

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

REAL ESTATE COMMISSION

**In Re: Matthew Peabody
Salesperson
License No. 078365**

Docket No.: 24-REC-014

**ORDER OF EMERGENCY
SUSPENSION – 12/17/2024**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 12/17/2024, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”) filed a “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin. R. Title Plc 206.07” (“Petition”) pertaining to Matthew Peabody (“Licensee”). On 12/17/2024, the Presiding Officer and the Commission reviewed the Petition at its regularly scheduled meeting and subsequently suspended the Licensee’s license on an emergency basis pursuant to RSA 310:12, IV and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”). This Order of Emergency Suspension follows.

II. LEGAL STANDARD:

“In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter.” RSA 310:12, IV. The Office of Professional Licensure and Certification has further interpreted that to mean that the Board “...

shall issue an order that immediately suspends the respondent's license based on: (1) [a] determination that there is a reasonable basis to believe that public health, safety, or welfare requires emergency action..." Rule 206.07(a)(1).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: the 12/17/2024 Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin. R. Title Plc 206.07 pertaining to the Licensee, which was filed by Kristen Eustace, OPLC Investigative Paralegal, OPLC Enforcement; and the testimony of Kristen Eustace during the Commission's non-public session. A review of the evidence presented, and the reasonable inferences taken there from, allows the Commission to find the facts set forth herein. Additionally, the Commission relied upon their collective expertise within the profession which they regulate.

B. Findings of Fact

The Board hereby makes the following findings of fact.

1. The Real Estate Commission first granted the Respondent licensure as salesperson on 12/13/2021.
2. The Respondent's Registration to practice expires 12/13/2025.
3. On or about 12/06/2024, a Real Estate Commission complaint (2024-Peabody-1209) was received from Peter Murphy ("Murphy") reporting the "Respondent" had been criminally charged with Felonious Sexual Contact with a victim under 13 years of age (226-2024-CR-00950).
4. On 12/06/2024 the division reached out to the Hillsborough County Attorney's Office in the attempt to obtain information regarding this complaint.
5. The division contacted Litchfield Police Department where the incident was reported and obtained the redacted police report regarding the incident. The information provided by the complainant was corroborated in the report.

6. According to the victim's father, the Respondent was arraigned on 12/12/2024 and the Respondent was released on conditional bail with bail conditions being he cannot be around any children under the age of 12.
7. Based on the Division's discussion with victim's father, corroborated by the Litchfield NH Police Reports, and further corroborated by the indictment, on or about 03/14/2023, the minor child victim was at the home of the "Respondent" along with the victim's mother.
8. The victim's mother was a co-worker of the "Respondent."
9. According to the complainant the mother and the Respondent and Respondent's partner became "drinking buddies."
10. According to the complainant the mother would sleep over the "Respondent's" home from time to time.
11. The Litchfield Police Department Police report stated the three adults listed in paragraphs 9 and 10 were in the Respondent's home on the night in question, watching a movie and the mother recalls falling asleep at some point.
12. The Litchfield Police Department Police report stated while the victim's mother was sleeping, the minor child victim was asleep in a spare room on a twin-size bed and woke up to find the "Respondent" in bed with the minor child victim.
13. The Litchfield Police Department Police report stated the "Respondent" had his hands down the minor child victim's pants touching the victim's buttocks.
14. The Litchfield Police Department Police report stated the minor child victim left the bedroom where the victim was sleeping and found the victim's mother to tell her what happened.
15. The Litchfield Police Department Police report stated the mother went to the bedroom where the incident occurred to find the "Respondent" still in the bed where the minor child victim had been sleeping originally.
16. The Litchfield Police Department Police report stated the "Respondent" was not in his bed that he normally shares with his partner.
17. The mother and the "Respondent" were both licensees at Prestige Real Estate. According to the complainant, the "Respondent" was made inactive.
18. A check of MLO shows the "Respondent" was released from Prestige Real Estate on 4/6/2023.
19. The "Respondent's" broker was Gary Trouville. Mr. Trouville mailed in the "Respondent's" wall certificate with an inactive form.
20. Since being released by Prestige Real Estate, the Respondent, on or about 12/13/2023, became licensed under NRT New England, LLC (Principal Broker Michael Keeler).

21. The Division has reached out twice via email and once by phone to the Respondent's former Principal Broker, Gary Trouville for confirmation that the "Respondent" was released from Prestige Real Estate. We are awaiting a response.
22. On 12/06/2024 a complaint was filed against the "Respondent" and included an arraignment notice sent to the Division regarding Matthew Peabody.
23. It's alleged the Respondent is in violation of RSA 331-A: 26, XXIX as defined in RSA 331-A:2 XV, Unprofessional Conduct as he has been charged with an unlawful, dishonorable, unethical and or immoral act.
24. The Division has received a Real Estate Commission complaint regarding the "Respondent" being charged in the criminal court with Felonious Sexual Contact of a Victim under 13 years of age (226- 2024-CR-00950).
25. Additionally, the Division recently learned the "Respondent" was arraigned on the above charges on 12/12/2024 and bail conditions were set. The "Respondent" is to not have any contact with minor persons under the age of 13. The division is awaiting a copy of the bail conditions from Hillsborough County.
26. The Respondent remains a current, active, licensee in the State of New Hampshire.
27. There is an opportunity for the respondent as a licensee to be in the presence of a minor in the normal course of business.
28. There is an opportunity for the respondent as a licensee to be alone in the presence of a minor in the normal course of business.
29. Licensees, as trusted professionals, are entrusted with almost unrestricted access to homes, families, and children.

IV. CONCLUSIONS OF LAW:

Based upon the Board's findings of fact, the Presiding Officer concludes there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis pursuant to RSA 310:12, IV Rule 206.07. The central facts are straightforward: The Board's Findings of Fact reflect that the Licensee was "...criminally charged with Felonious Sexual Contact with a victim under 13 years of age..." Specifically, it is alleged, the Licensee had his hands down the pants of a minor child and was discovered sleeping in the minor's bed. "Licensees, as trusted professionals, are entrusted with almost unrestricted access to homes, families, and children." Based upon the forgoing, the Licensee's conduct on its face warrants an

emergency suspension of his license pursuant to RSA 310:12, IV and Rule 206.07, pending a follow-up emergency suspension hearing/disciplinary hearing.

ORDER:

Pursuant to RSA 310:12, IV and Rule 206.07 (a) the Board and Presiding Officer hereby order the immediate emergency suspension of Matthew Peabody's license as a Salesperson, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 12/18/2024

_____/s/ Shane D. Goulet, Presiding Officer_____
Shane D. Goulet, Administrative Law Judge
New Hampshire Office of
Professional Licensure & Certification
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Concord, NH 03301