

State of New Hampshire
Office of Professional Licensure & Certification
NH Real Estate Commission
Concord, New Hampshire

Kevin Castro
License No.: 074391
(Adjudicatory/Disciplinary Proceeding)

FINAL DECISION AND ORDER

Before the New Hampshire Office of Licensure & Certification, New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding in the Matter of Kevin Castro ("Respondent" or "Mr. Castro").

BACKGROUND INFORMATION

This proceeding was commenced by a Notice of Hearing, Order to Show Cause dated May 13, 2019 by the New Hampshire Real Estate Commission ("the Commission"), to determine whether Mr. Castro, licensed New Hampshire Salesperson committed a number of violations of rules governing his practice as a licensed Real Estate Broker in the State of New Hampshire as follows: **Rea 301.02(g)** *Any individual or firm shall pay a fee of \$25 or 5% of the face amount of the check, whichever is greater, plus all protest and bank fees for each check, draft or money order dishonored and returned to the commission pursuant to RSA 6:11-a; **Rea 301.04(b)** Any applicant or licensee who has paid a fee or fine to the commission with a check, draft or money order that has subsequently been dishonored, shall within 14 days after receiving notice from the commission that said check, draft or money order has been dishonored, remit to the commission the required original or renewal fee plus the fee prescribed by Rea 301.02(g) for a dishonored check, draft or money order.*

No testimony was received at the hearing, Mr. Castro was not present. The hearing was held in Absentia.

During the proceedings the following Board members present were

Dan Jones, Presiding Officer;
Paul Lipnick, Commissioner;
Richard Hinch, Commissioner;
Susan Doyle, Commissioner;
Steven Hyde, Esquire, Commissioner.

PETITIONER'S EXHIBITS:

The petitioner provided no exhibits.

RESPONDENT'S EXHIBIT'S:

The respondent provided no exhibits.

LIST OF WITNESSES:

There were no witnesses present

FINDINGS OF FACT

1. The Respondent was first issued a license as a New Hampshire real estate salesperson by the Commission on February 11, 2019.
2. Commission staff issued Mr. Castro an active salesperson license number 074391 with an expiration date of February 11, 2021.
3. On February 14, 2019, Commission staff received notification from the bank that Mr. Castro's account had insufficient funds.
4. On February 20, 2019, the Commission sent a letter to Mr. Castro informing him of his bounced check. Staff also requested an additional payment of 40.00 for administrative fees as well as payment for the application.
5. On May 1, 2019, the Commission sent Mr. Castro an additional letter informing him that he had not paid his application fee or the administration fee. Failure to remedy the

situation prior to May 10, 2019 would result in a show cause hearing at the May 16, 2019 Commission meeting.

6. Mr. Castro was sent a Notice or Hearing, Order to Show Cause on May 13, 2019
7. Mr. Castro emailed Administrator Rick Wisler on May 14, 2019 stating that he would not be in attendance at the Show Cause Hearing because he had moved to Florida. He also indicated that he had received the notices of his bounced check.

CONCLUSIONS OF LAW

The evidence in this matter has established that the Respondent has committed rule violations governing licensed real estate brokers in the State of New Hampshire as follows:

- A. The Respondent, a licensed salesperson, failed to pay a fee of \$25 or 5% of the face amount of the check, whichever is greater, plus all protest and bank fees for each check, draft or money order dishonored and returned to the commission pursuant to RSA 6:11-a when his check was returned to the Commission for insufficient funds **in violation of Rea 301.02(g)**
- B. The respondent, a licensee, failed to pay within 14 days after receiving notice from the commission that said check, draft or money order has been dishonored, remit to the commission the required original or renewal fee plus the fee prescribed by Rea 301.02(g) for a dishonored check, draft or money order **in violation of Rea 301.04(b)**. WHEREFORE, pursuant to the authority of this Commission under NH RSA 331-A:28, it is hereby Ordered, by unanimous vote of the Commissioners of the New Hampshire Real Estate Commission who participated in the deliberations in this matter, that:
 - A. The Respondent's NH Real Estate Salesperson's License is hereby **PERMANENTLY REVOKED.**

- B. IT IS FURTHER ORDERED that the Respondent's failure to comply with any terms or conditions imposed by this Final Order shall constitute unprofessional conduct pursuant to RSA 331-A:2, XXIX and a separate and sufficient basis for further disciplinary action by the Commission against the Respondent.
- C. IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of the Respondent's disciplinary file, which is maintained by the Commission as a public document.
- D. IT IS FURTHER ORDERED that if this decision is not appealed within 30 days of the effective date it shall become final. See RSA 331-A:28, III.
- E. IT IS FURTHER ORDERED that the effective date of this Final Decision of the Commission be the date the Commissions signs this Order as set forth below.

BY ORDER OF THE COMMISSION

Dated: May 17, 2019



Rick Wisler, Administrator III
Division of Technical Professions
NH Office of Professional Licensure and Certification
Authorized Representative of the NH Real Estate
Commission