

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

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STATE OF NH
OPLC TECH

In the matter of:

File No: 2016-033

Allegations:

NH Real Estate Commission V. Michael R. Gallo

RSA 331-A:26, II and RSA 331-A:26, XXII(a)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission ("Commission") and Michael R. Gallo ("the licensee" or "the Respondent"), a real estate broker who was first granted a license by the Commission on January 12, 2008, agree to resolve an allegation of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to RSA 331-A:28, RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondent would be:

- a. Respondent Michael R. Gallo is in violation of State Statute RSA 331-A:26, II for violating any of the provisions of that chapter or any rules adopted or order issued pursuant to the chapter covering the New Hampshire Real Estate Practice Act.
- b. Specifically, Respondent Michael R. Gallo violated RSA 331-A:26, XXII(a)(1), in that he failed to disclose in writing to an owner, the Respondent's intention or true position that the Respondent (licensed broker) directly, or indirectly through a third party . . . acquired or intended to acquire any interest in or any option to purchase or lease the property.

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2. The Respondent acknowledges and does not contest the allegations described in paragraph 1 above.
3. The Respondent consents to the Commission imposing the following discipline pursuant to RSA 331-A:28, I. The Respondent shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the "Treasurer, State of New Hampshire" within ninety (90) days of the effective date of this Settlement Agreement. Failure to comply with this disciplinary Settlement Agreement by the Respondent will result in the suspension of Respondent Michael R. Gallo's real estate broker's license until the fine is paid and he applies for reinstatement.
4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient grounds for disciplinary action by the Commission.
5. Except as provided in Items 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegation described in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining the nature of any sanction which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
7. Respondent understands that his action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.
8. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this Agreement.

9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced his right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission
10. Respondent certifies that he has read this document titled Settlement Agreement. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, he waives these rights as they pertain to the misconduct described herein.
11. The effective date of this agreement shall be on the date it is signed by the representative of the Commission shown below.

FOR THE RESPONDENT

I, Michael R. Gallo, have reviewed the foregoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about the consequences, admit to the validity thereof, and agree to all the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice and an opportunity for

hearing, substantial evidence, and findings and conclusion with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: 2/17/17, 2017



Roy Tilsley, Esquire
Counsel for Respondent

Dated: 2/27, 2017



Michael R. Gallo
Respondent

On this 27th day of FEBRUARY A.D. 2017

Personally appeared the person who subscribe to the following instrument and acknowledged the same as his voluntary act and deed before me.



Justice of the Peace/ Notary Public

My commission expires:

8/22/17

FOR THE COMMISSION

Dated: 3.21, 2017



Linda Capuchino
Division Director, Technical Professions