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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:

Jennifer Frost: Broker License # 047736

Docket# 2017-023

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 Jennifer Frost ("Frost" or "Respondent"), a New Hampshire licensed Real Estate Broker, 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 Board 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 Board may impose disciplinary sanctions pursuant to a settlement agreement and without commencing a hearing.
2. The Respondent is an independent contractor with Keller Williams Realty Metropolitan located in Londonderry, New Hampshire.
3. The Commission first granted Respondent a license to practice as an Associate Broker in the State of New Hampshire on February 20, 1996. On February 20, 2008 Respondent was granted a license to practice as a Managing Broker. Respondent holds license number 047736. Respondent's last known address is 19 Victoria Drive, Londonderry, New Hampshire 03053.
4. On or after June 9, 2017, the Board received information that the Respondent violated certain statutory and rule requirements governing Real Estate Brokers.
5. The alleged violations asserted by the Complainant included NH RSA 331-A:26, XXVII as it relates to Leslie A. Kulas, salesperson, advertising practice in violation of , RSA 331-A:16, IV (a) and (b) and Rule REA 404.05.
6. Respondent acknowledges that this conduct constitutes grounds for the Commission to impose disciplinary sanctions against this NH Real Estate Broker's License in this state.
7. Respondent was the managing Broker for Leslie A. Kulas and in accordance therewith was responsible, as her supervisor/broker, to ensure all advertisements were with the legal parameters of the New Hampshire Real Estate Practice Act and the New Hampshire Real Estate Rules.

8. Respondent consents to the Board 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. The Respondent has no prior violations as a licensed New Hampshire Real Estate Broker.
 - C. Respondent is assessed an administrative fine in the amount of two hundred fifty hundred 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 order, or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 121 South Fruit Street, Concord, N.H. 03301.
 - D. The Respondent shall continue to provide or ensure that her employees are provided training and education regarding the legal requirements of advertisement.
 - E. The Commission may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Commission regarding Respondent's license.
 - F. 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 Board.
 - G. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future.
 - H. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
 - I. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
 - J. The Board agrees that in return for Respondent's executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
 - K. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
 - L. 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*.
 - M. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board 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 Board.
 - N. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.

- O. 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 she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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*, she waives these rights as they pertain to the misconduct described herein.
- P. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 12/15/17

Jennifer Frost
Jennifer Frost, Respondent

On this 20th day of December A.D. 2017
personally appeared the person who subscribe to the following instrument and acknowledged the same as her ~~his~~ voluntary act and deed before me.



Susan M. Robinson
Justice of the Peace/Notary Public
12/3/2019
My Commission Expires

For the Commission

Dated: 1/16, 2017⁸

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