

**NEW HAMPSHIRE REAL ESTATE COMMISSION**  
**PUBLIC MEETING MINUTES**  
**March 21, 2023**

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A meeting of the New Hampshire Real Estate Commission was held on Tuesday, March 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. Division Director Bethany Cottrell. OPLC Board Counsel Attorney Shane Goulet.

Present from the Department of Justice was Attorney Sheri Phillips.

Chairman Hyde left at 12:00 pm.

Administrator Couture left at 12:15 p.m.

**I. Call To Order –**

The meeting was called to order at 8:36 a.m. by Chairman Hyde.

**II. Non-Public Meeting –**

At 8:37 a.m. following an appropriate motion by Chairman Hyde and seconded by Commissioner Lipnick 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 9:10 a.m. following an appropriate motion was made by Commissioner Lipnick and seconded by Chairman Hyde, 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 Commissioner Valentine and seconded by Commissioner Lipnick, 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. Review and Approval of the Public Minutes of the February 21, 2023 meeting.**

Commissioner Valentine suggested a minor change.

- Under item IX, subsection a, the last word on the third line; change "odd" to "off".

Commissioner Valentine made a motion to approve the February 21, 2023, public minutes, as amended, the motion was seconded by Commissioner Cabana. The motion passed unanimously.

**VI. New Business**

- a. Daniel Twombly – Chairman Hyde made a motion to approve the PANP agreement. The motion was seconded by Commissioner Valentine. The motion passed unanimously.
- b. Heather Kelley – PSI – Division Director Cottrell informed the Commission that PSI asked OPLC if they would extend the testing out to six months. Chairman Hyde asked Division Director Cottrell to introduce herself. Division Director Cottrell stated that she is the new Division Director for the Department of Licensing and Administration. There was a discussion as the Commission did not understand why testing needed to be extended. Division Director Cottrell explained that Heather Kelley was not from PSI, she is OPLC's Director of Finance. Chairman Hyde has requested for this item to be tabled to the next meeting when Heather Kelley can come before the Commission to further explain PSI's request.

**VII. Public Appearances –**

- a. Erin McLaughlin – Manage multiple offices – Ms. McLaughlin appeared in-person requesting to manage another office located in Concord, NH. Ms. McLaughlin is currently the managing broker for Better Homes and Garden in Meredith, NH. The Meredith office has 14 agents and the Concord office has 23 agents. It is about 43 miles between the two offices. Ms. McLaughlin has a residence as well as a full time assistance in both locations. She is at both locations a minimum of 2 days a week.

Commissioner Cabana made a motion to approve Ms. McLaughlin's request to be the managing broker for the office in Concord. The motion was seconded by Commissioner Valentine. The motion passed 4-0. Commissioner Doyle was recused.

- b. Linda Early – Manage additional office – Ms. Early appeared via Zoom requesting to be a managing broker for an office located in East Hampstead, NH. She has a

full time administrator in each office. She was a previous broker under Coco Early. Commissioner Cabana made a motion to approve Ms. Early's request to be a managing broker for the office located East Hampstead. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

- c. Charles Flanagan – Experience approval – Mr. Flanagan was in attendance via Zoom. He has worked for Realty Trust Group, LLC for 11 years where he works with a Principal Broker. He has been licensed as a broker since 1991. Chairman Hyde asked if he participated in the transactions? Mr. Flanagan answered that he did participate in each transaction. Based on the attachments submitted with Mr. Flanagan's application and testimony, it appears that he meets the requirements under RSA 331-A:10, II (g). Chairman Hyde made a motion to approve Mr. Flanagan for equivalency. The motion was seconded by Commissioner Cabana. The motion passed unanimously.
- d. Kathy Beaman – Renew lapse license – Ms. Beaman was not present. The Commission will hold off on this request until the other requests are completed; to give Ms. Beaman a chance as she may have experienced issues getting into Zoom.
- e. Lindsay Strozza – Renew lapse license – Ms. Strozza appeared in-person. Ms. Strozza stated that at the time she was went online to renew her license, she was six months pregnant with covid and had a four year old at home. Ms. Strozza mentioned that she did go online to renew prior to her expiration date, submitted her courses and thought that she had completed the payment section as she had her credit card out. She admitted to not double checking to see if the payment went through on her card statement. She did not realize that her renewal was not complete and did not know that her license was in a lapsed status until December of 2022 when she changed brokers. Ms. Strozza mentioned that she had not been practicing at any point during this time. Chairman Hyde asked Ms. Strozza what took so long between December 27, 2022 when she found out her license status was lapsed to March 7, 2023 when she submitted her request. Ms. Strozza indicated that it was finding out the process to renew, receiving all the continuing education and mostly waiting to be placed on the agenda. Commissioner Doyle asked if she was hospitalized when she had covid. Ms. Strozza answered that she was not hospitalized but was very ill. Ms. Strozza indicated that she had covid twice and at one of those times everyone in her house had covid.

