

**STATE OF NEW HAMPSHIRE
REAL ESTATE COMMISSION
CONCORD NH 03301**

**In the Matter of:
Constance P. Doto
License #056670**

Docket No.: 24-REC-007

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission (“Commission”) and Constance P. Doto (“Respondent”), a Principal Broker currently licensed in the State of New Hampshire, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. Pursuant to RSA 331-A:28, RSA 331-A:29, I, and RSA 310:9, the Commission has jurisdiction and authority to investigate and commence a disciplinary proceeding pertaining to allegations of professional misconduct committed by licensees of the Commission. Pursuant to RSA 310:10, VIII and RSA 541-A, V, the Commission may at any time before or during a disciplinary proceeding resolve allegations of professional misconduct by a written *Settlement Agreement* approved by the Commission and licensees provided the complainant has an opportunity to comment upon the terms of the *Settlement Agreement* before the *Settlement Agreement* has been executed.
2. The Respondent holds active principal broker license #058549 which was issued on 01/27/2012 and expires on 01/27/2026.

3. On or about 9/19/2023, OPLC received a written complaint from Erin and Joshua Scanlon (“Complainants”) alleging professional misconduct involving the purchase of their property in Salem, New Hampshire. The complainants had engaged a buyer’s agent, Jeremy Twomey, for this transaction.
4. The Respondent was representing the sellers of the property located at 48 Elmwood Avenue in Salem, New Hampshire.
5. In response to the complaint, OPLC conducted an investigation and obtained information from various sources including obtaining a response from the Respondent pertaining to whether the Respondent’s conduct constitutes unprofessional conduct pursuant to the applicable statutes and rules. Upon receipt of a report of investigation, the Commission voted on 5/21/2024 to commence the above captioned disciplinary proceeding.
6. Respondent stipulates to the following facts:
 - a. At all times material, Respondent held an active New Hampshire principal broker license.
 - b. Respondent has one prior discipline matter before this Commission in 2013 which resulted in a fine.
 - c. Respondent is the principal broker of Connie Doto Realty Group.
 - d. The complainants and sellers entered into a purchase and sales agreement in August 2023. The parties agreed that the closing was to take place on September 15, 2023. (See HC00091)
 - e. The sellers signed the deed over to the complainants on September 13, 2023. (HC000188-HC00190)

- f. The closing for the complainants' property that they were selling took place on Friday, September 15, 2023. The closing for the property the complainants were buying at 48 Elmwood Drive in Salem, NH took place later Friday, September 15, 2023.
- g. That Friday afternoon, Respondent instructed the buyer's agent, Jeremy Twomey, not to release the keys to the complainants by way of a text message that stated, "Please do not release the keys we are not on record." (messaging dated 9/15/2023 at 4:49 p.m.) (HC000006). Respondent sent this message because, although the deed had been executed, the complainants' funds had not been released and transferred to the sellers. The buyers' agent released the keys to the property to the complainants on Friday, 9/15/2023.
- h. On the morning of Saturday, 9/16/2023, Respondent was copied on an e-mail from the seller's attorney to Mr. Twomey, stating, "I'm told the buyers are in the property, They need to vacate immediately. This was not funded nor recorded on Friday. The seller is extremely upset. Please contact the buyers immediately." (email dated 9/16/2023 at 7:46:09 a.m.) (HC000008).
- i. Respondent texted the buyer's agent, Mr. Twomey, stating, "the buyers are in the house you released keys to them, I am calling the Commission on you." (message dated 9/16/2023 at 7:44 a.m.) (HC000006)
- j. Respondent called Alyson Traficante (an associate broker working with Ms. Doto) and asked her to go by the Elmwood Drive home in Salem to confirm whether the buyers/complainants were in fact living at the property. Ms. Traficante went to the property to see if the buyers were living in the home.

