

**NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
May 15, 2018**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, May 15, 2018 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners John Cronin, Paul Lipnick and Susan Doyle.

Present from OPLC/REC: Division Director Joe Shoemaker, Rick Wisler, Michael Porter and Bobbie Carter.

I. CALL TO ORDER –

The meeting was called to order at 8:31 a.m. by Commissioner Cronin.

II. READING AND APPROVAL OF THE MINUTES –

Reading and approval of the minutes were tabled until the June 19, 2018 meeting due to lack of a quorum present who attended that meeting.

III. NEW BUSINESS -

A. Travis Dickinson –Show cause hearing for criminal history as listed on application. Mr. Dickinson was asked to reappear before the commission with a letter from his Parole officer addressing his parole status and a letter from his Broker stating that he/she was aware of his prior convictions. Mr. Dickinson could not provide a letter from his broker. He stated that this was due to a miscommunication with Maria Ward, one of the decision makers, but did not realize that there was another decision maker who did not know about his prior convictions. Due to the miscommunication Mr. Dickinson will not be employed as previously planned. He is actively seeking a new Broker in the Concord area. The Commission will take this under advisement and discuss with counsel the ability to waive rules due to the six month time frame expiring before the next Commission meeting. If rules cannot be waived, Mr. Dickinson will need to affiliate with a broker prior to six months from passing the examination pursuant to RSA 331-A:11, V.

B. Kimberley Hardy – show cause hearing for criminal conviction and bankruptcy noted on application. Ms. Hardy briefly explained her past issues and stated there were no financial issues since her 2008 bankruptcy filing. She explained that her criminal convictions stemmed from a series of bad choices. She has participated and completed an outpatient program. Keller Williams submitted a letter acknowledging

- previous issues. Following questions from the Commission, Commissioner Lipnick moved to accept Mr. Hardy's explanation, seconded by Commissioner Doyle. The motion unanimously passed.
- C. Elizabeth Roosa – appearance for renewal of lapsed salesperson license. Ms Roosa allowed her license to lapse because she is not actively practicing. She thought she had renewed and placed her license in an inactive status but realized her error while she was completing an online course. Commissioner Lipnick informed the rest of the Commission that he know Ms. Roosa's mother in law but has not had communication with her in some time. He does not feel that this would require him to recuse himself. Commissioner Doyle moved to accept the reinstatement of Ms. Roosa's license, seconded by Commissioner Lipnick. The motion passed 2 - 1.
- D. Julia Buteau - appearance for renewal of lapsed salesperson license. Ms. Buteau had her license in referral status with her company for a year and a half; she claims this is what resulted in a delayed renewal. She would like to renew her license in an active status. Commissioner Lipnick moved to accept the reinstatement of Ms. Buteau's license, seconded by Commissioner Doyle. The motion passed unanimously.
- E. Michael Dalton - appearance for renewal of lapsed broker license. Commissioner Cronin reviewed the licensure history of Mr. Dalton, which included previous late renewals. Mr. Dalton explained that his first late renewal was due to a hip replacement. He then further explained to the Commission the reason for his lapse was a merger of two companies created a lack of a need for his broker license. The management of the new company instructed Mr. Dalton to let his license lapse, he was recently informed that he needed to get his license back. His license is current in Massachusetts and he has completed all required education. Following questions from the Commission, Commissioner Lipnick moved to approve request for reinstatement of Mr. Dalton's license, seconded by Commissioner Doyle. The motion was unanimously approved.
- F. Jacqueline Adams - appearance for renewal of lapsed broker license. Ms. Adams began another career and placed her license in an inactive status. She was under the impression that her license expired in July of 2018 not July 2017. She informed the commission that she has not taken any of her courses to renew her license. Commissioner Lipnick moved to table Ms. Adams's request to renew her lapsed license until the June meeting to allow Ms. Adams to complete her continuing education, seconded by Commissioner Doyle. The motion was unanimously approved.

The meeting was recessed at 9:11 a.m. for a short break.

The meeting was reconvened at 9:20 a.m.

G. Daniel Farley - appearance for equivalency. Mr. Farley has not completed any real estate education. Mr. Farley intends to open a residential property management office, he has owned and rented his own real estate since 2006. Commissioner Cronin conveyed his feeling in regards to the importance of real estate sales experience. Mr. Farley's concern does not relate to taking the education but with the experience requirements to become a broker. Commissioner Cronin suggested working under a broker to gain some level of experience as a salesperson. Mr. Farley does not believe he will gain any more knowledge working under a broker than the experience he already has. Commissioner Doyle moved to deny equivalency and was seconded by Commissioner Lipnick. The motion was unanimously approved.

H. Arlene Hajjar - appearance to request permission to manage two offices. Ms. Hajjar has Managed offices for 20 years; she transitioned to Masiello Group as Managing Broker of Londonderry. She is planning to manage the Londonderry office and the Windham office, about ten minutes away. She would be present physically in each office fifty percent of the week. There are currently 16 people in the Londonderry office that she oversees and an additional 10 in Windham would be added. Commissioner Doyle moved to allow dual management at a cap of no more than 40 staff between the two office, and was seconded by Commissioner Lipnick. The motion was unanimously approved.

IV. OTHER BUSINESS –

A. Discussion of continuing education CE requirements for the first renewal after returning to active status Commissioner Dan Jones joined the meeting by phone. Commissioner Jones believes that a licensee should not have to take an additional 15 hours to renew a license just months after taking courses to bring a license status from inactive to active. Former Director Beth Edes would let licensees' renew six months prior to expiration to avoid such a situation. Commissioner Jones feels that because an active licensee needs 15 hours to renew, that any continuing education earned within the two years should be eligible to be used for renewal regardless if it was used to return to active practice. Commission staff will review rule changes to reflect Commissioner Jones' suggestion.

B. Pending legislation update. Division Director Joe Shoemaker provided a summary of Senate Bill 334 regarding temporary licensure. As this bill reads now, the Real

Estate Commission would be exempt because there is a provision for reciprocity in our Statute.

- C. Petition for Rule Change from Ann Flanagan. The Commissioners accepted Ms. Flanagan's petition for rule changes. Commission staff will review all of the requested changes and report back to the Commission.
- D. Renewal of Lapsed Licenses. A brief discussion was held regarding the renewal/reinstatement of lapsed licenses. Should there be an additional fee or a reinstatement application similar to other professions under the OPLC, if so, this should be added to the upcoming rule change. The concern is to closely monitor whether any transactions are conducted while a licensee has an expired license.
- E. Examination updates for law changes. Ann Flanagan suggested REC staff contact PSI and verify that they have incorporated recent law changes. It was also suggested contacting Bob Quinn of the NH Association of Realtor's Bob Quinn for law updates.

V. NON-PUBLIC SESSION -

At 10:25 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 April 17, 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, June 19, 2018 at 8:30 a.m.

IX. MEETING ADJOURNED –

At 11:22 a.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.