

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

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, January 21, 2020 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 8:30 a.m. by Chairman Hinch.

II. READING AND APPROVAL OF THE MINUTES –

Commissioner Jones moved to approve the December 17, 2019 meeting minutes, seconded by Commissioner Hyde. The motion passed 4-0, Commissioner Lipnick was not present.

III. NEW BUSINESS –

Commissioner Lipnick joined the meeting.

Appointments:

- A. Courtney Lee Linscott – Request for Reinstatement– Ms. Linscott informed the Commission that she did not renew on time because she was not working in the Real Estate field, she was working in her daughter’s school. She further explained that during the six-month expiration period, she was still undecided if she was going to renew or not. Commissioner Hyde asked that the record show that Ms. Linscott filed her application four months after her license lapsed. Following a brief discussion, Commissioner Hyde made a motion to deny Ms. Linscott’s request for reinstatement due to an unreasonable timeframe and a lack of good cause shown, seconded by Commissioner Doyle. Motion passed unanimously.

- B. Venkata Nijampatnam – Request for Equivalency – Commissioner Hyde asked questions regarding Ms. Nijampatnam’s out of state experience. Commissioner Jones confirmed that two of the properties listed on the transaction verification form were owned by Ms. Nijampatnam and/or her husband, he also confirmed that four of the transactions listed were leases, not sales. Following a brief discussion Commissioner Jones stated that he believes that the petitioners past experience does not meet the breadth of experience needed to qualify for equivalency. Commissioner Jones made a motion to deny equivalent experience, seconded by Commissioner Doyle. Motion was unanimously approved.
- C. Justin Wright – Request for Equivalency. Did not appear. Commissioner Hyde noted for the record that a notice was mailed to Mr. Wright on January 6th. Commissioner Hyde moved to dismiss the petitioners request for equivalency which would require him to resubmit all information should he wish to seek equivalency in the future, seconded by Commissioner Jones. Motion passed unanimously.
- D. Marlene Burke – Request for Equivalency – Commissioner Hyde noted that Ms. Burke has been a licensed salesperson in the state of New Hampshire since 2000, her current experience has been gained under a licensed broker working as a salaried property manager. After a brief discussion, Commissioner Hyde made a motion to approve Ms. Burke’s petition for equivalency, seconded by Commissioner Jones. Motion passed unanimously.
- E. Kevin McNamara – Request to Manage two offices – Commissioner Hyde asked the record to show that this Commission has approved these requests when they feel that the additional office would not cause a burden to the broker nor would there be an extreme commute between the multiple offices. Mr. McNamara informed the Commission that the new office is approximately ten minutes from his current office and that he needs the space because his staff level is increasing. A motion was made by Commissioner Hyde to approve Mr. McNamara’s request, seconded by Commissioner Doyle. Motion passed unanimously.
- F. Richard Hinch – Request to Manage two offices – Commissioner Hinch recused himself. Commissioner Jones presided over the meeting. Commissioner Jones confirmed that there was ten miles between the offices. Commissioner Hyde noted that Commissioner Hinch travels many more miles in his work for the legislature. Commissioner Hyde made a motion to approve Commissioner Hinch’s request to manage multiple offices, seconded by Commissioner Lipnick. Motion passed 4-0. Commissioner Hinch was recused and did not vote.

Commissioner Hinch presided over the remainder of the meeting

IV. OTHER BUSINESS –

Commission Review and Final Adoption of Rules – A brief discussion was held. Commissioner Hyde made a motion to adopt the rules as presented and have Commissioner Hinch sign the approval letter. Motion was seconded by Commissioner Jones. Motion passed unanimously.

Update on Post Licensure Procedures – Instructors Ann Flanagan and Bill Arnot voiced their concerns over the new rule which reduces the time frame from 1 year to take the exam from the first date of the first class to six months. Administrator Wisler assured Ms. Flanagan and Mr. Arnot that staff would devise a plan that would be fair to all and we would let the instructors know once a decision had been made. Instructor Lisa Davidson requested that all instructors be provided a markup of only rules that have been changed and what the changes were. Administrator Wisler informed the Commission that staff would be sending out an email to all licenses regarding the rules change and how the changes would be implemented. He also informed the instructors that they would be receiving an additional e-mail that covers topics pertinent to them.

Reciprocity Procedures – Administrator Wisler informed the Commission that we had received guidance back for our Attorney at the AG's office. The official guidance is that we maintain reciprocity with the four states as we have, as long as the applicant has taken both the State and National portions of the exam. If HB355 passes then New Hampshire will become a license recognition state, if HB355 fails then all reciprocity will cease and we will have to approach each state individually to request and draft new reciprocity agreements.

Update on Petition for Reduction of Fees – Administrator Wisler informed the Commission that fees were now the responsibility of the OPLC administration but that the Commission could still make recommendations. He informed the Commission that the contract for a new exam vendor was being prepared to go out to bid and advised them that depending on the outcome, it could change the Commission's percentage and require an additional change. The Commission held a brief discussion and decided to table all further fee discussions until after the contract was awarded to a vendor.

Telephone Appearances at Meetings - There has been a growing number of requests from brokers to manage multiple offices, some brokers find it cumbersome to appear before the commission at a meeting and therefore request a phone conference. Commissioner Hyde referred to RSA 541-A which discusses appearances before the Commission. A brief discussion was held, the general consensus was that it will be up to the Commission to

allow a phone conference vs an in-person on a case by case basis, as necessary and appropriate to permit, but by general rule appearance must be in person.

Questions and Comments – Instructor Bill Arnot voiced his concern over the possibility of a question regarding reciprocity appearing on the exam. After a brief discussion, it was decided that the best course of action was for Administrator Wisler to contact PSI and to request all questions regarding reciprocity be removed from the examination.

Director Joe Shoemaker informed the Commission that Investigator Mike Porter accepted another position within OPLC as an attorney but will be available during the transition to work on cases. The Commission congratulated Attorney Porter on his promotion and thanked him for his contributions to the profession.

A Break was held from 9:30 a.m. to 9:45 a.m.

V. NON-PUBLIC SESSION –

At 9:45 a.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 December 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.

VI. PUBLIC MEETING RECONVENED –

At 11:10 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.

VII. 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.

VIII. NEXT MEETING –

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

IX. MEETING ADJOURNED –

At 11:10 a.m. an appropriate motion was made by Commissioner Hyde, and seconded by Commissioner Doyle 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