

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**REAL ESTATE COMMISSION**

**In Re: DANIEL K. TWOMBLY  
Broker Lic. # 056052**

Docket No.: 2023-REC-0001

**ORDER OF EMERGENCY  
SUSPENSION – March 11, 2023**

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**I. CASE SUMMARY/PROCEDURAL HISTORY:**

On or about March 11, 2023, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Real Estate Commission (“Commission”), received a complaint alleging Daniel K. Twombly (“Licensee”) had misappropriated funds held in an escrow account over which he exercised custody and control. OPLC Enforcement’s expedited investigation into the complaint substantiated the allegations in the complaint. On March 11, 2023, the Commission held an emergency meeting during which it voted to immediately suspend Licensee’s license on an emergency basis pursuant to RSA 331-A:7, VI, RSA 541-A:30, III and N.H. Code Admin. R., Title Plc 206.07. This Order of Emergency Suspension follows.

**II. LEGAL STANDARD:**

“RSA 541-A:30, III authorizes professional licensing boards, including the Commission to suspend a license pending completion of an adjudicatory proceeding, in cases involving “public health, safety or welfare.” In such cases, the Commission must commence a hearing not later than ten (10) working days after the date of the emergency order. If the Commission does not commence the hearing within ten (10) working days, the suspension order shall be automatically Vacated. See RSA 541-A:30, III. The Commission may not continue such a hearing without the consent of the licensee to the

continuation of the emergency suspension. *See* RSA 541-A:30, III. Postponement of the proceeding is prohibited unless the licensee agrees to continue the suspension pending issuance of the Commission's final decision. *See*, RSA 541-A:30, III.

### **III. EVIDENCE PRESENTED AND FINDINGS OF FACT:**

#### **A. Evidence Presented**

The Commission was presented with and/or considered the following evidence: a Verified Petition from Michael Porter dated March 11, 2023, and accompanying, verified exhibits. The Commission also relied on its expertise in the field it regulates. A review of the evidence presented, and the reasonable inferences taken there from, allows the Commission to find the following facts.

#### **B. Findings of Fact**

The Commission hereby adopts and incorporates by reference into its findings of fact the Verified Petition of Michael Porter, which is attached hereto. Additionally, the Commission makes the following findings of fact based upon the testimony and other evidence presented:

- A. Respondent is the Principal Broker for Re/Max Insight (“Insight”) and Re/Max On the Move (“On the Move”).
- B. Both Insight and On the Move are subsidiaries under the umbrella of NE Coast to Coast Realty Investments LLC, (“Coast to Coast”).
- C. Coast to Coast LLC has multiple licensed Firm and Branch Offices throughout the State of New Hampshire.
- D. As Principal Broker, the Respondent is responsible for, among other things, the handling of escrow deposits consistent with RSA 331-A: 13, I.
- E. At all relevant times Respondent had access and control over escrow accounts held at Citizens Bank on behalf of Insight and On the Move.

- F. On unspecified dates between October 1, 2022, and February 28, 2023, Respondent wrongfully misappropriated escrow funds from Insight and On the Move.
- G. As a result of Respondent's misappropriation of funds, Respondent has failed to make necessary commission payments totaling approximately \$250,000.00.

**IV. CONCLUSIONS OF LAW:**

The Commission concludes there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis pursuant to RSA 541-A:30, III. The central facts are straightforward and concern Licensee's misappropriation of funds. The Licensee's conduct on its face appears to be misconduct as defined at RSA 331-A:13, and RSA 331-A:25-26 that also warrants immediate emergency suspension of his license pursuant to RSA 541-A:30, III pending a follow-up emergency suspension hearing. The welfare of the general public is served by suspending the Respondents ability to access or otherwise control funds of the general public held in escrow by the Coast to Coast offices.

**V. ORDER:**

Pursuant to RSA 541-A:30(III), the Commission hereby orders the immediate emergency suspension of Daniel K. Twombly's license as a Principal Broker pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 3/12/2023

\_\_\_\_\_/s/ Lindsey B. Courtney\_\_\_\_\_  
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Authorized Representative of the Real Estate  
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