

**BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301**

**DOCKET # 2019-056
In the Matter of: Kathleen Abel
(License # 057665)**

**RECEIVED
JAN 24 2020
STATE OF NH
OPLC TECH**

Violation: NH RSA 331-A: 26, I

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, the New Hampshire Real Estate Commission ("Commission") and Kathleen Abel ("Respondent"), an active real estate salesperson currently licensed in the State of New Hampshire, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to NH RSA 331-A:28, RSA 331-A:29, I and RSA 541-A:31, V, and if such proceeding were commenced, the allegations against the Respondent would be:
2. On August 27, 2019, Respondent attempted to renew her real estate salesperson license on line. Respondent claimed sufficient NH CORE credits at the time of renewal.

3. On August 28, 2019, Commission staff contacted Respondent requesting a copy of the affidavit verifying she completed the required three (3) credit NH CORE continuing education course.
4. On August 28, 2019, after Commission staff spoke with Respondent, she produced a valid affidavit of completion of the NH CORE course dated August 28, 2019, not August 27, 2019 or before.
5. Respondent is in violation of NH RSA 331-A: 26, I: *Obtaining or attempting to obtain a license by means of fraud, misrepresentation, or concealment.*
6. Respondent acknowledges that this conduct set forth in paragraphs 2 through 4 constitutes grounds for the Commission to impose disciplinary sanctions against Respondent pursuant to the New Hampshire Real Estate Practice Act, NH RSA 331-A and New Hampshire Real Estate rules and regulations.

WHEREFORE, the Respondent consents to the Commission imposing the following discipline pursuant to RSA 331-A: 28. I:

- A. **The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A: 28, I:**
 - 1) **The Commission imposes a Five Hundred (\$500) dollar disciplinary fine of which Two Hundred and Fifty (\$250) dollars is suspended until Respondent's next renewal has been accepted and approved by the Commission, if the Respondent has no further infractions and renews**

her salesperson license in accordance with RSA 331-A and Rea 100-700.

- 2) The Respondent shall pay the non-suspended Two Hundred and Fifty (\$250) dollar disciplinary fine to the New Hampshire Real Estate Commission, payable to the Treasurer, State of New Hampshire within ninety- (90) days of the effective date of this Settlement Agreement.**
 - 3) Respondent is also required to submit hard copies of all continuing education affidavits to the Commission with the submission of her next renewal.**
- B. The Commission may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Commission regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct and shall serve as a separate and sufficient basis for further disciplinary action by the Commission.
- C. 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.
- D. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Commission as a public document.

- E. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to Respondent other than those terms and conditions expressly stated herein.
- F. The Commission agrees that in return for Respondent executing this *Settlement Agreement*, the Commission will not proceed with the formal adjudicatory process based upon the facts described herein.
- G. Respondent understands that Respondent's action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
- H. Respondent has had the opportunity to seek and obtain the advice of an attorney of Respondent's choosing in connection with her decision to enter into this *Settlement Agreement*.
- I. 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 Respondent's right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Commission.
- J. Respondent certifies that Respondent has read this document titled *Settlement Agreement*.

K. Respondent understands that Respondent has the right to a formal adjudicatory hearing concerning this matter and that at said hearing Respondent would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on Respondent's own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, Respondent waives these rights as they pertain to the misconduct described herein. 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

I, Kathleen Abel, have reviewed the foregoing Settlement Agreement settling misconduct allegations pending against me and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, Kathleen Abel, knowingly and freely waives the right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: Jan 24, 2020

Kathleen Abel
Kathleen Abel
Respondent

On this 24th day of January A.D. 2020 personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his own act and deed before me.

Michelle Olivier
Justice of the Peace/Notary Public

My commission expires: 03/18/2020



Date: 1/27/, 2020

FOR THE COMMISSION

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