

NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
February 21, 2023

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, February 21, 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 and Chris Senko.

Sheri Phillips from the Department of Justice was also present.

Commissioner Lipnick left at 4:00 pm.

Administrator Pike left at 1:30 p.m.

I. CALL TO ORDER –

The meeting was called to order at 9:03 a.m. by Chairman Hyde.

II. NON-PUBLIC MEETING –

At 9:03 a.m. following an appropriate motion by Chairman Hyde 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 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.

III. PUBLIC MEETING RECONVENED –

At 10:44 a.m. following an appropriate motion was made by Chairman Hyde and seconded by Commissioner Cabana, and the Commission unanimously voted by roll call, to reconvene the public meeting. The motion passed unanimously.

IV. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Chairman Hyde and seconded by Commissioner Valentine, 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.

V. LICENSURE UPDATES

- a. Applications to Review – Chairman Hyde made a motion that in the matter of Erin McLaughlin, Kathy Beaman, Sally Smith and Sanjana be removed from the Non-Public agenda and added onto the Public agenda. The motion was seconded by Commissioner Doyle. The motion passed unanimously.
 - i. Erin McLaughlin – additional offices – Chairman Hyde made a motion to continue to a later date as licensee was not provided proper notification of today's meeting. The motion was seconded by Commissioner Doyle. The motion passed unanimously.
 - ii. Kathy Beaman – reinstatement – Chairman Hyde made a motion to continue to a later date as licensee was not provided proper notification of today's meeting. The motion was seconded by Commissioner Doyle. The motion passed unanimously.
 - iii. Sally Smith – renewal and waiver request – Chairman Hyde made a motion to continue to a later date as licensee was not provided proper notification of today's meeting. The motion was seconded by Commissioner Doyle. The motion passed unanimously.
 - iv. Sanjana – request for extension to exam date – Chairman Hyde made a motion for candidate to submit additional information as stated in Rea 301.03 (g). The motion was seconded by Commissioner Lipnick. The motion passed unanimously.

VI. PUBLIC APPEARANCES – Chairman Hyde noted of two individuals who were in attendance of today's meeting but were not on the agenda. The Commission does have their request and documents. Chairman Hyde asked the individuals if they would like the Commission to proceed with their request today or would they like to be placed on next month's agenda? Both individuals would like to be heard today and are willing to answer any questions.

- a. Linda Early – Requesting to be a managing broker to additional offices – Ms. Early appeared in-person requesting to be the managing broker to three additional offices located in Amesbury MA, Plaistow NH and East Hampstead NH while still maintaining as the managing broker in the Methuen office. Ms. Early indicated that the East Hampstead location was not in her original request as it was a last minute decision. Chairman Hyde stated that the East Hampstead location could not be approved as there was no written request. Chairman Hyde suggested for Ms. Early to submit a request for the East Hampstead location for the next meeting; she may attend the next meeting via Zoom. The Commission will review the original request for three locations today. Ms. Early explained that Verani Realty LLC recently purchased offices from CocoEarly. Commissioner

Doyle asked about the number of agents in each office. There are about 25 agents in the Plaistow office; 50 agents in the Methuen office and 17 agents in the Amesbury office. Ms. Early stated that she visits the offices once a week and agents can call her at any time.

Chairman Hyde made a motion to approve Ms. Early's request to be the managing broker for the offices in Amesbury and Plaistow while maintaining as the managing broker to the Methuen office. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

- b. Deborah Paone – Requesting to be the managing broker of additional office – Ms. Paone appeared in-person requesting to be the managing broker for another office located in Windham on Range Rd. Ms. Paone has been with Verani since 2005 as a managing broker. She is currently the managing broker for the office located on Delahunty Dr. in Windham. The two offices are within walking distance of each other. Commissioner Doyle asked the total number of agents within both offices and the method for Ms. Paone to oversee the agents. Ms. Paone said there are 75 agents in total and she has a full time administrator. Chairman Hyde made a motion to approve Ms. Paone's request to be the managing broker for both offices located in Windham. The motion was seconded by Commissioner Doyle. The motion passed unanimously.
- c. Alexander DeGroot – Mr. DeGroot was not on the agenda and there was no hearing officer present; however, he did receive a notice to attend today's meeting. Mr. DeGroot checked "No" to question #5 of the application. He is currently licensed as a broker in MA and NY. Mr. DeGroot honestly believed that he was answering the question correctly. Commissioner Valentine made a motion to grant an appeal and vacate the order of denial. The motion was seconded by Commissioner Doyle. The motion passed 4-0. Chairman Hyde abstained. OPLC will send a letter that the order was vacated and an appeal granted.

VII. APPROVAL OF PUBLIC MINUTES – January 17, 2023

Chairman Hyde suggested one minor correction to the minutes:

- Under Questions and Comments, fifth bullet down, in the second sentence, add "ing" to hurt so it reads "hurting."

