

NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
April 17, 2018

A meeting of the New Hampshire Real Estate Commission was held on Tuesday April 17, 2018 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners Dan Jones, Richard Hinch and Susan Doyle.

Present from OPLC/REC: Rick Wisler and Bobbie Carter.

I. CALL TO ORDER –

The meeting was called to order at 8:34 a.m. by Chair Dan Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Hinch moved to approve the March 20, 2018 minutes, Commissioner Doyle seconded. The motion unanimously passed.

III. NEW BUSINESS -

A. Joseph Crowley – show cause hearing for adverse financial issue noted on license renewal. Mr. Crowley was present and was represented by attorney James Kazan. Chair Jones noted attorney Kazan had previously requested a court reporter for an earlier postponed show cause hearing, but had not specifically requested one for the current show cause hearing. Attorney Kazan conceded that because the hearing was non-adjudicatory, a court reporter was not necessary. The show cause hearing commenced.

Mr. Crowley responded to attorney Kazan's questions regarding adverse financial issues that took place a number of years ago. All three courts issued judgments but did not order payments. Over the years Mr. Crowley had included, with his real estate license renewals, a statement regarding the past judgments.

Commissioner Hinch moved that Mr. Crowley provided sufficient answers to the Commission's questions and to accept his explanation, seconded by Commissioner Doyle. The motion unanimously approved.

B. Tyler Plumer – show cause hearing for criminal conviction noted on application. Mr. Plumer briefly explained his past issues and stated there were no issues since then. Managing broker Jennifer Vachon submitted a letter acknowledging previous issues. Following questions from the Commission, Commissioner Hinch moved to accept

- Mr. Plumer's explanation, seconded by Commissioner Doyle. The motion unanimously passed.
- C. Mandy Soucy – show cause hearing for criminal conviction noted on application. Ms. Soucy responded to questions from the Commission and reported she completed the required court order classes. Principal broker Margherita Verani submitted a letter acknowledging previous issues. Ms. Soucy stated payments are being made on the outstanding financial issues. Commissioner Hinch moved to accept Ms. Soucy's explanations, seconded by Commissioner Doyle. The motion was unanimously approved.
 - D. Rory Gill - appearance for equivalency as an attorney. Attorney Gill explained that he is an attorney and licensed broker in Massachusetts. Most of his real estate transactions were in Massachusetts, and had worked on four transactions in New Hampshire as buyer attorney, and four as seller attorney. Commissioner Hinch stated he believed attorney Gill had the transaction experience and is familiar with New Hampshire specific real estate laws. Commissioner Hinch moved to approve attorney Gill's request for equivalency, seconded by Commissioner Doyle. The motion was unanimously approved.
 - E. Deanne Chrystal - appearance for equivalency as an attorney. Attorney Chrystal explained she is an attorney in New Hampshire and has been a licensed real estate salesperson with two different firms. Following questions from the Commission, Commissioner Hinch moved to approve attorney Chrystal's request for equivalency, seconded by Commissioner Doyle. The motion was unanimously approved.
 - F. Joseph Messineo - appearance for renewal of lapsed salesperson license. Mr. Messineo explained his license lapsed February 3, 2018 because he misunderstood the date to renew. He stated no transactions were conducted during the period of time after his license had expired. Commissioner Hinch moved to approve Mr. Messineo's request to renew his lapsed license, seconded by Commissioner Doyle. The motion was unanimously approved.
 - G. Amina Aaron - appearance for renewal of lapsed firm license for Moose Realty of Franconia, LLC. Ms. Aaron's firm license had lapsed February 28, 2017. She had appeared before the Commission at its February 20, 2018 meeting regarding her lapsed broker license. At that meeting the Commission approved her request to renew the lapsed broker license. Subsequently Ms. Aaron incorrectly assumed the Commission also acted on her lapsed firm license. Ms. Aaron stated she did not realize the firm was not licensed. Commissioner Hinch moved to take the matter

under advisement, no action, and was seconded by Commissioner Doyle. The motion was unanimously approved.

IV. OTHER BUSINESS –

- A. Discussion of break times allowed for accredited courses. Following a request from a provider, REC staff researched the history of Commission direction for allowing breaks during courses. Research found the most recent direction was provided at the September 17, 2013 Commission meeting to allow 5 minutes per each hour of a course without extending the length of the course. REC staff will update the web page and any applicable documents, and providers will be notified of the direction. Discussion continued whether the Commission should develop a rule or policy regarding restricted cell phone use during a class. The Commission will take the matter under advisement but believed providers could develop their own policy regarding cell phone use.

- B. Fall instructors' course. Providers inquired about the fall instructors' course. By consensus among the Commission and providers it was determined that REC staff will book a meeting room and the course agenda and guest instructors will be chosen by volunteer providers. A "plan the date" notice will be sent to all providers.

- C. Candidate Handbook updates for law changes. Providers suggested REC staff review the Candidate Handbook and incorporate recent law changes. It was also suggested contacting Bob Quinn of the NH Association of Realtor's Bob Quinn for law updates.

- D. Pending legislation update. Commissioner Hinch provided a summary of legislation that may impact real estate.
 - a. SB 461 re: continuing education, had a public hearing April 11 and will soon be voted on by committee whether or not bill should go forward, and then go to full house.
 - b. SB 459 re: reciprocity, had a public hearing April 11 and will soon be voted on by committee.
 - c. SB 334 re: temporary licenses, had a public hearing March 27 along with two follow up work sessions. The bill is scheduled to be voted on April 24. It is believed that the legislation will be further amended to its original state regarding nursing.
 - d. HB1685 was voted on April 5 Inexpedient to Legislate.

- E. Providing inactive licensee email and mailing addresses. A provider expressed concern of REC not distributing contact information for inactive licensees. Previously providers used this information to inform inactive licensees that they are required to complete a core course to maintain their inactive status. They believe if they cannot contact these licensees, many will forget to take the class resulting in renewal issues at the time they file with REC. Previous legal guidance provided to REC staff advised not to distribute this information as it was considered personal. Staff will continue to explore options.

V. NON-PUBLIC SESSION -

At 11:00 a.m. following an appropriate motion and second to go in to a non-public session 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 March 20, 2018 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.

VI. PUBLIC MEETING RECONVENED –

At 11:20 a.m. an appropriate motion was made and seconded, and the Commission unanimously voted, to reconvene the public meeting.

VII. 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.

VIII. NEXT MEETING –

The next meeting is scheduled for Tuesday, May 15, 2018 at 8:30 a.m.

IX. MEETING ADJOURNED –

At 11:23 a.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.