Chairman Hyde made a motion to approve Ms. Strozza's request to reinstate her license for good cause shown. The motion was seconded by Commissioner Cabana. The motion passed unanimously.

- f. Crystal Laliberte – Experience approval – Ms. Laliberte appeared in-person. Ms. Laliberte stated that the company she works with, REI Service Corp. does not do any sales, they collect rent. Assisting landlords and tenants as real estate agents, they are employed full time by a principal broker. Chairman Hyde made a motion

that the application be process. The criteria is met, there is no need for equivalency. The motion was seconded by Commissioner Cabana. The motion passed 3-2. Commissioner Valentine and Commissioner Doyle opposed.

Commissioner Valentine went on record that he opposed because he did not feel that the applicant had sufficient experience to practice as a broker.

- g. Stacey Alcorn – Experience approval – Ms. Alcorn appeared in-person. Chairman Hyde went on record that he is a trustee for the MA School of Law, which the school that Ms. Alcorn graduated from; however, Chairman Hyde does not know Ms. Alcorn. Attorney Phillips does not believe that Chairman Hyde needs to be recused. Ms. Alcorn has been licensed in MA since 1997, has been the owner for Prestige Real Estate Inc. since 2000 and licensed as a broker in MA since 2007. Ms. Alcorn stated that she does not work with the buyers, she works with her agents. Commissioner Doyle asked about the three MLS sheets submitted with her application and if they were personal purchases. Ms. Alcorn confirmed that they were; two were done by her agents as buyer and seller and one she worked with her mother who is licensed in NH and is listed on the MLS sheet. The rest of the transactions were off market. She does about 3,500 transactions a year. Chairman Hyde asked if Ms. Alcorn is actively involved in any transactions. Ms. Alcorn confirmed that she is actively involved as she helps her agents with their transactions. Chairman Hyde indicated that this request does not need to be approved for equivalency.

Chairman Hyde made a motion to approve Ms. Alcorn’s application as long as the application itself is complete. The motion was seconded by Commissioner Cabana. The motion passed 4-1. Commissioner Valentine opposed.

- h. Sanjana Sheth – Exam extension request – Ms. Sheth appeared via Zoom. Ms. Sheth’s courses were completed November 3, 2022 and take the exam by December 7, 2022; however, she had to travel abroad for a family emergency. Ms. Sheth explained that when she contacted PSI and explained her situation to them, PSI told her that her account will be on hold and for Ms. Sheth to contact them will she returns and they will reactivate her account. Ms. Sheth stated that when she returned to the United States, she contacted PSI but they told her that they had no information on her and that she needed to request an extension. Ms. Sheth indicated that she had asked PSI if she could take the exam abroad but PSI told her no, she can just contact them when she returns to the States. Chairman Hyde stated that the rule limits the extension to 30 days; however, Ms. Sheth was not advised to appear for last month’s meeting, which is not her fault.

Chairman Hyde made a motion to grant Ms. Sheth’s request per Rea 301.03 (g). The motion was seconded by Commissioner Doyle. The motion passed unanimously.

