

**STATE OF NEW HAMPSHIRE  
BOARD OF REAL ESTATE BROKERS AND SALESPERSONS  
CONCORD, NH 03301**

**In the matter of:  
John Greenwood  
License # 056026 (Expired)**

**Docket No: 24-REC-012**

**MOTION TO DISMISS**

NOW COMES Kathy Needleman, Esq., Hearing Counsel to the New Hampshire Board of Real Estate Brokers and Salespersons (a.k.a. Real Estate Commission) in the above captioned matter, and respectfully requests that this Honorable Board dismiss the matter. In support, Hearing Counsel states as follows:

1. John Greenwood, Lic. #056026 (Expired) (“Respondent”), is the managing broker and broker in charge of rentals of Relax & Company (“Relax”), Lic. # 074482 (a dependent license under the firm name Sunapee Getaways Inc., Lic. # 069372), a real estate rental company in Bradford, NH. He was licensed since February 14, 2012. His license expired on February 14, 2020. Respondent did not renew or apply for reinstatement.
2. Emily Baldwin, (“Baldwin”), Unlicensed, is an employee of Relax. According to Respondent, Baldwin oversees marketing and PR at Relax.
3. On August 1, 2019, Melissa Allen (“Complainant”) of Gray Ledges Rentals, showed Baldwin a property for her family to rent. Complainant was the listing agent, and alleges she had an exclusive listing arrangement with the property owner.
4. On August 28, 2019, after not hearing from Baldwin, Complainant learned that Baldwin leased the property directly from the property owner.
5. On August 30, 2019, Complainant learned from Respondent that Baldwin took a lease from Relax, and lied about the circumstances to use the lease. Complainant also learned that Baldwin went around the listing agent, that she contacted the property owner directly,

and Baldwin and the property owner worked out a leasing arrangement, effectively cutting off the middleman (complainant) and taking away her commission.

6. Complainant asserts that Respondent took no action against his unlicensed employee, Baldwin. Respondent asserted he did not insert himself into the transaction because Baldwin was represented by a broker, and the property owner was represented by a licensed person.
7. On September 7, 2019, in a second incident involving Relax, Baldwin, and Respondent, Complainant alleges that she showed a rental condo at a development to a couple. The couple informed Complainant that Baldwin of Relax recently showed them a condo in the same development. According to the couple, Baldwin was trying to negotiate between the couple and the property owner for the rental. That deal ultimately fell through.
8. On September 18, 2019, The Shopper, a New London publication, published an ad for Relax, in which Baldwin is listed. The ad was missing important and required information for marketing. When questioned, Respondent admitted that the allegation of failing to include necessary broker info on an advertisement was “regrettably accurate”. Respondent asserted he took corrective action, initiated training and an ad approval process, to make sure this does not occur again.
9. On September 20, 2019, Complainant filed a complaint with OPLC alleging that Respondent allowed his unlicensed employees, (Baldwin), to engage in prohibited conduct as defined by NH RSA 331-A:26 IV, VI, X, XII, XIII, XXII, XXIII, XXVI, XXVII, XXVIII, XXXI, XXXIV, and XXXVI. Allegations included: having unlicensed employees performing the duties of a licensed rental agent, including having them act as a salesperson; failing to disclose the true position if a party acquires an interest in a property; taking away a sale or commission from another agent; offering real estate for

- sale or lease without consent of the owner; and, advertising in a manner inconsistent with the statute.
10. Further, Complainant alleged that Respondent violated the statute by among other things, failing to properly supervise unlicensed staff, breach of fiduciary duty, and by permitting an untrustworthy or incompetent person to act as a broker or salesperson.
  11. On November 11, 2020, Office of Professional Licensure and Certification Enforcement (“OPLC Enforcement”) reviewed the complaint and in its Report of Investigation (“ROI”) made the recommendation to dismiss NH RSA 331-A:26 IV, XII, XIII, XXII, XXVI, XXVIII, XXXI, and XXXIV, finding that they do not apply.
  12. The recommendation further included the instruction to order a formal investigation including interviewing the Complainant, the Respondent, Emily Baldwin, and potentially the couple.
  13. No formal investigation was ordered.
  14. On May 24, 2021, the matter was reviewed by Commissioner Matthew Cabana. He discovered that while Relax and Respondent’s licenses appeared to be inactive, the Relax website was still active and listed properties for lease in NH. Commissioner Cabana checked the box “try to Settle”. Commissioner Cabana provided a detailed narrative in his evaluation recommending the path of adjudication with the goal of settlement.
  15. No Notice of Hearing ever issued. No settlement negotiations took place.
  16. No further investigation took place until September 11, 2024, when OPLC Enforcement conducted another investigation. A Confidential Memorandum (“Memo”) was completed in the matter.
  17. During this investigation, other individuals and entities were identified as being in violation of the rules and statutes. However, by the date the investigation was completed,

the Statute of Limitations on the original action filed by Complainant (“Allen v. Greenwood”) had expired. See NH RSA 332-G:9 I.

18. The recommendation in the September 11, 2024 Memo following the investigation was to dismiss the original complaint against Respondent due to the expiration of the statute of limitations, and have the commission determine whether to open a complaint and pursue possible violations found for other licensees named in the Memo, including but not limited to: Relax, James Bruss, and others identified during the investigation including other individuals who were discovered to allegedly be engaging in unlawful/unlicensed practice.
19. The Memo requested that a commissioner be recused to assist with the investigation should the Commission decide to authorize this.
20. The misconduct originally took place in August 2019. No hearing notice issued in the matter submitting the matter for prosecution until November 27, 2024, more than 5 years after the misconduct occurred. Unfortunately, that initiation date was beyond the 5-year Statute of Limitations on pursuing such actions by the board. See NH RSA 332-G:9.
21. Hearing Counsel respectfully recommends the Board dismiss the matter as against Respondent, John Greenwood, as the Statute of Limitations in this matter has expired.

**WHEREFORE**, Hearing Counsel respectfully requests that this Honorable Board:

- A. Dismiss the above-captioned matter; and,
- B. Grant such other relief as may be just and proper.

Date: December 19, 2024

*Kathy Needleman, Esq.*  
Kathy Needleman, Esq.  
NH Bar # 14027  
Administrative Prosecutor/Hearing Counsel  
Office of Professional Licensure and Certification  
7 Eagle Square  
Concord, NH 03301

(603) 271-0607  
kathy.e.needleman@oplc.nh.gov

### Certificate of Service

I certify on December 19, 2024, a copy of this filing has been emailed to Tom Pappas, Jr. OPLC Hearings Clerk at [hearingsclerk@oplc.nh.gov](mailto:hearingsclerk@oplc.nh.gov) , and John Greenwood at [jgreenwood433@gmail.com](mailto:jgreenwood433@gmail.com) .

/s/ Kathy Needleman, Esq.  
Kathy Needleman, Esq.

**ORDER:**

The Presiding Officer concludes, as a matter of law, that the statute of limitations in this matter has expired pursuant to RSA 332-G:9. Prayer A above is granted.

*Cassandra A. Brown*

December 24, 2024

Cassandra A. Brown, Esq.  
Presiding Officer