

**NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
MAY 16, 2017**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, May 16, 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, Kinsman Corthell, and Attorney Robert Lamberti. Attending from the LBA Audit Division was Vilay Sihabouth. 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 –

The Commission thanked Bobbie Carter for timely providing the previous meeting minutes. On a motion by Commissioner Barry, seconded by Commissioner Lipnick, the Commission approved the Minutes of the public commission meeting held on April 18, 2017.

III. NEW BUSINESS –

- A. JOSEPH M. REGO appeared before the Commission for a show cause hearing regarding his recent criminal history record not submitted with his application for an original salesperson's license. After review and discussion a motion to deny with the opportunity to reapply in 120 days was made by Commissioner Barry and seconded by Commissioner Cronin. Following further discussion, the motion was withdrawn and Commissioner Cronin moved to approve the application subject to the applicant seeking and receiving from the courts an annulment of the violations, and providing proof of annulment when he re-submits his application to the Real Estate Commission. Further, if an annulment is not granted the applicant may re-apply with complete information entered on the application form. Commissioner Calley seconded, the motion passed with Commissioner Lipnick voting as opposed.
- B. SUSAN LAGREE, ESQUIRE appeared before the Commission to discuss her equivalency qualifications to be licensed as a broker. Attorney LaGree is a licensed attorney in Massachusetts and has practiced real estate law. After review and discussion Commissioner Calley moved to deny attorney LaGree's request for equivalency due to lack of experience in New Hampshire. Commissioner Barry seconded the motion. The motion failed on a vote of 2 in favor and 3 opposed. Commissioner Cronin moved to approve attorney LaGree's request for equivalency, Commissioner Lipnick seconded. 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. MARK SULLIVAN, ESQUIRE appeared before the Commission to discuss his equivalency qualifications to be licensed as a broker. Attorney Sullivan stated he was previously a

licensed broker in New Hampshire and has real estate experience in the Boston area. The request for equivalency is based on his intent to sell a few properties in New Hampshire for a client. Upon questioning, attorney Sullivan stated he does not intend to open an office in New Hampshire. Commissioner Cronin moved to approve the request for equivalency, Commissioner Lipnick seconded. The motion unanimously passed.

- D. HILLARY CLIFFORD appeared before the Commission for a show cause hearing regarding her criminal history record not completely submitted with her application for an original salesperson's license. Following Ms. Clifford's testimony and questions from the Commission, Commissioner Cronin moved to approve the application, Commissioner Lipnick seconded. The motion unanimously passed.
- E. PETITION FOR AMENDMENT to Rea 301.02 Fees submitted by Beth Edes was accepted and reviewed by the Commission. Administrator Rick Wisler advised the Commission that for the past few months OPLC staff has been reviewing budgets and expenses to determine whether or not fees should be adjusted, but additional time through the end of the fiscal year is needed to complete the analysis. Additionally, a new contract for exam services will be completed shortly that may or may not have an impact on expenses. Further, the LBA audit is currently being conducted and also includes a review of fees in relation to income/expenses. Commissioner Barry moved to accept the petition as presented and asked staff to provide updates of their analysis at future meetings until a final recommendation is presented. Commissioner Calley seconded, the motion unanimously passed.

IV. **10:08 MEETING RECESSED** – The Commission recessed the public meeting.

V. **11:00 PUBLIC MEETING RECONVENED**

VI. **NEW BUSINESS CONTINUED** –

- F. COMING SOON- A member of the public informed the Commission of a variation of the Coming Soon listings whereby the marketed property is not immediately placed in MLS, allowing interested parties to submit a price without knowing the listed value. The Commission expressed their appreciation for the information, no action taken.
- G. PETITION FOR DECLARATORY RULING from attorney Matthew Johnson was reviewed and discussed by the Commission. They concluded that Federal law pre-empts state law for HUD properties as defined in the petition. Commissioner Cronin moved that following the ruling shall be published and available on the Commission's web site or upon request. Commissioner Calley seconded, the motion unanimously passed.

VII. **NEXT MEETING** – The Real Estate Commission will conduct a special meeting on Tuesday June 6, 2017 at 9:00 am for a public hearing on proposed rules, and any other business the Commission may schedule. The next regularly scheduled meeting will be conducted on Tuesday June 20, 2017 at 8:30 am.

VIII. **11:24 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.

IX. 1:00 PM PUBLIC MEETING RECONVENED -

On an appropriate motion, the Commission adjourned the non-public meeting and immediately reconvened the public meeting

X. 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.

Commissioner Milne was not present as she left during the non-public session.

XI. ADJOURNMENT –

On a motion by Commissioner Cronin, seconded by Commissioner Calley, the Commission voted unanimously to adjourn the meeting at 1:02 p.m.