

**NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
JANUARY 16, 2018**

A meeting of the New Hampshire Real Estate Commission was scheduled on Tuesday, January 16, 2018 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: Rick Wisler, Bobbie Carter, Division Directors Linda Capuchino and Joe Shoemaker.

I. CALL TO ORDER –

The meeting was called to order at 8:30 by Chair Dan Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Cronin moved to approve the December 19, 2017 minutes, Commissioner Hinch seconded. The motion unanimously passed.

III. NEW BUSINESS –

A. Lawrence Richard – Show cause hearing for criminal history listed on salesperson application. Mr. Richard testified and answered questions from the Commission regarding the convictions and the steps he has taken to improve himself. Mr. Richard's wife Judith Brouchard of Perfect Choice Properties will be his broker and spoke on his behalf and the steps she will take to monitor his activities. After additional questions from the Commission, Commissioner Cronin moved to accept the application based on the strength of the oversight, seconded by Commissioner Lipnick. The motion was unanimously approved.

B. Matthew Irving – Show cause hearing for criminal history listed on salesperson application. Mr. Irving testified and answered questions from the Commission regarding the two incidents. Following discussion, Commissioner Hinch moved to accept the application, seconded by Commissioner Cronin. The motion was unanimously approved.

C. Stephen Blyth – Show cause hearing for criminal history listed on salesperson application. Chair Jones announced that his review of Mr. Blyth's history determined the incidents occurred over 20 years prior and did not warrant a show cause hearing. Commissioner Cronin moved to remove the item from the agenda with no further Commission action required, seconded by Commissioner Hinch. The motion was unanimously approved.

D. Staff memo regarding reviews of criminal convictions and adverse financial issues. Rick Wisler presented the Commission with recommendations for handling future reviews. Following discussion, Commissioner Cronin suggested conducting at least a cursory review of bankruptcies – particularly those involving trusts or similar accounts. Staff shall review all adverse financial information and forward sizeable issues to Commissioner Cronin for

additional review. He further suggested the program “PACER” may be of value to help staff conduct the reviews. The Commission will further review the memo regarding criminal convictions and will re-examine the issue at the next meeting.

- E. Commissioner Cronin discussed his review of the Real Estate examination. He explained his many years of real estate experience and had obtained some study books prior to completing the practice exam. Commissioner Cronin believed some of the exam questions were not clear and could be interpreted differently. Additional comments of his review will be provided at an upcoming meeting.
- F. The Commission discussed, with public comment, various legislation introduced this session. It was believed that SB 461 may need some “word smithing” to clearly identify that a second three hour core course, one per year, offered by a different instructor would be required rather than a single six hour course. There was some discussion whether the second core course should be labeled as “mandatory” because of possible confusion with neighboring state licensees. The Commission suggested instructors should work with the NH Board of Realtors to address concerns, and further suggested that anyone interested in attending public hearings on bills can locate the information on the legislature’s website.

There was concern expressed by the Commission and public regarding the changes to SB 459 that was apparently submitted to address a recent audit observation. The suggested deletions appear to eliminate the requirement that an applicant successfully complete the New Hampshire portion of the Real Estate exam. The Commission believed simply adding a punctuation mark and not deleting any language would better clarify the statute and address the audit concern. Linda Capuchino suggested contacting the sponsor to amend the bill.

- G. A member of the audience asked if the recently vacated investigator position will be filled. The position is currently posted and applications will be reviewed and interviews conducted as soon as possible.
- H. Dan Plotkin – Show cause hearing for results of continuing education audit. Mr. Plotkin testified that a staff member of his incorrectly submitted courses that were already submitted with a previous license renewal. Further, recent courses were unintentionally not submitted for scoring until after he received his audit notice in late October, after his license was renewed. After additional questions from the Commission, Commissioner Cronin expressed that while there did not appear to be an intent to fraudulently submit the education credits, there is a violation by a principal broker that must be seriously considered and appropriately sanctioned. Commissioner Cronin moved to fine Mr. Plotkin \$1,500 and require him to complete an ethics class course. Further, that the fine and course must be completed within 90 days. Commissioner Hinch seconded, the motion was unanimously approved.

The meeting was recessed at 9:55 for a short break.

The meeting was reconvened at 10:05.

I. Lynne Barry – Show cause hearing for a criminal conviction during licensure. Bobbie Carter informed the Commission that a Notice of Hearing was mailed, certified, to Ms. Barry on December 28, 2017. The letter was returned this week, undelivered, to the Real Estate Commission. Pursuant to Rea 205.11 the Commission determined Ms. Barry was in default and reviewed the matters of the case. After discussion of the facts as presented, the Commission found that Ms. Barry had been convicted of embezzlement in violation of RSA 331-A:26, III , was incarcerated from November 3, 2017 through her release on November 22, 2017 and failed to notify the Commission in writing within the required 30 days from conviction in violation of RSA 331-A:26, XXXVII . Commissioner Cronin moved to immediately revoke the broker’s license issued to Ms. Barry, seconded by Commissioner Hinch. The motion was unanimously approved, Chair Jones abstained.

IV. NON-PUBLIC SEESION –

At 12:45 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 December 19, 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.

V. PUBLIC MEETING RECONVENED –

At 12:50 pm on an appropriate motion and second, the Commission unanimously voted to reconvene the public meeting

VI. 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.

VII. NEXT MEETING-

The next meeting is scheduled for February 20, 2018 at 8:30 a.m.

VIII. MEETING ADJOURNED –

At 12:55 Commissioner Lipnick moved, and Commissioner Hinch, seconded to adjourn the meeting. The motion was unanimously approved.