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STATE OF NH
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**State of New Hampshire
New Hampshire Real Estate Commission
Concord, New Hampshire 03301**

In the Matter of:
Walter William Hutwelker: Salesperson License #066064
Docket# 2016-060
Regarding: NH Real Estate Commission Complaint

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 Brokers, Firms and Salespersons, the New Hampshire Real Estate Commission ("Commission") and Walter William Hutwelker ("Hutwelker" or "Respondent"), a New Hampshire licensed Real Estate Salesperson, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Commission according to the following terms and conditions:

1. Pursuant to RSA 331-A:28, RSA 331-A:29, I, RSA 541-A:31 and Real Estate Commission Rules REA Administrative Rule REA 204.05 and REA 205.01, the Commission has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by licensed New Hampshire Real Estate Brokers, Firms and Salespersons. Pursuant to REA 206.01 and 332-G:11, the Commission may impose disciplinary sanctions pursuant to a settlement agreement and without commencing a hearing.
2. The Commission first granted Respondent a license to practice as a Real Estate Salesperson in the State of New Hampshire on November 25, 2009. Respondent holds license number 066064. Respondent's last known address is Better Homes and Garden Masiello Group, 69A Island Street #3A, Keene, New Hampshire 03431.
3. On or after November 7, 2016, the Commission received information that the Respondent violated a specific rule requirement governing Real Estate Salespersons.
4. The alleged violations included a violation of New Hampshire Rule REA 701.01(a) – failure to provide NH Brokerage Relationship Disclosure form.
5. Respondent acknowledges that this conduct constitutes grounds for the Commission to impose disciplinary sanctions against his NH Real Estate Salesperson's License in this state.
6. Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, as well as REA 206.01 (e), (f) and (g):
 - A. Respondent agrees that there is sufficient evidence in this case which could warrant the Real Estate Commission to impose disciplinary action.
 - B. Respondent is assessed an administrative fine in the amount of two hundred and fifty dollars (\$250.00). Respondent shall pay said fine within (30) days of the effective date of this *Settlement Agreement*, by delivering a credit card, money

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order, or bank check, made payable to "Treasurer, State of New Hampshire," to the Commission's office at 121 South Fruit Street, Concord, N.H. 03301.

- C. The Commission may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Commission regarding Respondent's license.
- D. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant RSA 331-A:26, XXIX, and a separate and sufficient basis for further disciplinary action by the Commission.
- E. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Commission based upon the misconduct described above. However, the Commission may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future.
- F. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Commission as a public document. The *Settlement Agreement* shall be removed from the public website one year after the effective date of the Agreement, provided there are no further violations by the respondent of any statutes or rules governing the regulation and licensure of real estate salespersons or brokers.
- G. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
- H. The Commission agrees that in return for Respondent's executing this *Settlement Agreement*, the Commission will not proceed with the formal adjudicatory process based upon the facts described herein.
- I. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
- J. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
- K. Respondent understands that the Commission must review and accept the terms of this *Settlement Agreement*. If the Commission rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this *Settlement Agreement* has prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Commission.
- L. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
- M. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this

Settlement Agreement, he waives these rights as they pertain to the misconduct described herein.

N. This *Settlement Agreement* shall take effect as an Order of the Commission on the date it is signed by an authorized representative of the Commission.

FOR RESPONDENT

Date: 5/15/17

[Signature]
Walter William Hutwelker, Respondent

On this 15 day of May A.D. 2017
personally appeared the person who subscribe to the following instrument and acknowledged
as her/his voluntary act and deed before me.



[Signature]
Justice of the Peace/Notary Public

12/16/20
My Commission Expires

Date: 5/15/2017

[Signature]
James Fleming, Esq.

dotloop verified
05/15/17 4:52PM EDT
JRGE-H21E-BBPR-VDIN

James Fleming, Esquire
Counsel for Walter William Hutwelker

FOR THE COMMISSION

Dated: 5-26, 2017

[Signature]
Linda Capuchino, Division Director
Office of Professional Licensure & Certification
NH Real Estate Commission