



Real Estate Commission Public Meeting

Minutes

Real Estate Commission (Brokers & Salespersons)

Apr 16, 2024 at 8:30 AM EDT

Attendance

Members Present: Ralph Valentine, Chair (RV), Suzanne Brunelle (SB), Matthew Cabana (MC), Susan Doyle (SD)

Staff:

Michael Gianunzio, Board Administrator, Traci Weber, Board Administrator, Rahkiya Medley, Esq., Board Counsel

- I. Call to Order 8:35 AM
- II. Public Meeting Minutes

Motion:

Upon a motion by MC with a second by SD the Commission voted to approve the minutes as amended; unanimous.

Notes:

Page 2 B Shannon Whaley – typo “There needs an E”

Under D Joe Gauthier – grammar on “it has not been March 3rd”

- III. Public Comment

- A. Joseph Haas

1. Summarize his comments from last meeting. The Commission cannot respond to motions that have not come before them. He is awaiting that the new Board Member has not been appointed by G&C yet. Mr. Haas was looking in the report as to whether the adjective was in there as far as the “type of trust”, and does not know if that is new information or not. It was an irrevocable trust, he would like this to be ruled on. It would be nice for the Commission to put in a request to LBA to do another audit to find out how long it should take for the decision from the Board to make it’s way to the complainant. Haas said that Director Courtney should be “de-commissioned” and said he spoke with G&C and they said they are “working on it”.
2. Shannon Whaley – it’s been another month and CE broker has not gotten any better, in fact it’s gotten worse. She has duplicate classes, missing

classes. She has spoken to people that are captured into a \$40 subscription and they are selling people's data. She feels strongly that the State of NH is being taken advantage of. She is concerned about the number of licensees who are "trapped" into the subscription model. Instructors got together and wrote a letter to OPLC and there has been no response.

3. Lisa Davidson – Ripaldi Real Estate School – wants to reiterate what Shannon just said. 2 options on the main page are "sign in" or "start trial". People are thinking they have to sign up with the 7 day free trial, it's misleading on the front page and they don't know how to access the free account. She has been trying to renew her classes, she's called them and was told that she does not have to put her classes in as "new" but it does not ask her to put in any documentations or pay. A lot of them have classes coming up for renewal in May and they are not able to renew. They are going to have a lot of classes who are lapsed because they cannot get the renewals done.
4. Kristin Vaughn – Prime MLS. The weekly roster is being uploaded in text format and wanted to thank OPLC for getting them the data. The missing information is for office and broker affiliation. When doing license look up, the start date and effective date are never the same, sometimes multiple offices are listed. When they reach out to OPLC, we are told that they are not sure why the information is showing up is not correct, it shows as "fine" on OPLC's end. Kristin feels it directly ties into the office information not tied into this list. How could someone start before the effective date?

Public comment closed at 8:48.

IV. OPLC and/or Board Administration Updates

A. Heather Kelley - 10:00 AM

1. Real Estate Exam Review with PSI - Confirm for May Meeting

PSI to meet on 5/21 to conduct the exam review. They anticipate a 4-hour process and may require more time depending on how much can be accomplished on 5/21. Can we confirm quorum for 5/21 for an all-day meeting?

Last review was February 2021. The Commission will be helping to craft the questions.

Can more people be brought in to assist with question review?

Dates Provided:

5/13: full day

6/18: ½ day

6/19: full day

6/21: full day

6/24: full day

2. LBA Audit – Tabled to May meeting

There have been adjustments made to the responses which will be reviewed at this meeting.

3. Prime MLS List Update

- a. Director Kelley was able to figure out how the data was generated, so hopefully we will have information on potential implementation for next meeting.

Update on the ability to provide office information in the list we provide.

V. Administrative Rules & Legislative Topics - Board Counsel

A. Legislation

1. HB 1095 – Cleanup from last legislative season. Hearing was held on 4/10/24, Board Counsel will follow up to see if there is anything that affects the Board.

Relative to the administration of occupational boards by OPLC

2. HB 1144 – Moved through the house and now is in the Senate. Board Counsel to follow up on the last Hearing to review and report back to the Board with more information. Commissioner Valentine is concerned about the ties of Septic Capacity to Seating Capacity and it could lead to confusion among consumers.

Relative to requirements for sewage disposal system information to be disclosed during real estate transactions.

3. HB 1320 – Board Counsel to follow up once there is a Hearing scheduled.

Relative to real property and flood risk disclosure.

4. HB 1420 – Interim study
Relative to communications between agencies and citizens.
5. HB 1521 – Amendment in the house so it’s been introduced to the Senate. Board Counsel to watch and provide updates as necessary.
Relative to recovery houses.
6. HB 1622 – Board Counsel to review the past hearing to get more information on the amendment from the House and report back to the Board.
Relative to administrative rulemaking and license renewals by the office of professional licensure and certification.
7. SB 369 – Hearing held on 4/3/24 and a work session scheduled for 4/17/23 and Executive Session on 4/23/24. Board Counsel to report back once language is flushed out after the work session.
Directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation, therefore.
8. SB 480 – Hearing scheduled for 4/17/23, Board Counsel will attend and report back to the Board.
Relative to the administration of professional licensure and certification and the regulation of real estate practice.
9. SB 502 – Hearing set for 4/24/24.
Relative to the scanning of non-drivers' identification cards by real estate brokers.
10. SB 504 – Hearing on 4/10/24, the continued session will be held on 4/19/24. Board Counsel to provide updates as needed.
Relative to land in current use.
11. SB 533 – Not moving forward, Board Counsel to remove from tracking list.
Relative to physical quorums at public meetings.
12. SB 538 – No hearing date yet in the House, Board Counsel to provide update when this is scheduled.
Relative to zoning procedures concerning residential housing.

B. Rules

1. Vote to Withdraw Rulemaking

Motion:

Upon a motion by RV with a second by SD the Commission voted to withdraw rulemaking on Rea 300; unanimous.

2. Initiate Rulemaking on Rea 300 – Expiring

Motion:

Upon a motion by RV with a second by SD the Commission voted initiate rulemaking for Rea 300's and nominate SB to be the contact person for the rules coordinator; unanimous.

VI. New Business

VII. Non-Public Session

Motion to move into Non-Public session for the purpose of board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), RSA 91-A:5, IV, RSA 326-B: 38, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.

Motion

Upon a motion by MC with a second by SD, the Commission voted to initiate the 1st non public session at 9:06 am; unanimous roll call vote.

Motion

Upon a motion by MC with a second by SB, the Commission voted to initiate the 2nd non public session at 10:31 am; unanimous roll call vote.

VIII. Resume Public Session

Motion:

Upon a motion by SB with a second by SD, the Commission voted to resume public session at 10:02; unanimous roll call vote

Motion:

Upon a motion by SB with a second by RV, the Commission voted to resume public session at 11:26; unanimous roll call vote

IX. Seal the Minutes of the Non-Public Session

Motion to keep minutes of the non-public session confidential from public disclosure pursuant to RSA 91-A: 3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and/or to render the proposed action ineffective and/or is not subject to public disclosure pursuant to RSA 236-B: 38.

Motion:

Upon a motion by RV with a second by SB, the Commission voted to seal the minutes of the non 1st non public session; unanimous

X. Adjournment

Motion:

Upon a motion by RV with a second by SB, the Commission voted to adjourn the meeting at 11:29am.

Next meeting is June 18, 2024