

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

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

Present: Commissioners: Daniel Jones, Paul Lipnick, John Cronin, Esq. and Richard Hinch.

Present from OPLC/REC: Linda Capuchino - Division Director, Rick Wisler, Bobbie Carter, and Kinsman Corthell.

I. CALL TO ORDER –

The meeting was called to order at 8:45 by Chair Dan Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Cronin moved to approve the October 31, 2017 minutes, Commissioner Hinch seconded, the motion unanimously passed.

III. NEW BUSINESS –

A. G. ALBERT BOURGEOIS appeared before the Commission to request equivalency of past experience to meet applicable requirements of his Broker Application. Mr. Bourgeois received his salesperson license in October of 2017 and discussed his past property management experience. The Commission voiced concern for lack of salesperson experience and its importance for oversight and other responsibilities as a broker. Commissioner Cronin moved to deny the equivalent experience without prejudice to allow Mr. Bourgeois the opportunity to gain appropriate salesperson experience, seconded by Commissioner Hinch. The motion unanimously passed.

B. MATTHEW SHOEMAKER, ESQ. appeared before the Commission to request equivalency of past experience to meet applicable requirements of his Broker Application. Attorney Shoemaker was a licensed salesperson in New Hampshire for two years until its expiration in September 2012, and is currently a real estate attorney in both New Hampshire and Massachusetts. The Commission voiced concern for lack of salesperson experience and its importance for oversight and other responsibilities as a broker. A motion was made by Commissioner Hinch to deny equivalency until completion of a broker course, and was seconded by Commissioner Lipnick. After further discussion the motion was withdrawn. Commissioner Hinch moved to deny the equivalent experience without prejudice to allow Attorney Shoemaker the opportunity to gain appropriate salesperson experience, seconded by Commissioner Cronin. The motion unanimously passed.

C. VALERIE RISO, ESQ. appeared before the Commission to request equivalency of past experience to meet applicable requirements of her Broker Application. Attorney Riso was a licensed salesperson in New York for a period of time and is now working as an estate

planning attorney. She is prepared to attend a pre-licensing course but has no New Hampshire sales experience. Commissioner Cronin moved to deny the equivalent experience without prejudice to allow Attorney Riso the opportunity to gain appropriate salesperson experience, seconded by Commissioner Hinch. The motion passed unanimously.

D. LINDA GRAY appeared before the Commission for a show cause hearing regarding her renewal application for a Broker's license. Ms. Gray was represented by Attorney Matthew Johnson, who spoke on behalf of Ms. Gray and the issues involving the recent settlement agreement with the office of the Attorney General. Attorney Johnson asked the Commission to approve the renewal and dismiss the outstanding complaint. Commissioner Jones recused himself from the matter as he is the evaluator for the outstanding complaint. Following further discussion Commissioner Cronin moved to approve the license without prejudice on any decision the Commission makes in the future on the pending case. Commissioner Hinch seconded and the motion passed 3 – 0 with Commissioner Jones recused.

The meeting recessed at 9:50 for a break.

The meeting reconvened at 10:00.

Commissioner Cronin discussed his belief of equivalent experience needed to qualify as a broker. He believed salesperson experience and apprenticeship are important factors to consider. There was discussion whether state law should be changed to further define requirements. John Doran, an attending instructor, suggested reviewing the Commission's prior definition of reasonable supervision in a declaratory ruling dated September 14, 2014.

IV. PUBLIC HEARING, DOCKET 2016-058 JEFFREY RIGMONT V. JEFFREY IAN LUCERO.

Chair Jones asked Commissioner Cronin to preside. The rules for conducting hearings were explained to all parties. The matter proceeded to hearing. The prosecution was conducted by REC Investigator Kinsman Corthell. The respondent, Mr. Jeffrey Lucero, appeared before the Commission and was not represented by counsel. Investigator Corthell provided his opening statement and then called his first witness, Jeffrey Rigmont, who was given the oath. Following questions of the witness, Investigator Corthell then called his second witness, Mr. Lucero, who was given the oath and then responded to questions.

After Investigator Corthell concluded his questions and following additional questions from the Commission, Mr. Lucero announced he did not have any witnesses and did not wish to ask any questions. Following closing statements from both sides, Commissioner Cronin closed the hearing and opened deliberations.

The Commission reviewed RSA 331-A:34 including disciplinary actions authorized thereunder. After thoroughly discussing the testimony and evidence presented, Commissioner Jones moved there was a violation of RSA 331-A:3 by acting as a salesperson and/or broker without being appropriately licensed, seconded by Commissioner Hinch. The motion unanimously passed.

Commissioner Lipnick moved to issue a cease and desist order that Mr. Lucero no longer engage in real estate activity, and assess a fine of \$1,000. The motion was seconded by Commissioner Jones and unanimously passed.

After further discussion of the first motion, Commissioner Jones moved to supplement his first motion that the finding was based on the evidence proving real estate was involved and is within the Commission's jurisdiction. The supplemental motion was seconded by Commissioner Hinch and was unanimously passed.

Commissioner Jones presided.

V. PUBLIC HEARING, DOCKET 2015-039 NEW HAMPSHIRE REAL ESTATE COMMISSION V. JACQUELINE L. ROBERTSON BROWN (AKA JACQUELINE BROWN)

Chair Jones announced the hearing was postponed to a future meeting. Attorney Sweeney is representing Ms. Brown and was not available for the scheduled hearing.

VI. OTHER BUSINESS

A few of the attending instructors addressed the Commission regarding the upcoming instructors' workshop. The Commission suggested instructors provide content suggestions to REC staff for consideration. A date and venue will be announced when confirmed. Additional discussion was held regarding the previously adopted rules and whether a "strikethrough" version can be provided on the REC website. Staff will review.

VII. NON-PUBLIC SEESION –

At 11.15 Chair Jones asked for a motion to go in to a non-public session. An appropriate motion was made and seconded. The Commission by roll call voted to conduct a non-public session for the purpose of the reading and approval of the non-public minutes of the October 31, 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.

VIII. PUBLIC MEETING RECONVENED –

At 1:05 pm on an appropriate motion and second, the Commission unanimously voted to reconvene the public meeting

IX. NON-PUBLIC MINUTES SEALED –

On an appropriate motion and second, the Commission by roll call 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.

X. **MEETING ADJOURNED –**

At 1:06 the Commission appropriately moved and approved to adjourn the meeting.