- k. Shortly thereafter, Respondent went to the home at 48 Elmwood Avenue in Salem and told the complainants they did not have rights to the property because the sale funds had not transferred to the sellers. She stated that they needed to vacate the property.
 - l. A verbal disagreement ensued between Respondent, the Complainants, and Ms. Traficante that led to this complaint being filed.
 - m. The complainants remained at the Elmwood Avenue property, and the dispute was resolved through the execution of a use and occupancy agreement. On Monday, 9/18/2023, the deed and mortgage were recorded; the funds were disbursed to the sellers; and title insurance was issued. *See* HC000005.
7. Respondent acknowledges that the described conduct set forth in paragraph 6 could constitute grounds for the Commission to make a finding of misconduct pursuant to the RSA 331-A:26, XXIX for acting in a manner that could be viewed as unprofessional conduct pursuant to RSA 331-A:2, XV.
 8. OPLC represents that the complainants in this matter have been consulted and agree with the following discipline.
 9. WHEREFORE, Respondent consents to the Commission imposing the following discipline for actions that could be viewed as unprofessional conduct pursuant to RSA 331-A:2, XV. Accordingly, pursuant to RSA 310:12:
 - a. The Respondent is **REPRIMANDED**;
 - b. The Respondent shall pay a **DISCIPLINARY FINE** in the amount of seven hundred and fifty (**\$750.00**) dollars within 45 days of the date of this settlement agreement.

- c. The Respondent shall complete six (6) hours of continuing education related to ethics in real estate transactions and/or laws of New Hampshire real estate transactions.
 - d. The Respondent shall provide a letter of apology to the Complainants within 30 days of the date of this settlement agreement.
 - e. The Respondent shall provide proof of compliance with each of the above terms by March 1, 2025.
10. The Commission may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Commission regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct and shall serve as a separate and sufficient basis for further disciplinary action by the Commission.
11. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Commission based upon the misconduct described above. However, the Commission may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future.
12. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Commission as a public document.
13. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to Respondent other than those terms and conditions expressly stated herein.

14. The Commission agrees that in return for Respondent's executing this *Settlement Agreement*, the Commission will not proceed with the formal adjudicatory process based upon the facts described herein.
15. Respondent understands that Respondent's action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
16. Respondent has had the opportunity to seek and obtain the advice of an attorney of Respondent's choosing in connection with her decision to enter into this *Settlement Agreement*.
17. Respondent understands that the Commission must review and accept the terms of this *Settlement Agreement*. If the Commission rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this *Settlement Agreement* has prejudiced Respondent's right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Commission.
18. Respondent is not under the influence of any drugs or alcohol and is otherwise of sound mind at the time the Respondent signs this agreement.
19. Respondent certifies that Respondent has read this document titled *Settlement Agreement*. Respondent understands that Respondent has the right to a formal adjudicatory hearing concerning this matter and that at said hearing Respondent would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on Respondent's own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality, and dimensions of these rights. Respondent understands that by signing this *Settlement*

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Agreement, Respondent waives these rights as they pertain to the misconduct described herein. This *Settlement Agreement* shall take effect as an Order of the Commission on the date it is signed by an authorized representative of the Commission.

FOR RESPONDENT

I, **Constance Doto**, have reviewed the foregoing *Settlement Agreement* settling misconduct allegations pending against me and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this *Settlement Agreement*. Further, I, Constance Doto, knowingly and freely waive the right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this *Settlement Agreement*.

Dated: December 14, 2024

Constance Doto
Constance Doto,
License #056670
Respondent



Witness or Attorney (Signature)

SIMON R. BROWN
Witness or Attorney (Print Name)

NH BOR # 9279

FOR THE COMMISSION

Dated: 1/21, 2025


RALPH VALENTINE
(Print Name)

NH Office of Professional Licensure and
Certification
Authorized Representative of the NH Real Estate
Commission

ORDER:
The Presiding Officer notes that Paragraph 2 accurately reflects that the Respondent's principal broker license number is #058549. The title and signature line of this agreement reflect an incorrect license number. No further amendment is necessary.