

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

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, December 18, 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, John Cronin 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 8:33 a.m. by Commissioner Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Lipnick moved to approve the November 20, 2018 meeting minutes, Commissioner Hinch seconded. The motion passed 4-0. Commissioner Cronin abstained.

III. NEW BUSINESS –

Appointments:

- A. Jennifer Dore – Ms. Dore explained to the commission that although she does not have the six transactions on her own, she does have vast experience in the lending process. She has worked on over 250 transactions from start to finish, including negotiations and contract writing. She would like her Broker's license because her current office is expanding and she would like to be the Managing Broker of the new office. Commissioner Hinch moved to approve equivalent experience, seconded by Commissioner Doyle. Motion passed 4-1.
- B. Nancy King – Ms. King was a licensed agent from 1980 – 2013 in Connecticut. Most of her experience is in relocation services. She is currently working as a facilitator in new agent training, and teaches home buying and selling at Harvard University. The last time she listed homes was about a year and a half ago. In Connecticut Ms. King worked with buyers and developers but does not have any sales experience in New Hampshire. Commissioner Hinch moved to approve equivalent experience, seconded by Commissioner Cronin. Motion passed unanimously.

- C. Patrick Brennan – Mr. Brennan presented transaction agreements to the Commission and explained that his name did not appear on any listing sheets because New York did not have a MLS system however, he has done over 1,000 transactions. He informed the Commission that he has not begun the education nor has he taken any exams. Commissioner Cronin voiced his concern of the major differences between markets in New York and New Hampshire and Mr. Brennan’s lack of sales experience within the state of New Hampshire. Commissioner Cronin suggested that Mr. Brennan take the sales education, exam and work under a broker for a brief amount of time, not necessarily the full 2000 hours. After a brief discussion Mr. Brennan withdrew his request for equivalency.
- D. Chuck Schubert – Mr. Schubert explained to the Commission that the majority of his work is as a commercial real estate appraiser, although he does do some residential. He was licensed in the 1990’s and his license through reciprocity, at that time, with Pennsylvania. He admitted that he has not taken any New Hampshire real estate education courses other than Realtors’ ethics course. Commissioner Doyle expressed concern for lack of “front line” experience. Commissioner Cronin suggested that Mr. Schubert take the sales education, exam and work under a broker for a brief amount of time, not necessarily the full 2000 hours. After a brief discussion Mr. Schubert withdrew his request for equivalency.
- E. Danielle Lape – Requested to postpone until January 15, 2019 meeting due to weather conditions.
- F. Nancy Pelletier – Explained to the Commission that she worked with the homeless and veterans to find better homes. Commissioner Hinch expressed his concerns for her lack of attentiveness to repeated renewal notices. Commissioner Hinch moved to approve Ms. Pelletier’s renewal application. Commissioner Cronin seconded, motion passed unanimously.
- G. Robert Peterson – The Commissioners’ expressed their concern for Mr. Peterson’s pattern of late renewals. Mr. Peterson explained that he misunderstood the rules and didn’t know renewing late would reflect poorly on him. He assured the Commission that this would not happen again. Commissioner Cronin moved to approve Mr. Peterson’s renewal application. Commissioner Hinch seconded. Motion passed unanimously.
- H. Michael Barry – Mr. Barry missed his renewal period due to the death of a family member. He was late in the past due to an immediate family members passing. Commissioner Cronin moved to approve Mr. Peterson’s renewal application. Commissioner Hinch seconded. Motion passed unanimously.

- I. Linda Desmond – Ms. Desmond missed her renewal period due to a serious accident which resulted in numerous surgeries. Commissioner Hinch moved to approve Mr. Peterson’s renewal application. Commissioner Cronin seconded. Motion passed unanimously.

Disciplinary Hearing:

- A. 9:40 Docket Nos. 2018-022 & 2018-042 NHREC v Craig Lancey

One of the complainants, Kathy Ravagno, was present and not represented by counsel. The second complainant, Susan Ayles, could not be present. Respondent, Craig Lancey was present and was represented by his counsel, Attorney Withum. He was also accompanied by his wife, Kathy Lancey.

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 9:40 a.m.

Investigator Michael Porter presented testimony regarding the complaint alleging that Mr. Lancey violated RSA: 331-A: 25-b, I, 5, 11-(a), 331-A:25-c, II (a), 331-A: 26, IV,XXVI, RSA 331-A:25-a(x 5), and 331-A: 26, XXIX. His witnesses included: Kathleen Ravagno, Jim Ravagno, and Craig Lancey. Attorney Withum called Mrs. Lancey as a witness for the respondent.

Following testimonies and Commission member questions of both parties, Chairman Jones closed the hearing at 1:50 p.m. Commissioner Jones stated that deliberation may be tabled until a later time depending on the rest of the agenda.

IV. NON-PUBLIC SESSION -

At 1:55 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.

V. PUBLIC MEETING RECONVENED –

At 2:10 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.

VI. 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.

VII. DELIBERATIONS

- A. Complaint Docket Nos. 2017- 012 & 2017 – 013 Michael Panebianco v Gary Volpe – In a motion made by Commissioner Cronin and seconded by Commissioner Hinch Mr. Volpe was found in violation of RSA 331-A:26, XXXI and ordered to pay a fine of 1000.00 dollars within 30 days as well as take a live course in ethics and a core course, in addition to all required continuing education, within 90 days. Mr. Volpe was also assessed a 350.00 file to cover investigation costs pursuant to RSA 332-G:11. Motion passed 3 – 0.

Attorney John Cronin left

VIII. NON-PUBLIC SESSION -

At 2:15 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.

IX. PUBLIC MEETING RECONVENED –

At 2:25 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.

X. 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.

XI. DELIBERATIONS

- B. Complaint Docket Nos. 2018-022 & 2018-042 NHREC v Craig Lancey – In a motion made by Commissioner Hinch and seconded by Commissioner Doyle Mr. Lancey was found in violation of RSA 331-A:26, V; 331 – A:26, XXIX; 331-A:26, XXXVI; and 331-A:25a and ordered to pay 1250.00 per violation for a total of 5000.00 due within 60 days as well as take 12 hours of live education in courses consisting of ethics, contracts, core, and agency, in addition to all required continuing education, within 90 days. Motion passed 4 – 0.

XII. NEXT MEETING –

The next meeting is scheduled for Tuesday, January 15, 2019 at 8:30 a.m.

XIII. MEETING ADJOURNED –

At 2:55 p.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.