

**NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
JANUARY 17, 2017**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, January 17, 2017 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners: Chair Daniel Jones, John Cronin, Esq., William Barry, Paul Lipnick and Calley Milne.

Also present from OPLC: Executive Director Peter Danles, Division Director Linda Capuchino, REC Executive Director Beth Edes, Rick Wisler, and Kinsman Corthell. Vilay Sihabouth of the LBA Audit Division. Members of the public.

I. CALL TO ORDER –

The meeting was called to order at 8:30 by Chair Daniel Jones.

II. READING AND APPROVAL OF THE MINUTES –

On a motion by Commissioner Barry, seconded by Commissioner Cronin, the Commission approved the Minutes of the public commission meeting held on December 20, 2016.

III. NON-PUBLIC MEETING 8:39 AM –

On a 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 December 20, 2016 meeting, and evaluating complaints against licensees, accredited individuals, institutions, or organization, 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.

IV. PUBLIC MEETING RECONVENED -

On a motion by Commissioner Barry, seconded by Commissioner Cronin, the Commission adjourned the non-public meeting and immediately reconvened the public meeting at 8:55 a.m.

V. NON-PUBLIC MINUTES SEALED -

On a motion by Commissioner Cronin, seconded by Commissioner Barry, 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.

VI. **NEW BUSINESS –**

A. **9:00 HEARING** – Philip Brouillard appeared before the Commission to request reconsideration of the Commission's decision to deny his application for an original salesperson's license. Commissioners Cronin and Jones recused themselves as they did not participate in the original hearing. Commissioner Barry moved to deny reconsideration, seconded by Commissioner Lipnick. The Commission unanimously approved the motion to deny reconsideration.

B. **ORDERS** – The following Orders were issued by the Commission:
Docket No. 2015-037 New Hampshire Real Estate Commission v. George N. Sanders, Jr.
Docket No. 2016-045 New Hampshire Real Estate Commission v. David V. Scher.

C. **SHOW CAUSE ORDERS** – The following Show Cause Orders were issued by the Commission:

Michael F. LeFavor
Melissa A. Johnson
Maria T. Shelzi
Zachary B. Myers
Elizabeth A. Bryant
Amy S. Russell

D. **COMMISSION DISCUSSION ON TEAM NAMES** –

Following Commission discussion and some public comment, Commissioner Barry moved, and Commissioner Cronin seconded, to obtain additional information from the Maryland Real Estate Commission and draft, with amendments, rules and/or regulations, and would then invite public and licensee input. The Commission unanimously approved the motion.

E. 9:50 Chair Daniel Jones called for a short recess.

F. **10:00 HEARING** – A hearing was conducted on Docket No. 2016-002 New Hampshire Real Estate Commission v. Christopher D. McInnis Re: Complaint of Nick Cimino. Chair Daniel Jones asked Commissioner Cronin to preside.

12:15 p.m. Chair Daniel Jones called for a recess for lunch.

12:55 p.m. Meeting re-convened.

G. **SETTLEMENT AGREEMENTS** – The following Settlement Agreements were issued by the Commission:

File No. 2014-061 New Hampshire Real Estate Commission v. Aaron Brown.
File No. 2014-061 New Hampshire Real Estate Commission v. Singer.

Following discussion and by consensus the Commission agreed the Chair shall be given latitude to review and approve or bring to the Commission for a Show Cause Hearing those

applicants who misstate minor violations on their application form. Those not scheduled for a show cause hearing shall be notified in writing of the need to be truthful on applications due to trustworthiness and integrity of the profession.

H. **DELIBERATION** – Commissioner Cronin presided. The Commission deliberated on the testimony and facts presented for Docket No. 2016-002.

VII. **UNFINISHED BUSINESS** –

Director Linda Capuchino advised the Commission that the MLO Renewal process was slightly delayed to allow additional time for review and testing. It is hoped the new process will be implemented within the next couple of weeks.

VIII. **ADJOURNMENT** –

By unanimous vote the meeting adjourned at 2:05.

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