division

Off. of Professional Licensure and Certification  
NH Real Estate Commission

cc: Thomas Neal, Esquire

Before the  
N.H. Real Estate Commission  
Concord, N.H. 03301

In the matter of:  
Philip Brouillard  
(Application for Licensure as a New Hampshire Real Estate Salesperson)

**DECISION AND ORDER OF SHOW CAUSE HEARING: DENIAL**

New Hampshire Real Estate Commission (“Commission”) hereby denies the October 16, 2016 application of Philip Brouillard (“the Applicant”) for licensure as a New Hampshire Real Estate Salesperson by the New Hampshire Real Estate Commission. The Commission reviewed his application pursuant to New Hampshire RSA 331-A. A non-adjudicatory show cause hearing on said application was scheduled and held on November 15, 2016 as a result of the Applicant’s application and attachments which were received in conjunction with his application. Applicant was represented by his counsel, Thomas Neal.

The following issues were considered at this Show Cause Hearing:

1. Pursuant to RSA 331-A:10, 1(c) and (d), applicants for a salesperson’s license and Rea 301.01(b)(16) must:
  - Demonstrate no record of unprofessional misconduct; and
  - Furnish any evidence required by the commission relative to good reputation for honesty, trustworthiness and integrity.
2. Pursuant to RSA 331-A:10-a and Rea 301.01(b)(15) and (20), the Commission makes a determination of eligibility for licensure upon an applicant’s submission:

To the New Hampshire Department of Safety, Division of State Police, a notarized criminal record release authorization form, along with the appropriate fee, prior to submitting an application for a real estate license. In addition, the applicant shall submit to the Commission a criminal record report from any other jurisdiction in which the applicant has been convicted of a misdemeanor or other felony offense.

3. The Applicant’s information submitted with his Application for a Salesperson’s License Form was as follows:
  - A. 5 IRS Liens:
    - 5/18/2010 – Docket #1005062;
    - 4/15/2014 - Docket #1402233;

- 3/24/2014 - Docket #1201935; and
- 7/11/2014 - Docket #1405010.

B. 5/11/1993 – Chapter 7 Bankruptcy; and

C. 11/20/2015 – Supreme Court Decision for Docket #10-053; LD 2013-0002.

4. Whether the Applicant's application for licensure should be approved, denied or whether conditional and/or restricted licensure is appropriate. See RSA 331-A:15; RSA 331-A:25, VI; RSA 331-A:26; RSA 331-A:28; RSA 541-A:30, II.

Mr. Brouillard appeared before the Commission on November 15, 2016 for a Show Cause Hearing as a result of the disclosures on his application regarding five (5) IRS liens, the facts surrounding his bankruptcy and Professional Misconduct matters before the Supreme Court Professional Conduct Committee and the New Hampshire Supreme Court itself.

Regarding the matters before the New Hampshire Supreme Court, Professional Conduct Committee (Professional Conduct Committee Docket #10-053; New Hampshire Supreme Court Case No. LD 2013-002), the facts at the hearing and the documents provided established that the Applicant violated the NH Supreme Court Rules of Professional Conduct, including Rule 3.3, in that he **knowingly made false statements of material fact in two court proceedings and failed to correct those statements**. Additionally, the facts surrounding that complaint established that the Applicant knowingly made a false statement in Fire Cleanup, with whom he signed a contract indicating that he had insurance coverage to cover the claim for their work, when in fact he did not.

In addition to having been found in violation of Rule 3.3, the Applicant was also found to have violated Rule 8.4(a) and Rule 8.4(c). Rule 8.4(a) and Rule 8.4 (c) state as follows:

**It is professional misconduct for a lawyer to:**

**(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;**

**(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation.**

Despite the foregoing findings by the Supreme Court, when asked on question 9 of his application whether he had ever been or was now involved in any matters which may affect his good repute or trustworthiness or have any relation to or bearing upon whether you are entitled to public confidence the Applicant answered "The NH Supreme Court and I do not believe so but see details attached. This matter was completely

resolved on 11/20/2015.” However, the Order of the Supreme Court dated October 23, 2013 (Applicant’s Exhibit A-11) specifically stated, in part, as follows:

“In the petition, the PCC found that the respondent violated the following Rules of Professional Conduct:

- (1) Rule 3.3 by knowingly making false statements of material fact in two court proceedings and by failing to correct those statements;
- (2) Rule 8.4(c) by misrepresenting the availability of property owner’s insurance to pay for services required to restore the property and by purposely undertaking to bind his tenant to the contract to facilitate a claim under the tenant’s insurance policy, knowing that there was no property owner’s insurance to cover the loss;
- (3) Rule 8.4(a) by violating the Rules of Professional Conduct.

**The court accepts the PCC’s findings and rulings as to the rules violations.”** Emphasis added.

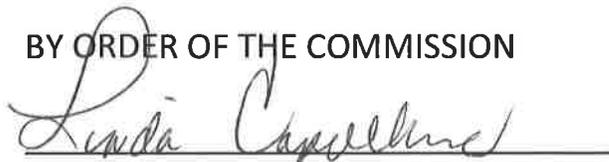
Clearly, the Applicant’s answer that neither he nor the New Hampshire Supreme Court believed he had ever been involved in matters involving good repute or trustworthiness, or bearing on whether he was entitled to public confidence, is inconsistent with the facts in this case. Although the Supreme Court held the recommended two year suspension of his bar license in abeyance rather than imposing the suspension, the Court’s finding as to his conduct clearly states otherwise, i.e. finding that he violated the above-referenced Rules of Professional Conduct.

Accordingly, following a complete review of the Applicant’s license, including attachments and his testimony at the Show Cause Hearing in this matter, the Commission hereby Orders:

- I. The Applicant’s application as a New Hampshire Real Estate Salesperson is hereby denied.

DATED: 2-28-17

BY ORDER OF THE COMMISSION



Linda Capuchino, Director/Technical Division  
Office of Professional Licensure and Certification  
Authorized Representative: NH Real Estate Commission