

**NEW HAMPSHIRE REAL ESTATE COMMISSION  
COMMISSION MEETING MINUTES  
September 18, 2018**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, September 18, 2018 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners Dan Jones, John Cronin, Richard Hinch and Susan Doyle. Commissioner Paul Lipnick was not present

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 8:43 a.m. by Commissioner Jones.

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

Commissioner Cronin moved to approve the July 17, 2018 minutes, Commissioner Doyle seconded. The motion passed 3-0. Commissioner Hinch abstained.

**III. NEW BUSINESS –**

Show Cause Hearings:

A. Patrick Flaven – Show cause hearing for criminal charges. Reappearance now that all charges have been settled. Mr. Flaven was charged with two misdemeanors, ordered to pay a fine and put on probation. Commissioner Hinch made a motion to approve Patrick Flaven’s application for licensure, seconded by Commissioner Cronin. Motion passed unanimously.

Appointments:

B. Tiffany Donegan – appearance for renewal of lapsed salesperson license. Ms. Donegan informed the Commission that her license had been lapsed for approximately ten years and that she had not been practicing. Commissioner Cronin moved to deny renewal due to the longevity of time that has passed since her license was active, seconded by Commissioner Hinch. Motion passed unanimously.

**IV. OTHER BUSINESS**

- A. Commissioner Jones discussed a recent question whether previous Continuing Education credits used for a renewal could also be used toward broker application. The Commission agreed that a broker applicant could apply Continuing Education credits, previously used for renewal, toward their required 60 hours of qualifying education as long as it was earned in the 24 months prior to licensure.
- B. Lisa Davidson updated the Commission on the agenda of the Instructor's Conference.

The meeting was recessed at 9:10 a.m. for a short break.

The meeting was reconvened at 9:25 a.m.

## **V. DISCIPLINARY HEARINGS –**

9:30 Complaint Docket No. 2017-012 Michael Panebianco v Gary Volpe & Complaint Docket No. 2017-013 Michael Panebianco v Gary Volpe –

The complainant, Michael Panebianco, was present and not represented by counsel. Respondent, Gary Volpe was present and not represented by counsel but his girlfriend Sylvie Forcier was present.

Commissioner Jones was recused from the matter and did not participate. Commissioner Cronin was appointed as the Presiding Officer.

The Commission considered Investigator Michael Porters Motion to In Limine which asked to strike all exhibits except M – R, T – V, and Y. Respondent Volpe argued that Exhibits I and Z were extremely relevant to the case. Presiding Officer Cronin said that he would defer a ruling Exhibits I and Z based on if Respondent Volpe laid the foundation for them. Mr. Volpe had no objections to exhibits 1-21 submitted by Investigator Michael Porter.

Commissioner Cronin administered the oath to all parties and explained the hearing process. The matter then proceeded to hearing at 9:23 a.m.

Investigator Michael Porter presented testimony regarding the complaint alleging Mr. Volpe violated RSA 331-A:26, IV; RSA 331-A-26, V; RSA 331-A-26, XXVI; RSA 331-A-26, XXIX; RSA 331-A-26, XXXI; RSA 331-A-26, XXXVI; Rea 404.04(a) . His witnesses included: Attorney Michael Panebianco, Attorney David Craig, Thomas Argue, Gary Volpe, William Coulter, Jr., and Steve Morrissette. No other witnesses were introduced by the respondent.

Following testimonies and Commission member questions of both parties, Presiding Officer Cronin closed the hearing at 1:08 p.m. Commissioner Hinch requested tabling Commission deliberation until a later time.

The meeting was recessed at 1:15 p.m. for a short break.

The meeting was reconvened at 1:50 p.m.

1:30 Complaint Docket No. 2018-007 Jerry and Carolanne Jordan v John Trumbull &  
Complaint Docket No. 2018-008 Jerry and Carolanne Jordan v Roland Labrecque

The complainants, Jerry and Carolanne Jordan, were present and not represented by counsel. Respondent, John Trumbull was present and was represented by Attorney Stark. Respondent Roland Labrecque was present and represented by Attorney Johnson.

Commissioner Jones was Presiding Officer. Commissioner Cronin was recused and did not participate.

The oath was administered to all parties and the hearing process was explained. The matter then proceeded to hearing at 1:51 p.m.

