

March 22, 2016

REAL ESTATE COMMISSION MINUTES

There was a meeting of the Real Estate Commission on March 15, 2016. The following were present: Daniel Jones, John Cronin, Esquire, William Barry, Calley Milne and Paul Lipnick. Also present were Beth Edes and Kinsman Corthell.

1. Call to order – 8:45 a.m.

2. Interview/meeting/hearing – None.

3. Reading and approval of the minutes of the February 16, 2016 meeting – Moved, seconded, and voted unanimously to accept the public and non-public minutes as written.

4. Communications – General –

- a. 18th Annual Office of the Attorney General Training Program, Friday, April 15, 2016.

5. Communications – Commission Action – None

6. Unfinished Business –

- a. On motion by Commissioner Milne, seconded by Commissioner Barry, the Commission issued an Order for Show Cause Hearing for Allison Driscoll.

- b. On motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission issued an Order for Show Cause Hearing for Elisha Millen.

7. New Business

- a. Appointment/Reinstatement: Cheryl Fowler appeared before the Commission by telephone at 8:50 a.m. to request reinstatement of her lapsed salesperson's license as required by RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Milne, seconded by Commissioner Cronin, decided to approve the reinstatement of Ms. Fowler's lapsed salesperson's license for good cause as set forth in RSA 331-A:18, II, contingent upon receipt of Ms. Fowler's salesperson renewal form, along with the required renewal and late fees within 30 days of the date of this meeting.

- b. Real Estate Commission Executive Director Beth Edes provided the Commission with regulations from other jurisdictions that address some concerns with advertisements by teams using team names ending with words, such as, "company", "associates", "group", etc. which may be misleading and confuse the consumer as to who the actual firm or principal broker is, and may constitute the unlawful use of trade names. The Commission will review and consider the various

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jurisdiction's regulations for possible rulemaking to address these concerns.

c. Hearing 9:24 a.m. on Docket No. 2015-021 New Hampshire Real Estate Commission & Thomas Sobell v. Sharon L. Havens & David F. Hennessey.

d. Deliberations 2:15 p.m. on Docket No. 2015-021 New Hampshire Real Estate Commission & Thomas Sobell v. Sharon L. Havens & David F. Hennessey.

e. Upon motion of Commissioner Barry, seconded by Commissioner Milne, the Commission voted by roll call vote, to conduct a non-public session for the purpose of evaluating complaints against licensees, accredited individuals, institutions, or organizations or persons charged with practicing unlawful brokerage activity and noting that such a non-public session is authorized by RSA 91-A:3, II(c), RSA 91-A:5, IV, *Lodge v. Knowlton*, 11 N.H. 574 (1978), and the Commission's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Thereafter, Commissioner Milne motioned, which was seconded by Commissioner Lipnick and voted unanimously to adjourn the non-public meeting and to reconvene the public meeting.

f. Upon motion of Commissioner Milne, seconded by Commissioner Lipnick, the Commission, by roll call vote, resolved to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would likely affect adversely the reputation of licensees, accredited individuals, institutions, or organizations, or persons charged with practicing unlawful brokerage activity or likely to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

g. Date and time of next meeting – *Tuesday, April 19, 2016 at 8:30 a.m.*

8. Adjournment – 3:50 p.m.

Respectfully Submitted,



Paul A. Lipnick,
Clerk