Commissioner Valentine made a motion to approve the January 17, 2023, public minutes, as amended, the motion was seconded by Commissioner Doyle. The motion passed unanimously.

VIII. PUBLIC APPEARANCES

- a. Arlene Richardson (appearing via Zoom) – Denial of a license for failure to appear at the December meeting. Chairman Hyde stated that the Commission has a copy of the email and letter that was sent to Ms. Richardson from OPLC to appear at the December 20, 2022 meeting. Ms. Richardson stated that she did not receive an email. Chairman went on record that the notice provided by OPLC

was not sufficient notice given that it sent five days prior to the meeting which is not enough notification for travel. Notice for denial is denotative and the Commission will move to vacate the previous order. Chairman Hyde made a motion to vacate the order sent in December. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

Chairman Hyde informed Ms. Richardson that the Commission can review your application at the next meeting given that the proper notice is sent out. An equivalency packet should be completed with an application if that is the route she wants to do. If she has six transactions, she could reapply for a broker license. Chairman Hyde made a motion to continue to the next available agenda if she decides to apply for equivalency. The motion was seconded by Commissioner Valentine. The motion passed unanimously.

IX. OLD BUSINESS

- a. Request for Declaratory Ruling – Lisa Davidson – Rea 401.02 (b)(2) – Chairman Hyde stated that when the Commission underwent rule making, that change was to reflect the 300's and 400's; however, under OPLC request to hold off adopting the 300's, that rule in the 400's does not apply.

X. LEGISLATIVE UPDATES AND/OR RULES REVIEW

- a. HB321 – Commissioner Valentine informed the Commission that every 10 years the Board/Commission will need to review their non-public minutes and determine on if they should remain sealed. Commissioner Valentine suggested to make a comment to legislative that a written request should be made to have those minutes unsealed. Chairman Hyde stated that he reads it as all or nothing. Chairman Hyde mentioned to possibly advocate to the house and senate to selectively unseal but have other information redacted upon request. Chairman Hyde suggested putting Commissioner Valentine's thoughts into writing and sent to OPLC and counsel to submit to legislative.
- b. HB594 – Reciprocity licensure, if someone meets the requirements of their state and it's equivalent to our requirements, they will receive a license. NHAR opposes this bill. Commissioner Valentine made a motion that the Commission also opposes the bill. The motion was seconded by Commissioner Doyle. The motion passed 4-1. Chairman Hyde abstained. A brief discussion was held. Commissioner Valentine made a motion to oppose the bill and approve to amend the language to exclude REC in light of HB1354. The motion was seconded by Commissioner Cabana. The motion passed unanimously.
- c. HB655 – Attorney Phillips brought this to the Commission's attention for review. Chairman Hyde made a motion to oppose HB655. Commissioner Valentine to write a letter in opposition. The motion was seconded by Commissioner Doyle. The motion passed unanimously. Letter to reviewed at the next meeting.

XI. QUESTIONS AND COMMENTS

- Shannon Whaley asked about the process regarding approval of courses. The Commissioners would be provided the course application and necessary documentation, the Commissioner's are to review and approve courses based on the checklists. The Commissioner's who are licensed will review these courses based on acknowledge of the Real Estate Commission. The process has not been one to be efficiently and effectively. Chairman Hyde has come up with a thought process on how to proceed with courses. As 310-A and the administrative rules state the approval of the Commission or it's designee; the Chair would like to entertain that the approval process be returned back to OPLC as it's a better service to the public. Also, the Commission does not have access to OPLC's system to review previous courses which could cause further delays between OPLC and the Commission if not all materials were submitted. Attorney Phillips stated that OPLC staff is not qualified enough to approve courses. Approving courses is not an administrative function. There was a discussion as some of the approval can be an administrative function. Legal will work with OPLC on who will be completing the course packets and sending them to the Commissioner's for review.
- Jennifer Frost asked if there will be an instructors workshop? Chairman Hyde stated that Administrator Senko would be the one to reach out to regarding the instructor workshop.
- Lisa Davidson had a question in regards to the 9 additional hours; what that entails as part of the declaratory ruling she submitted? Ms. Davidson will need to send an email to OPLC to be provided for discussion.
A comment was made that previously when a law or rule changed, an email was sent out to the licensee's notifying them of that change. Could OPLC go back to sending out notifications of law and rule changes? This is a question for OPLC's Executive Director.
- Ann Flanagan asked how does PSI deal with the changes of the 400's going through when the 300's did not? It is something that will need to be handled individually. Chairman Hyde mentioned that the Commission is not actively working on the 300's and they have not received any word from OPLC rules or Executive Director Courtney about starting the process again.

XII. NON-PUBLIC MEETING –

At 1:26 p.m. following an appropriate motion by Chairman Hyde 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 January 17, 2023 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 4:27 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 Chairman Hyde 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 4:28 p.m. Chairman Hyde made a motion to adjourn. The motion was seconded by Commissioner Doyle. The motion passed 4-0. Commissioner Lipnick was not present.