Chairman Hyde made a motion for the 30 day window to start when she retakes the exam. The motion was seconded by Commissioner Valentine. The motion passed unanimously.

- i. Kathy Beaman – Renew lapse license – Ms. Beaman attended via Zoom. Ms. Beaman has been a licensed broker since 1987. Her business is located in SC. Ms. Beaman explained that she had thought her expiration date was on June 30, 2022 but it was earlier in June. Ms. Beaman stated that as she was working on obtaining the required continuing education courses for late renewals, she had personal family issue happen during the summer so she had to hold off on completing the courses. Ms. Beaman indicated that she had called OPLC and the person she talked with informed her that she had until the end of the year. Ms. Beaman stated that she had called OPLC again, she spoke a different person who told her that she had until December 15<sup>th</sup> to complete her renewal. Ms. Beaman stated that she told this person that someone else had said she had until the end of the year. Ms. Beaman indicated that the person from OPLC said that she would check on what was previously said to Ms. Beaman and get back to her; however, that person from OPLC did not get back to her. Ms. Beaman started the late continuing education courses in December of 2022. Commissioner Doyle asked if there was any written communication between Ms. Beaman and OPLC about the end of year or any specific date. Ms. Beaman stated that there was no written communication, just by phone calls.

Commissioner Valentine made a motion to reinstate Ms. Beaman’s license by good cause shown. The motion was seconded by Commissioner Lipnick. The motion passed unanimously.

Chairman Hyde made a motion to waive the late fee of \$300.00. The motion was seconded by Commissioner Lipnick. The motion passed unanimously.

- j. Jessica F. Kallipolites and Mike Porter from Enforcement – Attorney Porter informed the Commission that they have someone in enforcement that will specifically be working on Real Estate Commission complaints. Attorney Porter will work with this person on how to conduct ROI’s for the Commission. Currently this person is working on the backlog so the Commission will have more cases next month.

#### **VIII. Administrative Rules & Legislation Topics**

- a. HB655 – Commissioner Valentine informed the Commission that the bill was being amended so that none of the Real Estate Commission’s statues will be removed.

#### **IX. QUESTIONS AND COMMENTS**

- Kathy Roosa indicated that the PSI handbook has missed information. One example of miss information is the registration. PSI handbook states that candidates have 90 days from the course completion date to register for the exams, which is not true. The law says 6 months from course completion. There

is no need for extensions if within the 6 months. Another example is regarding equivalency. The handbook says that all applicants must submit an equivalency application but not applicants need to.

Chairman Hyde stated the Commission does not have involvement with this document. The handbook does need to be corrected. Chairman Hyde asked OPLC Board Administration to try and get someone from PSI to attend the next meeting.

- Ann Flanagan asked if the State can go through a different testing center as PSI is asking for students SSN via email which is not secure. She gave an example of one student did not feel comfortable sending in their SSN by email so they mailed it but the SSN got stolen.
- John Doran asked for clarification regarding reinstatement requirements. Is this being enforced or does the Commission have the ability to waive this. Chairman Hyde stated that the lapsed licensee has to provide certain information. The Commission does not need to formally state that the person needs to follow the rules, that should be OPLC.
- Christy Arnett commented on the change in the course approval procedure. Chairman Hyde stated that currently the three licensed Commission Members are the ones that will be reviewing the courses. The courses will take longer to be approved.
- Lisa Davidson mentioned that she had sent in an email request for a declaratory ruling a few months but has not heard anything regarding it since. Chairman Hyde stated that sending in an email requesting a declaratory ruling does not suffice. The request needs to be more formal as they are requests for language to be itemized out in detail.

#### **X. NON-PUBLIC MEETING –**

At 11:45 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 February 21, 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.

#### **XI. PUBLIC MEETING RECONVENED –**

At 1:44 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. Chairman Hyde was not present.

**XII. 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.

**XIII. ADJOURNMENT –** At 1:45 p.m. Commissioner Valentine made a motion to adjourn. The motion was seconded by Commissioner Doyle. The motion passed 4-0. Chairman Hyde was not present.