

**NEW HAMPSHIRE REAL ESTATE COMMISSION
COMMISSION MEETING MINUTES
November 20, 2018**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, November 20, 2018 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners Dan Jones, Richard Hinch, Paul Lipnick and Susan Doyle. Commissioner John Cronin 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 8:40 a.m. by Commissioner Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Lipnick moved to approve the October 16, 2018 minutes with a minor spelling change, Commissioner Doyle seconded. The motion passed 3-0. Commissioner Hinch abstained.

III. NEW BUSINESS –

Show Cause:

- A. Jason Shea – Commissioner Jones explained the reason for the show cause was due to the number of criminal issues that fact that some issues remain unresolved. Mr. Shea believes a recent felony issue for vandalizing property will be reduced to a misdemeanor for a malicious charge. Mr. Shea is applying for an inactive license under the advice of Greg McCarthy who stated that he get an inactive salesperson license and then maybe they can work with him to get his license activated. Chair Jones expressed concern of the two unresolved cases. Commissioner Hinch moved not to approve until cases are cleared. Commissioner Lipnick suggested Mr. Shea reappear after the cases are closed. Commission staff clarified that Mr. Shea will have to retake the exam if not licensed within 6 months of passing exam, which he passed in July 2018.
- B. Kristina Webster – Ms. Webster presented an addition reference to the Commission from retired Police Officer Stephen Parsons. Ms. Webster had already provided the Commission with a through explanation prior to the meeting. Commissioner Hinch

moved that they approve for licensure, seconded by Commissioner Doyle. Motion passed unanimously.

Appointments:

- C. Stephen Andrew – appearance for renewal of lapsed broker’s license. Mr. Andrew informed the commission that he missed his renewal period due to his computer crashing. He has not conducted any transactions while his license has been lapsed. Mr. Andrews said it is not his intention to have any salespersons work for him but rather refer business. Commissioner Hinch moved to approve reinstatement and strongly suggested that Mr. Andrews take an Ethics course. Commissioner Doyle seconded. Motion passed unanimously.
- D. Brian Moses – Mr. Moses was last actively selling in 2006. He does plan on taking the 60 hours of education as well as both the State and National portions of the examination but does not want to have to regain his sales experience. A motion was made by Commissioner Hinch to approve Mr. Moses experience, seconded by Commissioner Doyle. Motion passed unanimously
- E. Adam Dean and David Millett – Mr. Millett and Mr. Dean appeared to request permission for David to act as the Managing Broker for two offices. The offices are in Rindge and Bedford with a total of approximately 54 agents between the two offices. A motion was made by Commissioner Hinch to approve Mr. Dean and Mr. Millett’s request, seconded by Commissioner Doyle. Motion passed unanimously.

IV. OTHER BUSINESS

- A. Commission Staff updated the Commission that we are ready to move forward with the process for changing the exam from AMP to PSI format and reducing it from 100 to 80 questions A motion was made by Commissioner Hinch to approve transfer, , seconded by Commissioner Doyle. Motion passed unanimously.
- B. Administrator Rick Wisler explained the recommendation for Post-Licensing education from the committee in response to SB 461. The recommendations will require rule changes.
- C. A Letter from Dave Garvey was given to the Commission to review. This letter is in reference to the financial impact their declaratory ruling regarding LLC’s has on businesses. The Commission will take it under advisement.

- D. Attorney Bob Quinn came forth to update the Commission on the progress of Attorney Matt Johnson's suggested changes on Sharing Transaction Commissions declaratory ruling. Attorney Johnson's concern are the 5 paragraphs between the first and the last paragraph that seem contradictory. Administrator Wisler suggested a conference call between the Attorney General's office, a few Commissioners, Attorney Quinn and Attorney Johnson.

V. QUESTIONS AND COMMENTS

- A. Ann Flanagan asked the status of her request for declaratory ruling re: Unlawful Practice under expired license. This lead to further question of an agent leaving a firm, or letting a license expire, but still has open transactions.
- B. Shannon Whalen raised a question about the OPLC again providing "green" rule books to pre-licensing instructors as well as all core course attendees. Division Director Shoemaker will look into this further.

The meeting was recessed at 10:05 a.m. for a short break.

The meeting was reconvened at 10:14 a.m.

VI. NON-PUBLIC SESSION -

At 10:14 p.m. following an appropriate motion by Commissioner Hinch and second by Commissioner Doyle 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 11:15 p.m. an appropriate motion was made by Commissioner Hinch and seconded by Commissioner Doyle, and the Commission unanimously voted, to reconvene the public meeting.

VIII. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Hinch and second by Commissioner Doyle 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. DELIBERATIONS

Complaint Docket No. 2017-012 Michael Panebianco v Gary Volpe – Tabled due to lack of quorum

Complaint Docket No. 2017-013 Michael Panebianco v Gary Volpe – Tabled due to lack of quorum

X. NEXT MEETING –

The next meeting is scheduled for Tuesday, December 18, 2018 at 8:30 a.m.

XI. MEETING ADJOURNED –

At 11:19 p.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.