

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

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, July 18, 2017 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners: Daniel Jones, 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 8:30 by Chair Dan Jones.

**II. READING AND APPROVAL OF THE MINUTES –**

On a motion to approve the June 6, 2017 minutes by Commissioner Barry, seconded by Commissioner Milne, the motion passed. Commissioners Cronin and Lipnick abstained.

On a motion to approve the June 20, 2017 minutes by Commissioner Cronin, seconded by Commissioner Milne, the motion unanimously passed.

On a motion to approve the June 16, 2017 minutes by Commissioner Barry, seconded by Commissioner Cronin, the motion passed. Commissioners Lipnick and Jones abstained.

**III. NEW BUSINESS –**

A. RYAN ALAN appeared before the Commission for a show cause hearing regarding his criminal history and answering “no” on the application whether he had been previously convicted. Mr. Alan testified that approximately eight years ago he was found guilty for disorderly conduct but did not realize it would be on his record. Commissioner Cronin emphasized the importance of verifying all information submitted on an application is correct. Following questions and discussion, Commissioner Cronin moved to approve the application, seconded by Commissioner Milne. The motion was approved 4 – 1 with Commissioner Barry opposed.

B. TREVOR KNIGHT appeared before the Commission to discuss his criminal history. Mr. Knight explained the issues of his earlier convictions at age 19. The original felony conviction was reduced to a misdemeanor and a document supporting the reduction was presented to the Commission. Commissioner Milne advised Mr. Knight the reason for the Commission’s questions was due to the nature of his convictions in relation to the duties expected of a real estate licensee. Upon further questioning, it was determined that Mr. Knight did not discuss his criminal history with the principal broker who would be employing him.

Commissioner Lipnick moved to accept Mr. Knight's application based on the court's reduced sentence and Mr. Knight's full restitution to the victims involved in the violations. Commissioner Cronin seconded for discussion, and then expressed his concern regarding the principal broker's signature on the application despite not speaking with the applicant Mr. Knight. The motion failed with one vote in favor of the motion. Commissioner Cronin moved that Mr. Knight meet with the principal broker and disclose the violation, show the police report, and appear before the Commission at a future meeting to report on his discussion. Commissioner Milne seconded. The motion unanimously passed with a suggestion that the principal or managing broker may wish to appear with Mr. Knight in support of his application.

- C. MARGARET COPPENS appeared before the Commission to discuss her qualifications for equivalency. Attorney Coppens is currently an attorney broker in Massachusetts. Following questions and discussion Commissioner Cronin moved to approve her equivalency qualifications, Commissioner Lipnick seconded. The motion was unanimously approved.
- D. CHERYL DEMARCO appeared before the Commission for a show cause hearing regarding her criminal history and answering "no" on the application whether she had been previously convicted. Ms. Demarco testified that some years back she entered pleas for misdemeanors but did not realize the convictions would be on her record. Commissioner Jones noted she had also indicated "no" on previous applications/renewals with the REC. Following questions and discussion, Commissioner Cronin moved to table action until the next meeting to allow time to review the applicant's complete file, seconded by Commissioner Milne. The motion was unanimously approved.
- E. ADAM GANNON appeared before the Commission for a show cause hearing regarding his criminal record. It was noted that Mr. Gannon marked "yes" on the application regarding prior convictions. Following questions and discussion, Commissioner Milne moved to approve Mr. Gannon's application, seconded by Commissioner Cronin. The motion was unanimously approved.

IV. **9:35 MEETING RECESSED** – The Commission recessed the public meeting for a short break.

V. **9:45 PUBLIC MEETING RECONVENED**

VI. **NEW BUSINESS CONTINUED** –

- F. HEARING: NHREC RE: COMPLAINT OF MARIA POTHIER v. LISA HITCHCOCK. Chair Jones explained the hearing process to all parties. Commissioner Cronin then recused himself from the hearing and left the table. The oath was given to all parties and proceeded to hearing. Neither party wished to provide an opening statement. NHREC Investigator Corthell asked complainant Maria Pothier a number of questions including representations made by the respondent regarding Ms. Pothier's \$20,000 deposit provided to Mr. Brunelle, owner of the property. It was noted Mr. Brunelle is the husband of the seller agent representing him,

Lisa Hitchcock. Investigator Corthell asked additional questions of respondent Ms. Hitchcock including whether or not a buried fuel tank was on property and disclosed. The Commission then asked questions of both parties. Commissioner Barry asked Ms. Hitchcock whether she would have a problem purchasing a home whereby a buried fuel tank was not disclosed. Ms. Hitchcock responded that it was a hypothetical situation and could not be answered. Commissioner Barry noted for the record that Ms. Hitchcock would not answer the question.

