

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

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, March 21, 2017 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

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

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 was Mark Manganiello. Also present were members of the public.

I. CALL TO ORDER –

The meeting was called to order at 8:33 by Chair Daniel Jones.

II. READING AND APPROVAL OF THE MINUTES –

On a motion by Commissioner Cronin, seconded by Commissioner Lipnick, the Commission approved the Minutes of the public commission meeting held on February 21, 2017. Commissioner Jones abstained as he was not present at that meeting.

III. RULEMAKING –

Attorney Bob Lamberti discussed the draft Initial Proposal for rules Rea 100-200 various sections, and Rea 300-700 various sections. The Commission was advised that a clarification of “equivalent experience” may be needed where used in the rules. Commissioner Cronin proposed the following new language or variation thereof: “Equivalent experience shall be defined as a combination of education, life experience and/or work history in substantive real estate transactions that demonstrates the applicant has the foundation and knowledge to be licensed as a broker.”

On a motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission voted unanimously to approve the following Initial Proposal rules with change as suggested by Commissioner Cronin:

Rea 103.01, 204.01 – 204.05, 204.06, 205.16, 206.01, 206.02, 207.01, 301.01, 301.02(i), (k) – (m), 301.03, 301.04, 302.01, 302.02, 303.02 – 04, 303.05, 304.01 - 305.02, 305.03, 305.04, 401.01, 403.01, 403.02, 404.01 – 404.02, 404.03, 404.05, 501.01, 701.01, 701.02, 701.03, 701.04, 701.05, 702.01, 702.02, and 703.01.

IV. NEW BUSINESS –

A. LISA DENNEHY appeared before the Commission to discuss her equivalency qualifications to be licensed as a broker. After review and discussion Commissioner Cronin moved to approve Ms. Dennehy to apply for her broker’s license based on her meeting equivalent

experience requirements. Commissioner Lipnick seconded the motion. On a vote of three in favor of the motion (Commissioners, Cronin, Lipnick, and Jones), and two opposed (Commissioners Barry and Milne), the motion was approved.

B. PETER HICKEY appeared before the commission to request reinstatement of his salesperson's license lapsed since 2015. Following Commission questions and discussion, Commissioner Barry moved to approve reinstatement due to extenuating circumstances. Commissioner Cronin seconded the motion. The Commission voted unanimously to approve the motion.

C. **SHOW CAUSE ORDERS** – By a unanimous vote, the following Show Cause Orders were issued by the Commission resulting from Show Cause hearings conducted at the February 21, 2017 meeting:

John P. Holland Jr.

Ralph C. Lord

D. **SETTLEMENT AGREEMENTS** – By a unanimous vote, the following Settlement Agreements were issued by the Commission:

File No. 2016-022 New Hampshire Real Estate Commission v. James A. Neckermann

File No. 2016-023 New Hampshire Real Estate Commission v. James A. Neckermann

File No. 2016-033 New Hampshire Real Estate Commission v. Michael R. Gallo

File No. 2016-019 New Hampshire Real Estate Commission v. Joseph Beauchemin

E. **DECLARATORY RULING** – MATTHEW JOHNSON appeared before the Commission to request a Declaratory Ruling on “Release of Escrow Deposits”. Following Mr. Johnson’s presentation and Commission questions, Commissioner Barry moved, and Commissioner Cronin seconded, to request the office of the Attorney General review and issue an opinion whether there is a conflict between federal HUD requirements and the State of New Hampshire RSA 331-A:13, IV to release “earnest money”, and until then that any and all counts involving this issue be placed on hold pending the Commission’s receipt and review of the opinion. The motion was unanimously approved.

F. **DISCUSSION OF GUIDELINES FOR OBTAINING ELECTIVE CONTINUING EDUCATION CREDIT** – Commissioner Barry suggested amending the Commission’s previously approved guidelines to increase the number of CE hours allowed a licensee for attending an approved Commission meeting from a maximum of 3 CE hours to maximum of 6 CE hours in any single licensing period. Furthermore, these CE hours will only be allowed for each fully attended meeting that included a scheduled disciplinary hearing. Commissioner Cronin moved the amendment as suggested, Commissioner Milne seconded, and the motion was unanimously approved.

V. **9:55 MEETING RECESSED** – By unanimous vote the Commission recessed the public meeting for a short break.

VI. 10:14 PUBLIC MEETING RECONVENED

VII. NON-PUBLIC MEETING 10:15 AM –

On a 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 the reading and approval of the non-public minutes of the February 21, 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.

VIII. PUBLIC MEETING RECONVENED -

On a motion by Commissioner Cronin, seconded by Commissioner Lipnick, the Commission adjourned the non-public meeting and immediately reconvened the public meeting at 11:20 a.m.

IX. NON-PUBLIC MINUTES SEALED -

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

X. DISCUSSION ON TEAMS –

The Commission opened the discussion on Teams to any member of the attending public who wished to speak. A few of the raised concerns included: low experience levels of some team members, disclosure, designated agency v. dual agent team, confidentiality, listing of all team members, the use of a team name in advertising and listings, use of administrative staff on multiple teams, additional education of laws and rules as applied to teams, emailing confidential information to a team name and who on the team can view the contents, changing disclosure forms by adding lines to list all team members, use of legal names for points of contact in advertising and forms as required by existing laws and rules, and whether NEREN should review their policy and not allow only team names to be used for listings. Other speakers spoke of the benefits provided by teams and that current regulations address the concerns raised.

The Commission thanked the speakers for their comments and then discussed the possibility of developing additional, or modifying, education courses to better inform licensees of the regulations governing the establishment of teams. Staff was asked to develop possible changes to the core course and present them to the Commission for review at a future meeting.

XI. **ADJOURNMENT** –

By unanimous vote the meeting adjourned at 12:40 p.m.

Respectfully Submitted,

Paul A. Lipnick
Clerk