

NEW HAMPSHIRE REAL ESTATE COMMISSION
MEETING MINUTES
March 19, 2019

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, March 19, 2019 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners: Chair Daniel Jones, Paul Lipnick, Steven Hyde, Esq. and Susan Doyle.

Also present from OPLC: Division Director Joe Shoemaker, Investigator Michael Porter, Administrator Rick Wisler, and Staff member Bobbie Carter.

Not present was Commissioner Richard Hinch.

I. CALL TO ORDER –

The meeting was called to order at 8:32 a.m. by Commissioner Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Lipnick moved to approve the February 19, 2019 meeting minutes, Commissioner Doyle seconded. The motion passed 3-0, Commissioner Hyde abstained.

III. NEW BUSINESS –

Appointments:

- A. James Tobin – Mr. Tobin currently works for Brady Sullivan Properties and he presented a spreadsheet of experience history to the Commission. Commissioner Hyde questioned how his experience was equivalent to one year of sales experience; Mr. Tobin summarized his experience with clients, drafting proposals and review with counsel, negotiating letters of intent. He explained that 100% of his daily duties are transactional. Commissioner Lipnick made a motion to accept equivalency experience but the exam and education would still need to be taken, seconded by Commissioner Doyle. Motion passed 3-1.

- B. Nicholas Couturier – Request to Manage an Additional Office. Mr. Couturier explained to the Commission that Mr. Mantos will be working with his firm and is in the process of obtaining his broker license. Once approved, Mr. Mantos will become the broker for the second office. Commissioner Jones mentioned that a surety bond will be required for each office managed by Mr. Couturier. Commissioner Doyle moved to approve, seconded by Commissioner Lipnick. Motion passed unanimously.

- C. James McCann – Request to Renew Lapsed Salesperson License – Did not appear.

IV. OTHER BUSINESS –

A. Questions and Comments:

Question was put forth by Ann Flanagan regarding the roll out of new broker exam.

Administrator Rick Wisler responded that it could be delayed by a few weeks, and that no further update available. The providers were agreeable to a further delay if needed.

Ann Flanagan asked the Commission about when the rules hearing would be scheduled and when public comment would open. Administrator Wisler informed her that the Public hearing on proposed rules will be scheduled at an upcoming meeting but we did not know the date at this time.

V. NON-PUBLIC SESSION –

At 9:30 a.m. following an appropriate motion by Commissioner Lipnick 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 February 19, 2019 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 10:45 a.m. an appropriate motion was made by Commissioner Lipnick and seconded by Commissioner Doyle, and the Commission unanimously voted, to reconvene the public meeting.

VII. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Lipnick 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.

VIII. Memo from Michael Porter Re: Case 2018-008 Jordan v. Lebreque Settlement Agreement Continuing Education Requirement – Investigator Porter suggests accepting 13.5 hour class that Mr. Lebreque took with Gerald Winn in lieu of other required courses specified in the order written by the Commission. The topics that were specified in the Commission's Oder were covered within the course that Mr. Lebreque took. Commissioner Hyde moved to accept recommendation, Commissioner Doyle seconded. The motion passed unanimously.

IX. NEXT MEETING –

The next meeting is scheduled for Tuesday, April 16, 2019 at 8:30 a.m.

X. MEETING ADJOURNED –

At 11:06 a.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bobbie Carter".

Bobbie Carter
Supervisor II