

**NEW HAMPSHIRE REAL ESTATE COMMISSION
MEETING MINUTES
September 17, 2019**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, September 17, 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 Hinch.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Jones moved to approve the August 20, 2019 meeting minutes, Commissioner Lipnick seconded. The motion passed unanimously.

III. NEW BUSINESS –

Hallie Pentheny – Division Director Hallie Pentheny was introduced to the Commission, she presented the budget for the Commission for FY 2018, 2019 and the predicted budget for FY 2020. She explained that the numbers show that the Real Estate Commission is right at 122% which is where they want to be financially. Administrator Wisler explained that there was a large drop percentage wise between FY 18 and FY 19 because that is when the law was passed that made the OPLC a self-funded agency. The Commissioners asked Director Pentheny a few questions and asked her to find out what percentage they are paying for general costs or rent, copier, DOIT etc. Director Pentheny will get that information for Administrator Wisler.

Appointments:

- A. Thomas C. Carroll – Mr. Carroll originally petitioned the Commission for permission to manage a total of three offices. A notice was sent to Mr. Carroll to appear at 8:30 a.m. Mr. Carroll did not show to state his case before the Commission. A motion was made by Commissioner Jones to deny Mr. Carroll's request, seconded by Commissioner Hyde.

The motion passed unanimously.

IV. DISCIPLINARY HEARING –

A. Complaint Docket #2018-040 NHREC v Kerri McCauley

The complaint was filed on behalf of the Real Estate Commission. Respondent, Kerri McCauley was present and represented by Attorney Dan Corley.

Commissioner Doyle was recused from the matter and did not participate. Commissioner Hyde was appointed as the Presiding Officer. The matter then proceeded to hearing at 9:06 a.m.

Attorney Dan Corley stated that Ms. McCauley was exercising her 5th amendment and would not be speaking at the hearing.

Commissioner Hyde asked Attorney Dan Corley if his client had complied with the subpoena, the question was not answered and was then directed to Investigator Porter who answered. Commissioner Hyde further explained, that because Ms. McCauley did not comply with the subpoena, that a motion for contempt was filed and the respondent would have 30 days to respond to the motion.

Following testimonies and Commissioner Hyde's questions of both parties, Commissioner Hyde continued the matter to October in order to give the respondent and her counsel time to respond to the subpoena.

Presiding Officer Hyde closed the hearing at 9:18 a.m.

V. OTHER BUSINESS –

Petition for Rules Change to Reduce fees – Commissioner Hyde made a motion to table any further discussions until a state budget has been approved, seconded by Commissioner Doyle. Motion passed unanimously.

Administrative Rules – Review of Final Proposal – The Commission reviewed JLCAR attorney's comments. Commissioner Jones made a motion to accept the revisions to the final proposed rules, seconded by Commissioner Doyle. Motion passed unanimously.

Mandatory attendance at the Instructor Workshop – The Commission reviewed a memo provided by staff regarding action taken by the Commission years ago regarding

mandatory attendance, and the belief that a rule change would be required to impose requirements and penalties for non-attendance. Staff further suggested setting up meetings with select core and pre-licensing providers to discuss changes to the rules and workshop format. Attending providers offered comments and suggestions. By consensus the Commission agreed not to impose penalties at this workshop and allow staff to set up meetings with providers.

Questions and Comments – A brief discussion was held regarding the history of fees vs revenues generated.

VI. NON-PUBLIC SESSION –

At 11:13 a.m. following an appropriate motion by Commissioner Jones and second by Commissioner Hyde 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 August 20, 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 12:53 a.m. an appropriate motion was made by Commissioner Jones and seconded by Commissioner Hyde, and the Commission unanimously voted, to reconvene the public meeting.

VIII. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Jones 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, October 15, 2019 at 8:30 a.m.

X. MEETING ADJOURNED –

At 12:53 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