Investigator Corthell had no further questions of the witnesses. Following additional questions from the Commission, Chair Jones offered respondent Hitchcock the opportunity to present her case and/or witnesses. Following Ms. Hitchcock's questions and Investigator Corthell's cross-examination, Chair Jones allowed both parties to offer closing statements. Investigator Corthell noted a correction to the Notice of Hearing, on the 3<sup>rd</sup> page, paragraph 3A, should reference 331-A:25-a, I. With no further testimony to be presented, Chair Jones then closed the hearing.

VII. **12:30 MEETING RECESSED** – The Commission recessed the public meeting for a break.

VIII. **1:15 PUBLIC MEETING RECONVENED**

Commissioner Cronin re-joined the Commission at the table. Chair Jones announced Commissioner Cronin will preside over the next hearing.

G. HEARING: DAVID AND MARY REID V. KRISTIN WHITE AND ADAM DOW.

Commissioner Cronin noted that complainants David and Mary Reid were not present to support their complaint regarding a “coming soon” listing, and asked Investigator Corthell how he wished to proceed. Investigator Corthell asked to withdraw the complaint without prejudice. Commissioner Jones moved to withdraw, Commissioner Lipnick seconded. The motion unanimously passed.

H. The Commission invited Adam Down, Kristin White, Attorney Matt Johnson and Nate Dickey to explain, in general terms, the coming soon model. Following the explanation, the Commission expressed concerns regarding unequal access to listings and advertising practices.

IX. **2:10 NON-PUBLIC SESSION** –

Chair Jones presided and asked for a motion to go in to a non-public session. On a motion by Commissioner Cronin, seconded by Commissioner Milne, the Commission, by roll call vote, voted to conduct a non-public session for the purpose of the reading and approval of the non-public minutes of the June 20, 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 vote of all members present, Commissioner Barry voted nay due to an agenda item.

X. **4:35 PM PUBLIC MEETING RECONVENED** -

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

**XI. 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.

**XII. NEXT MEETING -**

Chair Jones announced the next meeting is scheduled for August 15, 2017.

**XIV. OTHER BUSINESS -**

For their information, the Commission was presented with a copy of RSA332-G:7 regarding military service as applied to licensing.

**XV. DELIBERATION OF NHREC RE: COMPLAINT OF MARIA POTHIER V. LISA HITCHCOCK -**

Following deliberation the Commission found:

- A. Commissioner Barry moved, and Commissioner Milne seconded, the respondent **violated** RSA 331-A:25-a, I. Motion passed. Commissioner Lipnick opposed.
- B. Commissioner Barry moved, and Commissioner Milne seconded, the respondent **violated** RSA 331-A:26, V. Motion passed. Commissioner Lipnick opposed.
- C. Commissioner Barry moved, and Commissioner Milne seconded, the respondent **violated** RSA 331-A:26, VII. Motion passed. Commissioner Lipnick opposed.
- D. Commissioner Barry moved, and Commissioner Milne seconded, the respondent did not violate RSA 331-A:26, XXII(a)(2). Unanimously approved.
- E. Commissioner Barry moved, and Commissioner Milne seconded, the respondent did not violate RSA 331-A:26, XXII(b). Unanimously approved.
- F. Commissioner Barry moved, and Commissioner Milne seconded, the respondent did not violate RSA 331-A:26, XXVIII. Unanimously approved.
- G. Commissioner Barry moved, and Commissioner Milne seconded, the respondent **violated** RSA 331-A:26, XXIX. Motion passed. Commissioner Lipnick opposed.
- H. Commissioner Barry moved, and Commissioner Milne seconded, the respondent **violated** RSA 331-A:26, XXXVI. Motion passed. Commissioner Lipnick opposed.
- I. Commissioner Barry moved, and Commissioner Milne seconded, fines be assessed at **\$1,000 for each violation for a total of \$5,000** due within 30 days. Motion passed. Commissioner Lipnick opposed.
- J. Commissioner Barry moved, and Commissioner Milne seconded, the respondent shall complete a **3 hour live contract course** within 90 days, based on course availability, and the course shall not count toward the CE renewal requirement. Motion passed. Commissioner Lipnick opposed.

K. Commissioner Barry moved, and Commissioner Milne seconded, the respondent shall complete a **3 hour live ethics course** within 90 days, based on course availability, and the course shall not count toward the CE renewal requirement. Motion passed. Commissioner Lipnick opposed.

XVI. **ADJOURNMENT** – On a motion by Commissioner Barry, seconded by Commissioner Milne, the Commission voted unanimously to adjourn the meeting at 5:30 p.m.