

**NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
FEBRUARY 21, 2017**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, February 21, 2017 at 9:00 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners: William Barry, Paul Lipnick and Calley Milne. John Cronin, Esq. joined the meeting at 9:20.

Also present from OPLC: Executive Director Peter Danles, Division Director Linda Capuchino, Attorney Bob Lamberti, Rick Wisler, Sheila Haines, and Kinsman Corthell. Attending from the LBA Audit Division were Vilay Sihabouth and Jay Henry. Members of the public.

I. CALL TO ORDER –

The meeting was called to order at 9:00 by Commissioner William Barry.

II. DISCUSSION ON TEAMS –

Commissioner Barry opened discussion on the concept of Teams. The State of Maryland adopted some laws regarding Teams, and REC staff is compiling additional information. Commissioner Milne would like to hear from educators as to how they are including Team information in any courses. Also seeking input regarding pros and cons of Teams. An item will be added near the end of the March agenda to allow public input on the matter. Division Director Linda Capuchino suggested those who wish to speak at the March meeting contact REC Administrator Rick Wisler to schedule a time.

Commissioner Barry recognized Sheila Haines from REC for her hard work and welcomed her to the meeting. Commissioner John Cronin joined the meeting.

III. RULEMAKING –

Attorney Bob Lamberti updated the Commission on the interim rules, which were adopted by JLCAR at their December 2016 meeting. He continued that following discussion the Commission may elect to vote to approve two additional interim rules. Any additional changes will need to be made by the April meeting.

On a motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission voted unanimously to approve the following interim rules:

Rea 204.01; 204.02; 204.03; 204.04; 204.05; 207.01; 301.01; 404.04; 404.05; 501.01; and 701.01

IV. READING AND APPROVAL OF THE MINUTES –

On a motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission approved the Minutes of the public commission meeting held on January 17, 2017.

- V. **NEW BUSINESS** – Commissioner Barry asked Commission Cronin to preside.
- A. Show Cause Hearing – JOHN P. HOLLAND JR. 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 a motion by Commissioner Barry and seconded by Commissioner Milne, voted to allow Mr. Holland to apply for his original salesperson’s license.
 - B. Show Cause Hearing – RALPH C. LORD 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 a motion by Commissioner Lipnick and seconded by Commissioner Milne, voted 3 – 1 to allow Mr. Lord to apply for his original salesperson’s license. Commissioner Barry voted nay.
 - C. John Ganong and Francis Roche appeared before the Commission to present their concerns regarding the use of “coming soon” listings. Following their presentation and questions from the Commission, the public then provided some comments for and against a “coming soon” listing. Commissioner Cronin suggested the Commission should discuss this matter further at a future meeting to be determined.
- VI. **10:55 MEETING RECESSED** – Commissioner Milne moved to recess the public meeting and Commissioner Barry seconded. The motion was unanimously approved.
- VII. **11:05 MEETING RECONVENED** – Commissioner Milne moved to reconvene the public meeting, Commissioner Barry seconded. The motion was unanimously approved.
- D. REC Investigator Kinsman Corthell presented a question recently received regarding an office closing and how the escrow deposits and contracts should be handled. By consensus the Commission believed they should not offer advice on a legal issue and the person should seek legal counsel.
 - E. ORDER – The following Order was issued by the Commission:
Docket No. 2016-002 Nick Cimino v. Christopher D. McInnis
 - F. SETTLEMENT AGREEMENTS – The following Settlement Agreements were issued by the Commission:
 - i. File No. 2015-039 New Hampshire Real Estate Commission v. Alan R. Rice
 - ii. File No. 2015-026 Therese Metrano v. Rosemary L. Walsh

File No. 2016-033 New Hampshire Real Estate Commission v. Michael R. Gallo will be addressed at a future meeting.
- VIII. **MLO ON-LINE RENEWAL UPDATE** – Administrator Rick Wisler updated the Commission on the implementation of the “My Licensing Office” on-line renewal program. The program had a successful soft roll out with minor issues. As new renewal notices are mailed to licensees, the number of on-line renewals is expected to increase and should result in a more efficient process

for licensees and staff. Any rule changes needed to address the new process will be highlighted and submitted to the Commission for review.

- IX. REVIEW OF SUPERIOR COURT DECISION** Docket 2015-021 New Hampshire Real Estate Commission & Thomas Sobell v. Sharon L. Haven and David F. Hennessy. Commissioner Milne moved, and Commissioner Barry seconded, that after reviewing the Superior Court decision and the matter of the remand, the Real Estate Commission take no further action. The motion was unanimously approved.
- X. CONTINUED DISCUSSION** on agenda item V. C. “Coming Soon”. Following additional discussion on whether instructors could address this issue in their courses, Commissioner Lipnick moved and seconded by Commissioner Barry, that instructors evaluate the concept of “coming soon” listings and incorporate the issue in a course. The motion passed unanimously. Commissioner Barry suggested a meeting with instructors to discuss possible core course changes, Teams, “coming soon” and other issues. Commissioner Milne suggested REC track issues and discuss at the annual instructor meeting.
- XI. NON-PUBLIC MEETING 11:30 AM –**
On a 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 January 17, 2017 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.
- XII. PUBLIC MEETING RECONVENED -**
On a motion by Commissioner Milne, seconded by Commissioner Barry, the Commission adjourned the non-public meeting and immediately reconvened the public meeting at 12:55 p.m.
- XIII. NON-PUBLIC MINUTES SEALED -**
On a 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.
- XIV. OTHER BUSINESS –**
A. Commissioner Barry suggested an agenda item at the March meeting to discuss CE credits allowed for licensees attending Commission meetings for disciplinary hearings. He suggested

increasing the hours not to exceed six hours for two meetings. Licensees currently receive three hours for attending one meeting with a disciplinary hearing.

- B. The LBA auditors informed the Commission they will be shortly presenting their scope of audit to the overview committee, and invited the Commission to provide any comments.
- C. Commissioner Milne asked staff to develop a document that easily identifies past disciplinary actions and fines.

XV. **ADJOURNMENT** –

By unanimous vote the meeting adjourned at 1:12 p.m.

Respectfully Submitted,

Paul A. Lipnick
Clerk