

**NEW HAMPSHIRE REAL ESTATE COMMISSION  
COMMISSION MEETING MINUTES  
APRIL 18, 2017**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, April 18, 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: Division Director Linda Capuchino, Rick Wisler, Bobbie Carter, 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 8:42 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 March 21, 2017.

Division Director Capuchino responded back to the Commission on requested information regarding licensees providing credit reports to clients adversely affected by such a report.

**III. NEW BUSINESS –**

A. PHILIP N. HAYNES appeared before the Commission to request reinstatement of his salesperson's license lapsed since December 2016. Following Commission questions and discussion, Commissioner Cronin moved to approve reinstatement due to extenuating circumstances, conditional on Mr. Haynes completing the core course within 60 days. Commissioner Barry seconded the motion. The Commission voted unanimously to approve the motion. The Commission reminded Mr. Haynes that his renewal is based on the initial expiration date and the need to take additional courses for his next renewal period.

B. CHRISTOPHER RATTE appeared before the Commission to discuss his equivalency qualifications to be licensed as a broker. After review and discussion Commissioner Cronin moved to approve Mr. Ratte to apply for his broker's license based on his 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.

C. The Commission requested staff to develop a list of future revisions to rules or laws including:

1. Equivalency requirements to be a broker,
2. Enforcement and remedial rights,
3. Policy for failure to disclose convictions, and

4. Review the salesperson application for character reference requirements.
- D. At the request of REC staff, the Commission discussed an inquiry whereby a business model for a large private company provides its employees with a discount/rebate fee structure for relocation services offered through a specified firm. The Commission determined that the business model is not within their jurisdiction and suggested the inquirer contact the business's attorney to discuss the concern.
- IV. **9:48 MEETING RECESSED** – Chairman Jones announced the next Commission meeting will be held on May 16, 2017. By unanimous vote the Commission recessed the public meeting for a short break to be followed by a vote to conduct a non-public session.
- V. **9:59 PUBLIC MEETING RECONVENED**
- VI. **10:00 NON-PUBLIC SESSION** –  
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 March 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.
- VII. **1:00 PM PUBLIC MEETING RECONVENED** -  
On an appropriate motion, the Commission adjourned the non-public meeting and immediately reconvened the public meeting
- VIII. **NON-PUBLIC MINUTES SEALED** -  
On an appropriate motion, the Commission unanimously voted to seal the Minutes of the non-public session 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.
- IX. **ADJOURNMENT** –  
On a motion by Commissioner Cronin, seconded by Commissioner Calley, the Commission voted unanimously to adjourn the meeting at 1:02 p.m.

Respectfully Submitted,

Paul A. Lipnick  
Clerk