

NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
January 17, 2023

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, January 17, 2023, at 8:30 a.m. The meeting was conducted at the Office of Professional Licensure and Certification, 7 Eagle Square, Concord, New Hampshire. Public could attend in person or via teleconference.

Present Commissioners: Steven Hyde, Esq., Matthew Cabana, Ralph Valentine, Susan Doyle, and Paul Lipnick.

Also present from OPLC office: Administrators Dawn Couture, Marla Pike, Robert Hamel Jr, and Chris Senko.

Sheri Phillips from the Department of Justice was also present.

Chairman Hyde left at 12:33 p.m.

I. CALL TO ORDER –

The meeting was called to order at 8:33 a.m. by Chairman Hyde.

II. REVIEW OF PUBLIC MINUTES –

Commissioner Valentine suggested one minor correction to the minutes:

- Under Public Appearance of the minutes, “Item f,” in the second paragraph, remove “to make.”

Chairman Hyde made a motion to approve the December 20, 2022, public minutes, as amended, the motion was seconded by Commissioner Cabana. The motion passed unanimously.

III. PUBLIC APPEARANCES –

- a. Colleen Yalcin – Request to reinstate lapse license – Ms. Yalcin appeared in person. Ms. Yalcin is a licensed salesperson in NH & MA. Ms. Yalcin explained that during the time she was to renew, her mother had become really sick and Ms. Yalcin was required to take care of her. After her mother had passed, her son then became extremely ill and needed to be hospitalized. Given that her son was a minor, this also required months of Ms. Yalcin’s care. Ms. Yalcin stated that her son is doing much better now. Commissioner Cabana asked Ms. Yalcin for clarity regarding her renewal and continuing education courses. Ms. Yalcin stated that she had tried to renew prior to her license lapsing and she did not see the emails from OPLC regarding incorrect courses until after her license had lapsed. Once she saw the email, she had taken the remaining courses that were required. Chairman Hyde made a motion to approve Ms. Yalcin’s request to reinstate her lapsed license. The motion was seconded by Commissioner Cabana. The motion passes unanimously.

Commissioner Valentine made a motion to waive the late fee of \$600. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

IV. QUESTIONS AND COMMENTS –

- Chairman Hyde went on record to the reason that the hearing was scheduled for 1:00 pm was due to the fact that the hearing officer was not available until that time. Chairman Hyde asked that in the future OPLC staff contact Chairman Hyde prior to the meeting and he will conduct the hearing.
- Ann Flanagan asked how the online exam registration through PSI is doing. Administrator Couture answered that no issues have been brought to her attention. Therefore, OPLC is under the impression that it is good.
- Kathy Roosa asked about reciprocity procedure; where a reciprocity applicant would follow the same procedure as an original applicant would going through PSI. Administrator Couture told her that yes, it does apply. The procedures are the same and the applicant would need to go through PSI in order to test.
- Lisa Davidson had a question in regards to the 9 additional hours needed to be taken for late renewals. She wanted to know if they needed to be “live” hour classes. Chairman Hyde made a statement if the rules do not mention that it has to be one way or the other, then, as long as they are taken, then there should be no penalty in regards to the order that they are taken. Ms. Davidson had a second question where she wanted to know if a Salesperson would need to take the required 40hr pre-licensing course if they lapse within the 6 month period after their license expires. Attorney Phillips then suggested for Ms. Davidson to request a declaratory ruling as she is looking for an interpretation of rule Rea 201.08.
- Kathy Roosa had another question as to why her schooling was showing on OPLC’s website as expired when they are not. She stated that her students have been calling her to tell her this and that could be hurting her business if people believe that her classes are not valid. She wanted to know if OPLC can take away the “expiration dates” on the website. Especially if they are incorrect to begin with. If they are approved, how long will it take for it to show up on OPLC website. Staff will review the course list.
- Jennifer Frost asked if the list of the courses could be made into an Excel spreadsheet so that it is easier to search for courses. Administrator Senko stated that would be something we can bring up to our IT department.

V. NON-PUBLIC MEETING –

At 9:33 a.m. following an appropriate motion by Commissioner Valentine and seconded 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 20, 2022 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*, 118 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.

VIII. PUBLIC MEETING RECONVENED –

At 12:31 p.m. following an appropriate motion made by Commissioner Valentine and seconded by Commissioner Doyle, the Commission unanimously voted by roll call to reconvene the public meeting. The motion passed 4-0. Commissioner Lipnick was not present.

IX. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Valentine and seconded by Commissioner Doyle, 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*, 118 N.H. 574 (1978), and the Commission's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

X. ADJOURNMENT – At 12:33 p.m. Chairman Hyde made a motion to adjourn for lunch. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

XI. PUBLIC MEETING RECONVENED – At 1:04 p.m. following an appropriate motion made by Commissioner Valentine and seconded by Commissioner Cabana, the Commission unanimously voted by roll call, to reconvene the public meeting. The motion passed 4-0. Chairman Hyde was not present.

XII. HEARINGS –

a. 1:00 p.m. Luiyi M. Reynoso Duverge – The hearing opened at 1:06 p.m. Mr. Reynoso Duverge was physically present. He informed the Commission that English was not his first language and that he misunderstood the question. He thought that he only needed to answer “yes” to any felonies and did not realize that the question included any misdemeanors. He further stated that he is currently working for FedEx and is in their CDL licensing program. The hearing closed at 1:31 p.m.

XIII. NON-PUBLIC MEETING –

At 1:32 p.m. following an appropriate motion by Commissioner Cabana and seconded by Commissioner Valentine to go in to a non-public session the Commission, by roll call, voted to conduct a non-public session for the purpose of discussing 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*, 118 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.

XIV. PUBLIC MEETING RECONVENED –

At 1:43 p.m. following an appropriate motion was made by Commissioner Valentine and seconded by Commissioner Lipnick, and the Commission unanimously voted by roll call, to reconvene the public meeting. The motion passed unanimously.

XV. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Valentine and seconded by Commissioner Cabana, 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*, 118 N.H. 574 (1978), and the Commission’s executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

XVI. ADJOURNMENT

At 1:45 p.m. a motion to adjourn was made by Commissioner Lipnick, and seconded by Commissioner Valentine, to adjourn the meeting. The motion passed unanimously.