

**NEW HAMPSHIRE REAL ESTATE COMMISSION
MEETING MINUTES
October 15, 2019**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 15, 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: Investigator Michael Porter, Board Administrator Rick Wisler and Bobbie Mayo.

I. CALL TO ORDER –

The meeting was called to order at 8:33 a.m. by Chairman Hinch.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Jones moved to approve the September 17, 2019 meeting minutes, Commissioner Lipnick seconded. The motion passed unanimously.

Commissioner Hyde moved to approve the October, 2019 meeting minutes with a minor addition, Commissioner Lipnick seconded. The motion passed 4-0. Commissioner Jones was recused.

III. NEW BUSINESS –

Appointments:

- A. Christine Tatro – Request to Manage Multiple Offices – Ms. Tatro is requesting to manage additional offices in Gilford and Plymouth. Ms. Tatro presented the Commission with her cloud based management program. She stated that she was a full time, non-competing broker. Commissioner Jones made a motion to approve Ms. Tatro’s request to manage multiple offices, seconded by Commissioner Hyde. Motion passed unanimously.

- B. Rebecca Beauchemin – Request to Manage Multiple Offices – Ms. Beauchemin is requesting to manage an additional office in Portsmouth. She would split her time between the Portsmouth office and the Bedford office. Ms. Beauchemin plans to promote managing brokers from within but does not have a timeframe yet.

Commissioner Jones made a motion to approve Ms. Beauchemin's request to manage multiple offices, seconded by Commissioner Hyde. Motion passed unanimously.

- C. Thomas Carroll – Request to Manage Multiple Offices – Withdrew his request.
- D. Mary Claire Quella – Request for Equivalency – Attorney Quella is licensed in 10 other states and has 4 other licenses pending approval. She has worked in Real Estate as either a Broker or an Attorney for over 25 years. After a brief discussion and question from the Commission, Commissioner Hyde made a motion to approve Attorney Quella's request for equivalency. The motion was seconded by Commissioner Jones, motion passed unanimously.
- E. Seldon Nason - Request for Equivalency – Attorney Nason is licensed as a Broker by attorney waiver in Massachusetts. He has one completed transaction. Commissioner Hyde noted Attorney Nason's past experience does not appear to meet the standard for equivalent experience one-year full time or 2000 hours' part time real estate work. Commissioner Hyde made a motion to deny Attorney Nason's request, seconded by Commissioner Jones. Motion passed unanimously.
- F. Patricia Weatherbsby – Request for Equivalency – She has never been licensed in any state but has been an attorney for 26 years. She has almost completed the 40 hour sales course but thought that her experience may qualify her to start as a broker. Commissioner Hyde noted Ms. Weathersby's past experience does not appear to meet the standard for equivalent experience one-year full time or 2000 hours' part time real estate work, and that she is currently an inactive attorney and may not meet employment requirement over the past 5 years. Commissioner Jones made a motion to deny the request for equivalency, seconded by Commissioner Lipnick. The motion was unanimously approved.
- G. Richard Rosenblum – Request for Equivalency. Mr. Rosenblum does not intend to move to New Hampshire. He is not sure what his business plan is yet. Commissioner Hinch asked if Mr. Rosenblum had transactions from this year, to which he responded that he had 25. Commissioner Hinch stated that he would have liked if Mr. Rosenblum submitted more recent transactions. Commissioner Hyde made a motion to approve Mr. Rosenblum's request for equivalency, seconded by Commissioner Doyle. Motion passed unanimously.
- H. Steven Bintz - Request for Equivalency – Mr. Bintz attended by phone as he was not available to travel to the meeting. Mr. Bintz is seeking licensure in a few

states, he does not intend to move to New Hampshire but he does expect to hire local agents to supervise from New York. Mr. Bintz has been in the business full time since 2013 when he was licensed as a salesperson. Commissioner Hyde made a motion to accept Mr. Bintz request for equivalency, seconded by Commissioner Doyle. Motion passed unanimously.

