



Real Estate Commission Public Session Minutes

Real Estate Commission (Brokers & Salespersons)

May 21, 2024 at 8:30 AM EDT

Attendance

Members Present: Matthew Cabana, Susan Doyle, Ralph Valentine

Members Absent: Suzanne Brunelle

I. Call To Order at 8:45

Meeting called to order. If a voting member has been allowed to attend remotely, identify that member, have them check that they can clearly hear and be heard, and that they are alone in the room. Note that all votes must be via roll call vote if any voting member is attending remotely.

II. Welcome to the Real Estate Commission, Mr. Stuart Arnett. The Commission is excited to have you join.

III. Review of Public Minutes

Motion to approve April 16, 2024 Minutes

Motion from MC with a second from SD to approve as amended, roll call vote 3-0-1 SA abstained.

paragraph 3 under the notes on page 1, page 2 shannon whaley-spelling.

paragraph 3 under Lisa Davidson last sentence, lapsed has a t in it.

paragraph 11 tracking needs a g.

blank which should be today's date, just about motion and adjournment, next meeting is blank.

Include the next meeting date in the minutes.

page 2 christine vaughn 1/2 way up 4th line starts with are not sure why, information showing up is **not** correct.

Top of page 3 PSI is able to meet on 5/21 to exam review, but the chair will send some information to me via email. He will send to me in an email. Ralph Valentine will send to me.

IV. Public Appearances

Mr. Haas from Gilmanston sent an email at 7:09 a.m. this morning. He states that his complaint was denied. He filed a motion to reconsider. He is looking for a complete board to reconsider his request.

Ann Flanagan NH Real Estate School would like to eliminate "good cause".

Jennifer Frost - Question is about the content of the exam regarding the salesperson's license and the repealed information from 331-A. The Commission will be reviewing the exam very soon. It is unclear of the turn around time for updating the exam.

Wendy Huckins, Prime MLS Training Coordinator - CE Broker, she is very frustrated with no communication from OPLC. Having trouble with elective classes.

When a student tried to use one of my classes, she could not find my course. There is a disconnect between the provider and the student.

Bethany was sent emails and screenshots. Wendy is asking if they took a course a couple of months ago and agents start putting their course information into CE broker and it is not connected, this is going to continue to snowball, which is what we are seeing, a bigger issue, and it is about to involve more people.

* Chair will send an email to Bethany and Heather Kelley, Director of Operations.

Currently the pain points are for the instructors, is it about to be a pain point for the licensee. The feeling is that it will hold up the renewal process.

Shannon Whaley - CE Broker. She received an unfortunate email this morning, where they are trying to put some other instructors' courses into her account, and there is no way to get them out. She is still unable to renew her classes. This has been going on by CE broker since December.

She is hoping OPLC would honor the contract, and not utilize CE Broker if they are not going to honor the contract and fix these issues. It is getting more and more convoluted. CE Broker said the courses were live.

CE Broker keeps putting the blame back onto the state. The difference between the tracking numbers and the numbers we have used for over a decade, are not linking. Disclosure course, PE 1146 was pretty simple, post licensing approved. It was an elective. Now it is 20-11354 and there is no reference as to what it is for.

When they are renewing their classes and submit their renewal, they are not being asked to provide one or the other, so the licensees have submitted their education roster and submitted the CE broker tracking number. There are big communication issues here. If they were told to provide it, it wouldn't be necessary to use the CE tracking numbers. Licensees need to be informed of exactly what numbers to use, it would be helpful.

It would be helpful, to provide the OPLC REC # No intuitiveness in the program or whatever to guide the licensee, so it sounds like some weakness there and the search engine shows weakness as well.

This is Frustrating for the Commission as well; we hear about these deficiencies of the operational processes and the Commission does not have any oversight over.

Using the two numbers is not a long-term solution. CE Broker has been in use since December. There will be a lot of affidavits which will not have course numbers related to the categories.

CE Broker Free seven-day trial. After the seven days they charge the credit card. It seems to be bait and switch with the CE Broker, it is a bad system, and this is not

needed to renew. There are ethical issues with this, and it is not a good system, OPLC should consider removing themselves from the contract.

There was an instructor workshop on the 23rd, the issue is there was a defective link, and probably 80-90% of the people were not able to get in. CE Broker told them to tell licensees not to go to the website until OPLC told them to.

V. 10:30 Enforcement Director Jessica Kallipolites

We have a new Case management system which went live the week of the 5/22/24. Keeps track of hours spent on investigations, and certain data points that were not previously tracked. We will have additional information in the reports moving forward. The report does not show status dates. Those items needed to be mapped to the new program so as people touch the new system, the dates will be updated.

The other item they are working on is reconciliation where there is a backlog. Your case list may have older ones still on the list that may have been closed, if we cannot find the disposition, then we are not taking it off the list until we find it, or the case goes back to the Board.

The new system has its own numbering system. The old number is retained in the old data points as well and they can still look it up. There are some bugs to work out still, the vendor has a total of 221 cases on the report. But you do not have that many. And the status date is March 22nd, so the vendor will need to fix this.

The standard with new complaints that is set with staff is everything is entered within 1 day of receipt. This system is internal only. They will have a new public portal; consumers will still be able to file a complaint online, and it will be uploaded directly into the system from the complainant. The consumer is provided an emailed notice that Enforcement received the case and how they can contact Enforcement with any questions. The portal will also allow respondents to submit a response through the portal and it will automatically go into the system as well.

Motion to return to Non-Public Session

Upon a motion from MC with a second from SD, roll call vote 4-0-1

VI. OPLC and/or Board Administration Updates

VII. Old Business

- A. PSI Exam Review Update. The 1-hour session will be held on June 18th in Non-Public session. Then June 19th and 24th from 9:00 a.m. through 1:00 p.m. are the days to work with PSI on this task. Question, are the two four hour sessions required to be in person? Yes.
- B. LBA Audit
- C. Prime MLS List Update

VIII. New Business

IX. Licensure

X. Administrative Rules & Legislative Topics

A. REA 300 Rules update. The request for Rulemaking Support was reviewed by the Rules Committee and deemed as a level 1 which means Urgent. Chantell Wheeler will connect with the Board Administrator and Board Member Susan Brunelle to hold a meeting to discuss rules.

B. Legislative Update

SB 480 - There is an amendment kicking around which softened it, which the NHRA was ok with. Ought to pass. It will need to go to the Committee of Conference, and they will reconvene to make sure of the language. The definition of post licensing has been included, that was amended to address that issue. Language about inactive status, that will be in there. The amendment to the original bill was post licensing, this was the major amendment. This has not been set yet for a committee of conference, someone will attend.

Post licensing definition is important, and post licensing will fall under roman numeral VII-A. It defines the different statuses. When the Committee of Conference happens, Board Counsel will inform the Commission.

HB 1622 - Codification of what we do now. Relative to Administrative Rulemaking and licensing with OPLC and this is ought to pass.

XI. Non-Public Session

Non-Public session conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, *Lodge v. Knowlton*, (1978), and the Board's executive and deliberative privileges.

Motion to move to NP at 9:36 a.m.

Upon a motion from RV with a second from SD to move to Non-Public session, roll call vote 4-0-0.

XII. Resume Public Session

XIII. Seal The Minutes of the Non-Public Session

Minutes of the non-public session are sealed to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective. **Motion**

to Seal

Motion moved by RV and motion seconded by SD. roll call vote 4-0-0

XIV. Adjournment

Motion to Adjourn at 12:50 p.m.

Motion moved by RV and motion seconded by SD. roll call vote 4-0-0