

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING MINUTES

JUNE 21, 2016

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, June 21, 2016 at 8:30 a.m. in Conference Room #B119, 121 South Fruit Street, Concord, New Hampshire 03301.

- I. CALL TO ORDER - Meeting was called to order at 8:55 a.m. by Chairman Daniel Jones.
Present: Commissioners Daniel Jones, John Cronin Esquire, William Barry, Calley Milne, and Paul Lipnick.
Also present: Beth Edes, and Kinsman Corthell.
- II. READING AND APPROVAL OF THE MINUTES - On motion by Commissioner Lipnick, seconded by Commissioner Barry, the Commission unanimously approved the non-public Minutes of the Commission meeting held on May 17, 2016. On motion by Commissioner Lipnick, seconded by Commissioner Barry, the Commission approved the public Minutes of the Commission meeting held on May 17, 2016. Commissioner Cronin abstained from the approval of the Minutes.
- III. NEW BUSINESS
8:45 a.m. Equivalency Appointment – MATTHEW R. BRAUCHER, ESQUIRE
Attorney Braucher appeared before the Commission to request that his real estate experience be approved as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Milne, decided to table its decision until Attorney Braucher submits additional information to the Commission on his experience. Commissioner Barry was recused from the discussion and decision.

9:15 a.m. – LISA LABNON submitted to the Commission a request for reinstatement of her lapsed salesperson's license pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Cronin, seconded by Commissioner Milne, decided to allow the license reinstatement of Ms. Labnon's lapsed salesperson license as required by RSA 331-A:18, II.

9:25 a.m. – NH CIBOR members Mark Dickey, Gerry O'Connell, Chris Norwood, and David Choate appeared before the Commission to request that commercial transactions be exempt from the brokerage relationship disclosure requirement. Commissioner Barry disclosed that he was a charter and founding member of NH CIBOR and inquired as to whether anybody felt that he should recuse himself from the discussion and decision. No one on the Commission nor from the public felt Commissioner Barry needed to recuse himself. The members explained to the Commission that the laws are created to protect the consumer and the consumer is an individual not a business. The law was not created to protect commercial clients where commercial clients are mostly businesses. Mr. Dickey stated that Maine and Massachusetts do not require brokerage relationship disclosure in commercial transactions. The Commission tabled its decision to allow the NH CIBOR members at their request to form a task force committee, including one Commission member, to discuss the matter and bring recommendations back before the Commission. Commissioner Milne agreed to serve on the task force. Commissioner Cronin was recused from the discussion and decision on the matter.

10:10 a.m. HEARING – A hearing was conducted on Docket No. 2015-051 New Hampshire Real Estate Commission v. Robert DuFour Re: Complaint of Donna Blake.

DENISE WILLIAMS of Maxfield Real Estate submitted a request for clarification as to whether she is required as a licensee to disclose a variance approval for a transitional housing facility across the street from her primary residence which she is preparing to list. After review and discussion, the Commission stated that she should disclose where she has personal knowledge of the variance approval for a transitional housing facility which could affect the value of the property.

SHOW CAUSE ORDERS – The following show cause orders were approved by the Commission:
CHRISTOPHER LAVALLEE
MICHAEL SNEDEKER

NEXT MEETING – The Commission unanimously approved the following date for the July meeting:

July 19, 2016 at 8:30 a.m.

IV. NON-PUBLIC MEETING 12:15 PM

On motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission, by roll call vote, voted unanimously 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. On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission adjourned the non-public meeting at 12:24 p.m.

COMMISSIONER CRONIN left the meeting at 12:20 p.m. and did not take part in the discussion and decisions of the remainder of the non-public and public meeting.

V. PUBLIC MEETING RECONVENED

On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission reconvened the public meeting at 12:24 p.m.

VI. NON-PUBLIC MINUTES SEALED

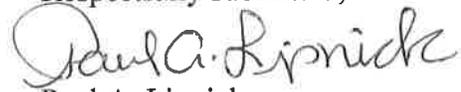
On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission, by roll call vote, voted to seal the Minutes of the non-public meeting from public disclosure pursuant to RSA 91-A:3, III (c), on the grounds that public disclosure would likely affect adversely the reputation of licensees, accredited individuals, institutions, or organizations, or persons charged with practicing unlawful brokerage activity, 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 unanimous vote of all members present.

VII. ADJOURNMENT

On a motion by Commissioner Barry, seconded by Commissioner Milne, Chairman Daniel Jones adjourned the meeting at 12:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul A. Lipnick". The signature is written in dark ink and is positioned above the printed name and title.

Paul A. Lipnick
Clerk