

NEW HAMPSHIRE REAL ESTATE COMMISSION
MEETING MINUTES
August 20, 2019

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, August 20, 2019 at 8:30 a.m. at 121 South Fruit Street, Room #B119, Concord, New Hampshire 03301.

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

Also present from OPLC: Division Director Joe Shoemaker, Investigator Michael Porter, Board Administrator Rick Wisler and Bobbie Mayo.

I. CALL TO ORDER –

The meeting was called to order at 8:34 a.m. by Chairman Jones.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Hinch moved to approve the July 16, 2019 meeting minutes, Commissioner Lipnick seconded. The motion passed 4-0. Commissioner Jones abstained.

III. NEW BUSINESS –

Appointments:

- A. Matthew B. Pierce – Mr. Pierce appeared before the Commission to request that his license be reinstated. Mr. Pierce was a licensed salesperson from May 11, 2016 to May 11, 2018. The Commission received his request to reinstate on June 20, 2019. Mr. Pierce stated that he let his license lapse due to the birth of his child and the need to focus his priorities elsewhere. The Commission asked Mr. Pierce questions and a brief discussion was held. Commissioner Hyde made a motion to deny the request for reinstatement because Mr. Pierce did not show good cause or reasonable time as required per RSA 331-A:18, II, seconded by commissioner Hinch. The motion was approved unanimously.

- B. Sara Holland – Ms. Holland appeared before the Commission to request permission to act as the Principal Broker for Independent Firms Sky Lake Vacations in Laconia, NH and The Holland Group, LLC in Campton, NH as well as acting as the Managing Broker for a Branch office for The Holland Group, LLC in Plymouth, NH. Ms. Holland explained that there is a plan to consolidate the Laconia office into the Campton office in the near future

and that all sales will be done out of the main Campton office. A motion was made by Commissioner Hinch to approve Ms. Holland's request, seconded by Commissioner Hyde. Motion passed unanimously.

- C. Carol Shephard – Ms. Shephard appeared before the Commission to seek permission to act as the Principal Broker for CG Shephard Realty, LLC in Grantham as well as acting as the Managing Broker for a Branch office for CG Shephard Realty, LLC in Lebanon, NH. Ms. Shephard explained that she will be the only one working out of the Lebanon office. A motion was made by Commissioner Hinch to approve Ms. Shephard's request, seconded by Commissioner Hyde. Motion passed unanimously.
- D. Andrew Smith – Mr. Smith appeared before the Commission to seek permission to act as the Principal Broker for Profile Capital, LLC in Franconia, 383 Main Street, LLC in Franconia and Peabody and Smith, LLC in Littleton and Franconia. As well as seeking a one year approval to be the Principal Broker of Bretton Woods Rentals, LLC in Bretton Woods, NH. A motion was made by Commissioner Hyde to approve Mr. Smith's request, and that Mr. Smith submit a managing broker prior to the expiration of one year, seconded by Commissioner Hinch. Motion passed unanimously.
- E. Kevin Haynes – Mr. Haynes appeared before the Commission to seek permission to act as the Managing Broker for Country Houses, LLC DBA Coldwell Banker Lifestyles DBA Coldwell Banker Lifestyles in Franconia and Littleton. Mr. Haynes stated that he has been doing this successfully for many years. A motion was made by Commissioner Hyde to approve the request, seconded by Commissioner Hinch. Motion passed unanimously.
- F. Jessica Oliveria - On July 5, 2019, Jessica Oliveira submitted a broker application form to the Real Estate Commission office to obtain her broker license based on equivalent experience from her real estate license in Florida. She has been a broker in Florida since 2015. Ms. Oliveira has submitted her application, equivalent experience form, transaction verification form, MLS sheets and a spreadsheet containing more than 40 additional transactions. The Commission asked Ms. Oliveria questions and a brief discussion was held. A motion was made by Commissioner Hinch to approve the request for equivalency, seconded by Commissioner Hyde. Motion passed unanimously.
- G. Tracy Treahy – Due to travel constraints Ms. Treahy called into the Commission meeting as she could not appear in person. On July 18, 2019 Tracey Ann Treahy submitted an equivalency form, transaction verification sheet and corresponding MLS sheets to the Real Estate Commission office to ultimately obtain licensure based on equivalent experience from her real estate license in Colorado, she has been an associate broker in

Colorado since 2009. It appears that an associate broker in Colorado is equivalent to a salesperson in New Hampshire. The Commission asked Ms. Treahy questions and a brief discussion was held. A motion was made by Commissioner Hyde to approve the request for equivalency, seconded by Commissioner Hinch. Motion passed unanimously.

IV. SHOW CAUSE HEARING –

- A. Angela Gallant – Ms. Gallant was present. She presented her criminal history to the commission and explained each incident thoroughly. She gave an explanation of her work history and provided letters of recommendation to support her character and professionalism. The Commission asked Ms. Gallant additional questions and a brief discussion was held. Commissioner Lipnick made a motion to approve Ms. Gallant for licensure, seconded by Commissioner Hinch. The motion passed unanimously. Commissioner Hyde asked that the record reflect that Ms. Gallant’s letters of recommendation has shown her character to be trustworthy as required per RSA 331-A.

- B. Meredith Wiles – Ms. Wiles was present. Investigator Porter presented the facts and timeline on behalf of the Commission. Investigator Porter stated that Ms. Wiles failed to submit payment for her renewal after her check bounced pursuant to Rea 301.04(b) after being contacted numerous times by Commission staff, ultimately rejecting certified mail from the Commission office. Ms. Wiles stated that this was not her intention, that she was out of the state on family matters and when she returned, she knew what was in the certified letter and that was the reason that she refused. The Commission asked Ms. Wiles additional questions and a brief discussion was held. Commissioner Hyde made a motion to revoke Ms. Wiles license per 331-A:10 stating that her behavior was unprofessional in nature and does not qualify her for renewal, seconded by Commissioner Hinch. The motion passed unanimously.

10:05 a.m. Meeting break – 10:20 a.m. Meeting reconvened.

V. OTHER BUSINESS –

Officer Elections – Commissioner Lipnick nominated Commissioner Hinch to replace Commissioner Daniel Jones as Chair. Commissioner Jones’ term with the Commission ends in September, seconded by Commissioner Hyde. Motion passed unanimously.

Amendment of Order Docket #2019-012 NHREC v Eric Pelletier – Commissioner Hyde made a motion to approve the amendment to the order to add a date but requested the date be September 30, 2019 instead of September 20, 2019, Commissioner Hinch seconded. Motion passed unanimously.

Questions and Comments –

- Instructor Ann Flanagan asked the Commission why the website had expiration dates on the course list. She stated that she felt this was confusing to the licensees and asked that it be removed. Instructor Bill Arnot agreed while Instructor Shannon Whaley stated that she liked the expiration dates and didn't think that they were confusing at all. Staff will look into this issue further.
- Instructor Ann Flanagan asked that a task force be created to look into reciprocity, as the laws and rules are unclear. Administrator Rick Wisler explained that staff has already begun this project by conducting extensive research including but not limited to contacting all 50 states. Staff will report back to the Commission once a proper analysis and conclusion can be made.

VI. NON-PUBLIC SESSION –

At 10:43 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 July 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.

VII. PUBLIC MEETING RECONVENED –

At 12:27 p.m. an appropriate motion was made by Commissioner Hyde 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 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.

IX. NEXT MEETING –

The next meeting is scheduled for Tuesday, September 17, 2019 at 8:30 a.m.

X. MEETING ADJOURNED –

At 12:30 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 Mayo".

Bobbie Mayo
Supervisor II