

**NEW HAMPSHIRE REAL ESTATE COMMISSION**  
**MEETING MINUTES**  
**July 21, 2020**

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A meeting of the New Hampshire Real Estate Commission was held on Tuesday, July 21, 2020 at 8:30 a.m. Due to the Covid-19 Pandemic and the current State of Emergency in New Hampshire, the meeting was held via teleconference.

Present via video: Commissioners Daniel Jones from his office, Richard Hinch from his office, Steven Hyde, Esq. from his office, and Susan Doyle from her home office.

Not attending: Commissioner Paul Lipnick.

Also present from OPLC: Division Director Joe Shoemaker, Board Administrator Rick Wisler, and staff member Bobbie Mayo via video from the Commission office. Investigator Michael Porter appeared via video. Numerous members of the public were also in attendance via video and telephone.

**I. CALL TO ORDER -**

The meeting was called to order at 8:34 by Chairman Hinch. Commissioner Jones read an opening statement regarding emergency conference call rules and procedures and requested a roll call vote of attending Commission members including location.

**II. READING AND APPROVAL OF THE MINUTES –**

Commissioner Jones moved to approve June 16, 2020 meeting minutes, seconded by Commissioner Doyle. The motion passed unanimously by roll call vote.

**III. NEW BUSINESS -**

Appointments:

- A. Daniel Monfried – Equivalency. Mr. Monfried appeared by video to continue, from last meeting, his request for Equivalency. Mr. Monfried reported he has been a licensed salesperson since March 2020 and discussed his years of commercial leasing/rental experience and acquisitions as COO of a company overseeing a team of real estate professionals. Questioning, prior real estate experience was based on properties owned by his company. Following questions from the Commission, Commissioner Jones moved to accept the request for equivalency, seconded by Commissioner Hyde. The motion passed unanimously by roll call vote.

- B. Heidi Wheeler-Corona – Equivalency. Ms. Wheeler-Corona appeared by video for her appointment to request Equivalency. Ms. Wheeler-Corona reported she has been a licensed broker in New York since 2014, and recently in MA through reciprocity. Her sales experience was primarily from 2002 through 2008. Since then there has been some sales, but experience has primarily been in property and construction management. The Commission expressed a desire to view at least five recent lease transactions where she was the broker of record. Commissioner Hyde moved to table the request until requested transaction information is received and reviewed at the next meeting. The motion was seconded by Commissioner Doyle and passed unanimously by roll call vote.
- C. Ethan Conley – Equivalency. Mr. Conley appeared by video for his appointment to request Equivalency. Mr. Conley explained he would like the ability to open an office in southern NH and that he had a MA sales license and also managed a number of brokers who worked for the company. The Commission questioned whether the sales experience met the requirements of RSA 331-A:10, II(c). Following further discussion, Mr. Conley offered to submit additional sales and lease transactions that occurred in NH within the past 5 years. Commissioner Hyde moved to table the request until requested transaction information is received and reviewed at the next meeting. The motion was seconded by Commissioner Jones and passed unanimously by roll call vote.
- D. Christopher Lawrence – Equivalency. Mr. Lawrence appeared by video for his appointment to request Equivalency. Mr. Lawrence reported his extensive past experience since 2001 of residential real estate sales in Texas. Seven sales transactions from April through May 2020 were previously submitted with his request. Following questions from the Commission, Commissioner Hyde moved to accept the equivalency request based on information submitted and testimony provided. The motion was seconded by Commissioner Jones and passed unanimously by roll call vote.
- E. Aaron Foti – Equivalency. Mr. Foti appeared by video for his appointment to request Equivalency. Mr. Foti reported he has been licensed as a salesperson in NH since 2017 conducting primarily short term rentals and two sales. Following discussion, the Commission referenced RSA 331-A:2, IX and RSA 331-A:10 and it was believed Mr. Foti's salesperson experience met licensing requirements and did not require his appearance or Commission approval for equivalency. No Commission action was taken. Staff will draft a standing order for Commission review and approval that will address future requests using similar experience and transaction history.