Investigator Michael Porter presented testimony regarding the complaint alleging the Mr. Trumbull and Mr. Labrecque violated RSA 331-A:26, XXIX. His witnesses included: Roland Labrecque, John Trumbull, Jerry Jordan, Carolanne Jordan and Erin Poirier. Attorney Rodney Stark called Mrs. Trumbull as a witness for the respondent.

Following testimonies and Commission member questions of both parties, Chairman Jones closed the hearing at 5:49 p.m. Commissioner Hinch requested tabling Commission deliberation until a later time.

The meeting was recessed at 5:49 p.m. for a short break.

The meeting was reconvened at 6:00 p.m.

## **VI. NON-PUBLIC SESSION -**

At 6:00 p.m. following an appropriate motion by Commissioner Jones and second by Commissioner Hinch 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 July 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.

**VII. PUBLIC MEETING RECONVENED –**

At 6:30 p.m. an appropriate motion was made by Commissioner Cronin and seconded by Commissioner Hinch, and the Commission unanimously voted, to reconvene the public meeting.

**VIII. NON-PUBLIC MINUTES SEALED –**

On an appropriate motion by Commissioner Jones and second by Commissioner Hinch 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.

**IX. SETTLEMENT AGREEMENTS –**

David O' Rourke – Commissioner Cronin made a motion to accept a settlement agreement, signed by David O'Rourke, in which he is found in violation of RSA 331-A:25-b(2) and RSA 331-A:26,V. The terms of the settlement include a fine of \$2000.00, a 3 hour Commission approved course in the area of Contracts, and a 3 hour Commission approved course in the area of ethics due within 60 days. The motion was seconded by Commissioner Hinch. The motion passed unanimously.

David Lorrey - Commissioner Cronin made a motion to accept a settlement agreement, signed by David Lorrey, in which he is found in violation of RSA 331-A:25-a and RSA 331-A:25-b, II(b). The terms of the settlement include a fine of \$250.00 and a 3 hour Commission approved course in the area of Agency Relationships due within 60 days. The motion was seconded by Commissioner Hinch. The motion passed unanimously.

Susan Whelan - Commissioner Cronin made a motion to accept a settlement agreement, signed by Susan Whelan, in which she is found in violation of RSA 331-A:26, XXIX and RSA 331-A:25, a (1). The terms of the settlement include a fine of \$1000.00 and a 3 hour

Commission approved course in the area of Ethics due within 90 days. The motion was seconded by Commissioner Hinch. The motion passed unanimously.

Anna Thackston - Commissioner Cronin made a motion to accept a settlement agreement, signed by Anna Thackston, in which she is found in violation of RSA 331-A:25-c, RSA 331-A:26 V, and RSA 331-A:26, XXIX. The terms of the settlement include a fine of \$2000.00 due within 60 days. The motion was seconded by Commissioner Hinch. The motion passed unanimously.

Lisa Ann Chinatti - Commissioner Cronin made a motion to accept a settlement agreement, signed by Lisa Ann Chinatti, in which she is found in violation of RSA 331-A:3. The terms of the settlement include a fine of \$2000.00 due within 90 days. The motion was seconded by Commissioner Hinch. The motion passed unanimously.

**X. HEARING DELIBERATIONS –**

- a. Complaint Docket No. 2018-007 Jerry and Carolanne Jordan v John Trumbull – Commissioner Hinch made a motion to find John Trumbull in violation of RSA 331-A:26, XXIX. The order should include a \$2000.00 fine, a 3 hour Agency course, and a 3 hour Ethics course to be taken in a classroom setting in addition to any continuing education. Payment for the fine and all continuing education is due within 60 days. The motion was seconded by Commissioner Doyle. The motion passed unanimously. Commissioner Cronin was recused and not present.
- b. Complaint Docket No. 2018-008 Jerry and Carolanne Jordan v Roland Labrecque - Commissioner Hinch made a motion to find Ronald Lebrecque in violation of RSA 331-A:26, XXIX. The order should include a 3 hour core course, 3 hour Agency course, and a 3 hour Ethics course to be taken in a classroom setting in addition to any continuing education hours due. Education is due if Mr. Labrecque chooses to change his license status to “Active”. The motion was seconded by Commissioner Doyle. The motion passed unanimously. Commissioner Cronin was recused and not present.

**XI. NEXT MEETING –**

The next meeting is scheduled for Tuesday, October 16, 2018 at 8:30 a.m.

**XII. MEETING ADJOURNED –**

At 6:45 p.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.