

**State of New Hampshire  
Real Estate Commission  
Concord, New Hampshire**

In the Matter of:  
**A Joseph Dion**  
**License No. 066414**  
(Adjudicatory Proceedings)

Docket No. 2019-057

**ORDER OF EMERGENCY LICENSE SUSPENSION  
AND NOTICE OF HEARING**

1. RSA 541-A:30, III authorizes professional licensing boards, including the New Hampshire Real Estate Commission ("Commission") to suspend a license pending completion of an adjudicatory proceeding, in cases involving "public health, safety or welfare". In such cases, the Commission must commence a hearing not later than ten (10) working days after the date of the emergency order. If the Commission does not commence the hearing within ten (10) working days, the suspension order shall be automatically Vacated. *See*, RSA 541-A:30, III. The Commission may not continue such a hearing without the consent of the licensee to the continuation of the emergency suspension. *See*, RSA 541-A:30, III. Postponement of the proceeding is prohibited unless the licensee agrees to continue the suspension pending issuance of the Commission's final decision. *See*, RSA 541-A:30, III.

2. A. Joseph Dion ("Respondent") holds salesperson license number 066414. At the time of the conduct at issue, he was employed as a real estate salesperson at Keller-Williams Realty Metropolitan in Bedford.

3. The Commission has received information indicating that the continued licensure of Respondent poses a threat to public health, safety or welfare, which warrants the temporary suspension of Respondent's license pending a hearing on whether permanent and/or temporary disciplinary sanctions should be imposed. A preliminary investigation was conducted and a Report of Preliminary Investigation was provided to the Commission.

4. In support of this *Order of Emergency License Suspension and Notice of Hearing*, the Commission alleges the following facts:

- A. On September 4, 2019, Nashua Police Officer Rayho created an undercover profile on the mobile application Grindr using the online persona of a 15-year-old male in a proactive attempt to interdict the sexual exploitation of children on the internet.
- B. That day, Officer Rayho, described in his report as “UC”<sup>1</sup>, began speaking with a person they later identified as Dion. During the initial conversation with Dion, he brought up the fact that he was “looking at porn and jerking.” The UC advised Dion that he was only 15 years old. Dion acknowledged this comment and continued to speak with the UC about masturbating.
- C. The UC suggested moving the conversation to another messaging platform. Dion suggested speaking on the KIK Messenger application and provided his username.
- D. Once on KIK Messenger, the electronic communications continued between September 4 and September 11, 2019. In those communications, the UC made clear that he was a minor and still in school. On September 11, 2019, a Wednesday, Dion asked the UC whether he was in class. The UC indicated that he had stayed home that day.
- E. Dion asked the UC if he was home alone, and asked if he was “horny”. Dion asked, “Can I trust you, this must be a secret.” Dion then wrote that he wanted to meet and offered to come to the UC’s house. Dion wrote that he wanted to touch the UC’s genitals, “kiss him all over”, and perform oral sex on him. He also asked if the UC would perform oral sex on him.
- F. Dion sent the UC a digital photo of male genitals and represented that they were his own. Dion and the UC agreed to meet in a public

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<sup>1</sup> “UC” is an undercover officer.

place with the intent of returning to the UC's residence for sexual activity. The UC reminded Dion that he was 15 years old. Dion and the UC agreed to meet that afternoon at Lincoln Park in Nashua. Dion described the clothing he would be wearing and the vehicle he would be driving.

G. Plain-clothes members of the Nashua Police Department conducted surveillance at the park and observed Dion arrive at 3:48 pm. His clothing and vehicle matched the description he had provided. The UC asked him to walk to a path where they would meet. Dion exited his vehicle and walked towards the path. Dion looked at his phone when the UC sent a message and was seen typing before his messages were received. Officers approached and placed him under arrest. Dion's phone was seized as evidence.

H. Dion was arraigned on September 23, 2019 at the Hillsborough County Superior Court – South for Transmitting Lewd Images to a Child, Prohibited Use of Computer Services, and Felonious Sexual Assault. All charges are Felonies.

5. Based upon the above information, the Commission finds that the case involves a threat to public health, safety or welfare. Further, the Commission believes there is a reasonable basis for both immediately suspending the Respondent's license on a temporary basis and for commencing an expedited disciplinary proceeding against Respondent pursuant to RSA 541-A:30, III.

6. The purpose of this proceeding will be to determine whether Respondent has engaged in professional misconduct contrary to RSA 331-A:26, XXIX, which warrants the continued imposition of a temporary license suspension, the imposition of

permanent disciplinary sanctions, or both. The specific issues to be determined in this proceeding are:

- A. Whether between September 4, 2019 and September 11, 2019, Respondent committed professional misconduct by committing sexual related offenses, thereby committing unprofessional conduct in violation of RSA 331-A:26, XXIX, and/or
- B. If the above allegation is proven, whether and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 331-A: 28.

7. The Commission intends to complete this adjudicative proceeding within the ten (10) working days time period provided by RSA 541-A: 30, III. Accordingly, neither the date of the initial evidentiary hearing nor the date for concluding this proceeding shall be postponed or extended unless Respondent agrees to continue the suspension period pending issuance of the Commission's final decision in this matter. *See* RSA 541-A:30, III.

8. While RSA 331-A:30, I requires that the Board furnish Respondent at least 14 days' notice of allegations of professional misconduct and the date, time and place of an adjudicatory hearing, RSA 541-A:30, III and requires the Board to commence an adjudicatory hearing within ten (10) working days after the date of an immediate, temporary license suspension order.

**THEREFORE, IT IS ORDERED** that Respondent's New Hampshire license is **IMMEDIATELY SUSPENDED** until further order of the Commission; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:30, III. To the extent that this order or the Commission's rules do not address an issue of procedure, the Commission shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that Respondent shall appear before the Commission on **Tuesday October 15, 2019 at 9:00 AM** at the Commission's office located at 121 South Fruit St., Concord, N.H., to participate in an adjudicatory hearing and, if deemed appropriate, be subject to sanctions pursuant to RSA 331-A: 28; and,

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia*, or the imposition of disciplinary sanctions without further notice or an opportunity to be heard, or both; and,

IT IS FURTHER ORDERED that Richard W. Hinch, Chairperson, or any other person whom he may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Commission, in the form of an original and seven (7), and with an additional copy mailed to any party to the proceeding, and to Attorney Jill Perlow, Counsel to the Commission, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents

are to be filed in similar fashion within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Commission no later than five (5) days before the date of the hearing. Respondent shall pre-mark his exhibits with capital letters, and Hearing Counsel shall pre-mark his exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings shall be made by a certified shorthand court reporter provided by the agency and,

IT IS FURTHER ORDERED that all documents shall be filed with the Commission by mailing or delivering them to Rick Wisler, Board Administrator, N.H. Real Estate Commission, 121 South Fruit St., Concord, New Hampshire 03301; and

IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Rick Wisler, Board Administrator, N.H. Real Estate Commission, at (603) 271-2152, but that all other communications with the Commission shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Commission's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Respondent by certified mail addressed to the office address he supplied to the Board in his latest renewal application and to his attorney if Respondent notifies the Commission that he will be represented. A copy shall also be delivered to Hearing Counsel.

*In the Matter of A. Joseph Dion  
NH Real Estate Commission  
Order of Emergency License Suspension and Notice of Hearing*

BY ORDER OF THE Commission/\*

Dated: 10/4/19

  
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Joseph G. Shoemaker, Director  
Division of Technical Professions  
NH Office of Professional Licensure and Certification  
Authorized Representative of the NH Real Estate  
Commission

/\* Recused Board Members(s):