

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING MINUTES

NOVEMBER 15, 2016

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, November 15, 2016 at 8:30 a.m. in Conference Room #B119, 121 South Fruit Street, Concord, New Hampshire 03301.

The Commission, on motion by Commissioner Milne, seconded by Commissioner Lipnick appointed Commissioner Cronin to be the acting chairman for the meeting in the absence of Chairman Daniel Jones.

- I. CALL TO ORDER - Meeting was called to order at 8:43 a.m. by Acting Chairman John Cronin. Present: Commissioners John Cronin, Esquire, William Barry, Calley Milne, and Paul Lipnick. Also present: Peter Danles, Linda Capuchino, Beth Edes, and Kinsman Corthell.
- II. READING AND APPROVAL OF THE MINUTES - On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission approved the Minutes of the public commission meeting held on October 18, 2016.
- III. NEW BUSINESS

8:45 a.m. Destiny Cheney appeared before the Commission to request reconsideration of the Commission's September 20, 2016 decision to deny her application for a salesperson's license. Ms. Cheney presented the Commission with a new application with character references and letters of recommendation. After review and discussion, the Commission, on motion by Commissioner Lipnick, seconded by Commissioner Milne, voted to allow Ms. Cheney to apply for an original real estate salesperson's license. Commissioner Barry was opposed to the decision.

8:55 a.m. Equivalency Appointment – Sally H. DeGroot decided to withdraw her request for her real estate experience be approved as sufficient experience pursuant to RSA 331-A:10, II(c) and (g).

9:05 a.m. Show Cause Hearing – MICHAEL F. LEFAVOR appeared before the Commission for a show cause hearing regarding his criminal history record submitted with his application for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Milne, seconded by Commissioner Lipnick, voted to allow Mr. LeFavor to apply for his original salesperson's license. Commissioner Barry was opposed to the decision.

9:20 a.m. Show Cause Hearing – MELISSA A. JOHNSON appeared before the Commission for a show cause hearing regarding her criminal history record submitted with her application for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Lipnick, seconded by Commissioner Milne, voted to allow Ms. Johnson to apply for her original salesperson's license. Commissioner Barry was opposed to the decision.

9:30 a.m. Show Cause Hearing – MARIA T SHELZI appeared before the Commission for a show cause hearing regarding her criminal history record submitted with her application for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Lipnick, voted to allow Ms. Shelzi to apply for her original

salesperson's license.

9:37 a.m. Show Cause Hearing – ZACHARY B. MEYERS appeared before the Commission for a show cause hearing regarding his criminal history record submitted with his application for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Lipnick, seconded by Commissioner Milne, voted to allow Mr. Meyers to apply for his original salesperson's license.

APPOINTMENT OF PRESIDING OFFICER – The Commission, on motion by Commissioner Lipnick, seconded by Commissioner Barry, appointed Commissioner Milne as the Presiding Officer for the show cause hearing of Philip Brouillard.

9:40 a.m. Show Cause Hearing – PHILIP BROUILLARD appeared before the Commission for a show cause hearing regarding information supplied on his application for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Lipnick, voted to deny Mr. Brouillard's application for an original salesperson's license. Commissioner Cronin was recused from the discussion and decision.

11:25 a.m. Show Cause Hearing – MICHAEL NORMANDIN appeared before the Commission to request reinstatement of his lapsed salesperson's license pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Milne, voted to allow the reinstatement of Mr. Normandin's lapsed salesperson's license for good cause shown as required by RSA 331-A:18, II, contingent upon receipt of his completed renewal application, required fees and a 3 hour Core continuing education affidavit within 60 days of the date of the meeting.

TEAMS – After review and discussion on the issue of Teams, the Commission, directed Investigator Corthell to contact people that have voiced concern over the advertising of Teams and how they operate and have those individuals attend the January Commission meeting.

INTERIM RULEMAKING – After review and discussion, the Commission, on motion by Commissioner Milne, seconded by Commissioner Lipnick, approved the following expired rules to be initiated into the interim rulemaking process:

Rea 303.02; 303.03; 303.04; 303.05; 304.01; 305.01; 305.02; 305.03; 305.04; 401.01; 403.01; 404.01; 404.02; 701.02; 701.03; 701.04; 701.05; and 702.02.

IV. NEXT MEETING – The Commission unanimously approved the following date for the December meeting:

December 20, 2016 at 8:30 a.m.

V. NON-PUBLIC MEETING 11:45 PM

On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission, by roll

call vote, voted unanimously to conduct a non-public session for the purpose of the reading and approval of the non-public minutes of the October 18, 2016 meeting, and 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 Milne, seconded by Commissioner Cronin, the Commission adjourned the non-public meeting at 1:00 p.m.

VI. PUBLIC MEETING RECONVENED

On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission by roll call vote reconvened the public meeting at 1:00 p.m.

VII. NON-PUBLIC MINUTES SEALED

On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission, unanimously 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.

VIII. ADJOURNMENT

On a motion by Commissioner Barry, seconded by Commissioner Milne, Acting Chairman John Cronin adjourned the meeting at 1:15 p.m.

Respectfully submitted,



Paul A. Lipnick
Clerk