

NEW HAMPSHIRE REAL ESTATE COMMISSION MEETING MINUTES
December 17, 2019

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

I. CALL TO ORDER –

The meeting was called to order at 8:30 a.m. by Chairman Hinch.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Jones moved to approve the November 19, 2019 meeting minutes, seconded by Commissioner Hyde. The motion passed unanimously.

III. NEW BUSINESS –

Appointments:

- A. Trevor Hunt – Request for Reinstatement or Refund – Mr. Hunt informed the Commission that he did not appear in November because he did not receive notice of the appearance until after the meeting. He explained that his license had lapsed because he had been very busy. The Commissioners followed up with questions to the applicant. Following a brief discussion, Commissioner Hyde made a motion to deny Mr. Hunt’s request for reinstatement due to a lack of good cause shown, seconded by Commissioner Jones. Motion passed unanimously. Commissioner Hyde stated, for the record, that the Commission had no statutory authority to refund fees.

- B. Nikolas Amicone – Request for Equivalency – Commissioner Hyde noted for the record that he and Mr. Amicone went to the same law school and stated that he did sit on the Board of Trustees at the time that Mr. Amicone was in school. Mr. Amicone was a licensed salesperson in Massachusetts and now has his broker’s license but has not received a license for his brokerage so is therefore not currently practicing on his own as of today, He does not plan to open a physical office in New Hampshire nor does he intend to have any employees at this time. Mr. Amicone did provide the Commission with submitted transactions and a

record of over 20. After a brief discussion and questions from the Commission, Commissioner Hyde made a motion to approve Nikolas Amicone request for equivalency with the understanding that he will have to take both the state and national exams. The motion was seconded by Commissioner Jones, motion passed unanimously.

IV. SHOW CAUSE HEARING –

- A. 8:30 a.m. Jonathan Delarosa – Criminal Convictions – Commissioner Hyde asked why Mr. Delarosa requested his response to question 8 regarding his criminal history be changed from “yes” to “no”. Mr. Delarosa claimed that he was not serious in his request to Administrator Wisler, he also stated that he misunderstood what type of convictions were to be disclosed. Commissioner Hyde referred to the statute that prevents licensure for attempting to obtain a licensure by dishonesty and explained that it is considered prohibited conduct in the State of New Hampshire under RSA 331-A:26, I. Based on the testimony provided by the applicant relative to his request for a member of the Office of Professional Licensure and Certification to change his affirmative answer to question number 8 regarding his criminal history on his application to an incorrect answer, in violation of RSA 331-A:26, I, Commissioner Hyde moved to deny the application. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

V. OTHER BUSINESS –

Update on the Petition for Reduction of Fees – Administrator Rick Wisler presented the percentage that the Commission had requested at the November meeting. This number was 110%. He stated that Attorney Perlow would have a response ready for the January Meeting relative to the remaining outstanding issues. Commissioner Hyde made a motion to table further discussion until January, motion seconded by Commissioner Jones. Motion passed unanimously.

Commission Review and Vote on Conditional Approval Response of Rules – A brief discussion was held. Commissioner Jones made a motion to approve JLCAR’s suggestions as presented and have Commissioner Hinch sign the approval letter. Motion was seconded by Commissioner Hyde. Motion passed unanimously.

Questions and Comments

A Break was held from 9:15 a.m. to 9:18 a.m.

VI. NON-PUBLIC SESSION –

At 9:19 a.m. following an appropriate motion by Commissioner Jones and second by Commissioner Lipnick 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 November 19, 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 10:21 a.m. an appropriate motion was made by Commissioner Hyde and seconded by Commissioner Lipnick, 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.

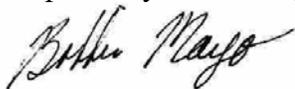
IX. NEXT MEETING –

The next meetings are scheduled for Tuesday, January 21, 2020 at 8:30 a.m.

X. MEETING ADJOURNED –

At 10:22 a.m. an appropriate motion was made, and seconded, to adjourn the meeting. The motion was unanimously approved.

Respectfully submitted,



Bobbie Mayo
Supervisor II