

**NEW HAMPSHIRE REAL ESTATE COMMISSION
MEETING MINUTES
May 16, 2019**

A meeting of the New Hampshire Real Estate Commission was held on Thursday, May 16, 2019 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

Present: Commissioners: Chair Daniel Jones, Paul Lipnick, Richard Hinch, 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.

I. CALL TO ORDER –

The meeting was called to order at 8:29 a.m. by Commissioner Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Hinch moved to approve the April 16, 2019 meeting minutes, Commissioner Doyle seconded. The motion passed unanimously.

III. NEW BUSINESS –

Appointments:

- A. Donna Gerry – Request to manage two offices. Donna Gerry and Edward Moffey appeared. Ms. Gerry stated that the offices are about five to seven minutes apart. There are twenty three agents between the two offices, eight are in Dover and the rest are in Durham. Ms. Gerry does work out of both offices on a daily basis. Commissioner Hinch made a motion to approve the request, seconded by Commissioner Hyde. Motion passed unanimously

- B. Adam Dean – Request to manage his third offices. Mr. Dean is requesting to manage his third office in Tilton, due to his managing broker sudden departure. He feels that he can make a decision and appoint a permanent managing broker for this location in sixty days. Commissioner Hyde made a motion to approve the request to allow Adam Dean to manage this office as well as the other ones for a period of sixty days, seconded by Commissioner Hinch. Motion passed unanimously

- C. Thomas Wemett – Equivalency – Mr. Wemett is already a licensed broker in Florida, New York and Massachusetts and would like to work in New Hampshire. After a brief discussion Commissioner Hinch made a motion to approve Equivalent experience but require Mr. Wemett to take the 60 hour course and both portions of the exam, seconded by Commissioner Hyde, Motion passed unanimously.

- D. Arthur Santos – Equivalency – Mr. Santos is an attorney in Massachusetts with a Massachusetts broker’s license. He operates his own agency now with one other agent. His plan is to conduct business in New Hampshire with agents working for him but to keep his practice small. Commissioner Hinch made a motion to approve Mr. Santos request for equivalency. His law degree can be used for his education, Commissioner Hyde seconded. Motion passed unanimously.
- E. Jessica Donahue – Request to Renew Lapsed Salesperson License. Licensed as a salesperson in Massachusetts. Wants to come back to New Hampshire. When asked, she stated she wanted to concentrate on her Massachusetts license so she did not complete her continuing education to renew her NH license. She stated that her Broker, Joseph Ready, would not send her wall license back to the Commission office even after repeated requests. Commissioner Hyde moved to deny renewal of licensure due to the request not being in a reasonable amount of time and for a lack of good cause, seconded by Commissioner Doyle. Motion passed 3-1.
- F. Lawrence Watson – Request to Renew Lapsed Salesperson License. Mr. Watson was renewing his license with the referral part of the brokerage and there was concern over the affiliation form. He admits that he received and disregarded Donna Martel’s email requesting this form. When he received Bobbie Carter’s email, he realized what a grave mistake he made. Commissioner Hinch moved that because the time period was reasonable and good cause was shown that Mr. Watson’s request for reinstatement be granted, seconded by Commissioner Lipnick. Motion passed unanimously.
- G. Stacy Gerson – Request for Equivalency. Ms. Gerson provided the additional information for the Commissions review; they also received guidance from Legal Counsel. Commissioner Hinch made a motion to accept Ms. Gerson’s equivalent experience. She would still need to take the 60 hour broker course and both examinations, Commissioner Hyde seconded. Motion passed unanimously

IV. ADMINISTRATIVE RULES HEARING –

The administrative rules hearing opened at 9:18 a.m. Testimony was heard from William Arnott, Beth Edes, Kathy Roosa, Ann Flanagan, Lynn LaBombard, and Shannon Whaley. Written comments were received from William Arnott, Beth Edes, Ann Flanagan and John Doran. The hearing closed at 9:53 a.m.

9:53 - 10 min break

V. OTHER BUSINESS –

Review and Decision of Petition for Rule Changes – The Commission reviewed Ms. Flanagan’s petition for additional rule changes, and related staff comments, and determined the following:

- 404.05 adding “team of such licensees” - Commissioner Hinch moved to deny the petition for Rea 404.05, Commissioner Hyde seconded. The motion passed unanimously.
- 404.06 new rule defining teams - Commissioner Hinch moved to deny the petition for Rea 404.06, Commissioner Hyde seconded. The motion passed unanimously.
- 701.01 deleting certain sections - Commissioner Hinch moved to deny the petition for Rea 707.01 as they feel there is no confusion, Commissioner Hyde seconded. The motion passed unanimously.
- 301.01 Commissioner Hyde moved to deny changing forms now, Commissioner Hinch seconded. Motion passed unanimously.

Questions and Comments

William Arnott addressed the Commission. He commented on fees and 125%. He feels there needs to be a correction. He also believes REC brings in enough revenue and should be a separate unit apart from OPLC. Commission requested staff perform an analysis of expenses and revenues and report back.

VI. SHOW CAUSE HEARING 10:00

Kevin Castro – Failure to pay bounced check fee and application fee. Mr. Castro was not present. The hearing proceeded in absentia. Commissioner Hinch made a motion that Mr. Castro was given adequate notice to appear and comply with the requirements and since he has not his license should be revoked, seconded by Commissioner Lipnick. Motion passed unanimously.

VII. NON-PUBLIC SESSION –

At 10:44 a.m. following an appropriate motion by Commissioner Hyde 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 April 16, 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.

VIII. PUBLIC MEETING RECONVENED –

At 12:00 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.

IX. NON-PUBLIC MINUTES SEALED –

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

X. NEXT MEETING –

The next meeting is scheduled for Tuesday, June 18, 2019 at 8:30 a.m.

XI. MEETING ADJOURNED –

At 12:02 p.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