- I. Cherie Driscoll - Request for Equivalency – Ms. Driscoll was originally approved for equivalency in 2015, she did not pursue licensure at that time. She was licensed as a salesperson but does not currently hold an active license anywhere. She has worked for White Mountain Properties since 2012 as a Property Manager and would like her Broker’s license so the company can expand. Commissioner Hyde noted that she has met the equivalent experience requirement due to her work with property management. Commissioner Hyde made a motion to approve Ms. Driscoll’s request for equivalency, seconded by Commissioner Jones. The motion was unanimously approved.
- J. Grace Drapeau - Request to Renew Lapsed Broker License – Ms. Drapeau attended by phone due to her being located in Florida. Ms. Drapeau has an extensive history of renewing late, she explained that she is a last minute type of person. She feels she has good cause due to traumatic “things” that happened over the last ten years, Commissioner Hyde made a motion to deny the request to reinstate, the time of lapse was not reasonable and good cause was not shown, Commissioner Doyle seconded. Motion passed unanimously.

IV. SHOW CAUSE HEARING

10:15 a.m. 2019-039 NHREC v John Coburn – Show Cause for failure to comply with responding to the Commission. Mr. Coburn did not appear; the hearing was held in absentia. Mr. Coburn’s notice was sent mail and was not returned to us. Commissioner Hyde made a motion to revoke Mr. Coburn’s license permanently effective immediately. The motion was seconded by Commissioner Doyle, the motion passed unanimously.

10:45 a.m. Jessica Donahue – Unprofessional Conduct – Show Cause as to why she told Commissioners the reason for her license lapsing was due to her Broker refusing to turn in her license when in fact she had possession of her license. Ms. Donahue explained that she thought she had a copy and did not intentionally mislead the Commission. A motion was made by Commissioner Lipnick that there be no finding, seconded by Commissioner Jones. The motion passed unanimously.

11:00 a.m. 2019-057 NHREC v A. Joseph Dion - Postponed until November 19, 2019

V. 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 not present but was 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.

Attorney Corley feels that there are jurisdictional issues and that the Commission has no oversight over his client. Investigator Porter filed a motion to file the case with Superior Court for subpoena enforcement. Presiding officer Hyde ruled in favor of the motion.

Investigator Porter stated that he would like to file a motion to refer the case to the Attorney General's office for Criminal prosecution for both a Felony and Misdemeanor. Presiding officer Hyde stated he needed a corrected motion as the motion that was submitted did not include the correct request. Investigator Porter will correct and resubmit.

Presiding Officer Hyde tabled the remainder of the Hearing until December 17, 2019 as Attorney Corley would not be present for November 19, 2019.

VI. OTHER BUSINESS –

Reciprocity – Administrator Rick Wisler presented the Commission with House Bill 355 a bill originally brought forth by Ann Flanagan but amended, which would change the language of reciprocity to license recognition. After a brief discussion, the Commission asked staff to request guidance from the Attorney General's office on the current reciprocity agreements, specifically clarification on the Maine Broker exam issue. Commissioner Jones made a motion to accept the suggested law change to HB355 with the edits as recommended by Commissioner Hyde, seconded by Commissioner Hyde. Motion passed unanimously.

Questions and Comments

Concern raised by the public with granting equivalency to out of state brokers who then have issues with oversight and show weak understanding of New Hampshire laws. Another concern that the experience requirements do not require that any be from sales in New Hampshire.

Additional concern of misunderstandings with property management and short term rentals.

VII. NON-PUBLIC SESSION –

At 12:52 p.m. following an appropriate motion by Commissioner Jones 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 September 17, 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 2:14 p.m. an appropriate motion was made by Commissioner Jones and seconded by Commissioner Hyde, and the Commission unanimously voted, to reconvene the public meeting.

IX. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Hyde and second by Commissioner Jones 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, November 19, 2019 at 8:30 a.m.

XI. MEETING ADJOURNED –

At 2:15 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