

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING MINUTES

DECEMBER 20, 2016

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, December 20, 2016 at 9:00 a.m. in Conference Room #B119, 121 South Fruit Street, Concord, New Hampshire 03301.

- I. CALL TO ORDER - Meeting was called to order at 9:06 a.m. by Chairman Daniel Jones.
Present: Commissioners Daniel Jones, John Cronin, Esquire, William Barry, and Paul Lipnick.
Also present: Peter Danles, Linda Capuchino, Beth Edes, Kinsman Corthell, and Robert Lamberti, Jr., Esquire.

- II. NEW BUSINESS
9:07 a.m. Show Cause Hearing – AMY S. RUSSELL appeared before the Commission for a show cause hearing regarding her criminal history record information submitted with her application for an original salesperson’s license and answering “no” to question #8 on her application for a salesperson’s license, “Have you ever been convicted of a misdemeanor or felony offense?”. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Cronin, voted to deny Ms. Russell’s application for salesperson’s license, and allow Ms. Russell to re-apply for her original salesperson’s license in 120 days from the date of this meeting. Commissioner Lipnick was opposed to the decision.

9:15 a.m. Show Cause Hearing – ELIZABETH A. BRYANT appeared before the Commission for a show cause hearing regarding her criminal history information submitted with her application for an original salesperson’s license and answering “no” to question #8 on her application for a salesperson’s license, “Have you ever been convicted of a misdemeanor or felony offense?”. After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Cronin, voted to deny Ms. Bryant’s application for a salesperson’s license, and allow Ms. Bryant to re-apply for her original salesperson’s license in 120 days from the date of this meeting. Commissioner Lipnick was opposed to the decision.

9:28 a.m. – Commissioner Milne was present for the remainder of the public meeting and present for the non-public meetings via telephone, pursuant to RSA 91-A:2, III, due to dependent care of an ill child.

- III. NON-PUBLIC MEETING 9:30 AM
On motion by Commissioner Barry, seconded by Commissioner Cronin, 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 November 15, 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.

10:06 a.m. – Commissioner Cronin was not present for the remainder of the non-public and public meetings.

Non-Public Meeting Recessed - On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission voted to adjourn the Non-Public meeting for a recess at 11:10 a.m.

Non-Public Meeting Reconvened - On motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission reconvened the non-public meeting at 11:23 a.m.

On motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission adjourned the non-public meeting at 12:14 p.m.

IV. PUBLIC MEETING RECONVENED

On motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission by roll call vote reconvened the public meeting at 12:14 p.m.

V. 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.

INTERIM RULEMAKING – On motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission adopted the following interim rules: 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 to become effective upon filing.

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

(Expired on 9-17-16): Rea 204.01; 204.02; 204.03; 204.04; 207.01; (Expired on 10-22-16): Rea 301.01; 404.05(b); 501.01 (expired paragraphs (a)-(e) and (g)-(j)).

On motion by Commissioner Jones, seconded Commissioner Barry, the Commission approved the following rules due to expire on January 1, 2017:

Rea 404.04, and 701.01.

INITIAL PROPOSALS FOR RULEMAKING – On motion by Commissioner Jones, seconded by Commissioner Barry, the Commission approved the following proposed rules to be entered into the

rulemaking process:

Rea 103.01; 204.06; 205.16; 206.01; 206.02; 301.02(i); 301.03; 301.04; 302.01; 302.02; 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; 404.03; 701.02; 701.03; 701.04; 701.05; 702.01; 702.02; and 703.01.

- VI. NEXT MEETING – The Commission unanimously approved the following date for the January meeting:
January 17, 2016 at 8:30 a.m.
- VII. READING AND APPROVAL OF THE MINUTES - On motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission approved the Minutes of the public commission meeting held on November 15, 2016.
- VIII. NON-PUBLIC MEETING 1:05 PM
On motion by Commissioner Barry, seconded by Commissioner Lipnick, 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 November 15 2016 meeting, 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.
- IX. PUBLIC MEETING RECONVENED
On motion by Commissioner Barry, seconded by Commissioner Milne, the Commission by roll call vote reconvened the public meeting at 1:07 p.m.
- X. NON-PUBLIC MINUTES SEALED
On motion by Commissioner Barry, seconded by Commissioner Lipnick, 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.
- XI. ADJOURNMENT
On a motion by Commissioner Barry, seconded by Commissioner Lipnick, Chairman Daniel Jones adjourned the meeting at 1:08 p.m.

Respectfully submitted,


Paul A. Lipnick
Clerk