- F. Christopher Rose – Equivalency. Mr. Rose appeared by video for his appointment to request Equivalency. Questions and discussion were held of his experience as a broker in New York since 2015, and other states. Mr. Rose had submitted seven listing sheets of real estate sales in New Jersey and New York from November 2018 through March 2020. Commissioner Hyde moved to approve equivalency based on information and testimony provided. The motion was seconded by Commissioner Doye, and passed unanimously by roll call vote
- G. Jason Evans – Equivalency. Mr. Evans appeared by video for his appointment to request Equivalency. After reviewing his past experience as a licensed salesperson in California since 2003, Steven believed the equivalent experience requirements were met and moved to approve equivalency based on information and testimony provided. The motion was seconded by Commissioner Jones, and passed unanimously by roll call vote.
- H. Melinda Torrens – Request to open an additional office as Principal/Managing Broker. Ms. Torrens appeared by video and provided a background of the firm and branch offices, and how she appropriately supervises licensees in all offices. The new location will be based in Portsmouth and will house the main office that is currently located in Concord. Commissioner Jones moved to approve the request to manage an additional office in Portsmouth. The motion was seconded by Commissioner Doyle, and passed unanimously by roll call vote.

#### IV. OTHER BUSINESS -

- A. Suggested Rule Amendments. Staff recommended rule changes to allow examination fees to be lowered and will be based on the price stated in a contract with the examination vendor selected through a bid process. Following discussion, Commissioner Jones moved to approve moving forward with the suggested rule changes. The motion was seconded by Commissioner Hyde, and passed unanimously by roll call vote.
- B. Petition to Amend Rule 301.03. Ann Flanagan submitted a petition to amend the rules to permanently allow remote learning of pre-licensing courses. It was explained that remote learning is temporarily allowed as a result of a Governor's emergency order issued during the health emergency, and that the order will expire in accordance with the date restrictions noted in the order. Staff is requesting a month to research the impact of remote learning on examination scores and submit a report to the Commission. Commissioner Hyde moved to table action on the petition until the report is reviewed. The motion was seconded by Commissioner Doyle, and passed unanimously by roll call vote.

- C. Petition for Declaratory Ruling. A petition from several education providers was submitted requesting a definition of “classroom attendance” as used in Rea 301.03. The petition is similar in scope to the petitioned rule change, and will need to be reviewed by Commission counsel and reported back to the Commission.

**V. QUESTIONS AND COMMENTS –**

- A. A comment was emailed from Shannon Whaley regarding the positive experience teaching pre-licensing courses by internet as allowed by the emergency order.
- B. A question from Lisa Davidson asking about the expiration of remote learning for classes. Rick Wisler explained there CE courses have always had the ability to be taught remotely and are not impacted by the emergency order. Pre-licensing courses are temporarily authorized for remote learning within the dates of the emergency order and will expire when the order is terminated.
- C. Three questions were submitted by John Doran. The first asked about the status of license reciprocity in light of proposed legislation not passing. Rick Wisler explained staff already sent a similar question to Commission counsel for review, with the hope that current reciprocity procedures (including Maine applicants would need to take both examinations) would continue subject to the outcome of new legislation to be submitted during the next legislative session. The second question had to do with a new registration process resulting from a new exam contract. Rick Wisler explained a new registration process will not likely occur until early 2021 after the new rules for exam fees take effect. The last question regarded a new mailing and physical address for OPLC/REC. Rick Wisler explained REC offices relocated in the past couple of weeks and construction continues on the rest of the office. The old mailing address should continue to be used until all offices and staff are in place and operational. Address change notices will be posted.
- D. Another question was submitted whether the education waiver will continue in to 2021. Rick Wisler explained the waiver is only valid for renewals due to expire through 12/31/20.
- E. Ann Flanagan commented in favor of remote learning for pre-licensing courses to make it more widely available throughout the state.

**VI. NON-PUBLIC MEETING –**

At 11:25 a.m. following an appropriate motion by Commissioner Doyle and second by Commissioner Jones 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 21, 2020 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 12:30 p.m. an appropriate motion was made by Commissioner Hyde and seconded by Commissioner Doyle, and the Commission unanimously voted by roll call, to reconvene the public meeting.

**VIII. NON-PUBLIC MINUTES SEALED –**

On an appropriate motion by Commissioner Hyde 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.

**IX. NEXT MEETING –**

The next meeting is scheduled for Tuesday, August 18, 2020 at 8:30 a.m.

**X. ADJOURNMENT –**

At 12:35 p.m. an appropriate motion was made by Commissioner Hyde, and seconded by Commissioner Jones to adjourn the meeting. The motion was unanimously approved by roll call vote.

