

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

**REAL ESTATE COMMISSION**

**In Re: Maurice Robichaud,  
Rea. Principal Broker  
License #056032**

Docket No.: 2022-006

**NOTICE OF DECISION AND  
ORDER ON DISCIPLINARY HEARING  
OF 09/21/22**

**I. ATTENDEES:**

**Steven F. Hyde, Esq., Commission Chair  
Paul Lipnick, Commissioner  
Matthew W. Cabana, Commissioner  
Susan Doyle, Commissioner (recused)<sup>1</sup>  
Nikolas K. Frye, Esq., Presiding Officer for the Commission  
Chris Senko, Commission Administrator  
Dawn Couture, Commission Administrator  
Marla Pike, Commission Administrator  
Maurice Robichaud, Licensee  
Matthew Johnson, Esq., Counsel for Licensee  
Marissa Schuetz, Esq., Hearing Counsel  
Eric Goulet, OPLC Investigative Paralegal and Witness**

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

On or about 01/19/21, the New Hampshire Real Estate Commission ("Commission") initiated a complaint alleging Maurice Robichaud ("Licensee"), as Principal Broker of Arris Realty, had allowed one of his salespersons, Maurice Robichaud, to conduct multiple transactions with an expired license between 11/23/19 and 01/26/21. After investigation, the Commission voted on 05/17/22 to issue a Notice of

<sup>1</sup> Commissioner Doyle as the Evaluating Commissioner was recused and sequestered from and took no part in the deliberation of this matter.

Adjudicative Hearing for a disciplinary action against the Licensee. The Commission held a disciplinary hearing in this matter on 09/21/22. This Notice of Decision and Order on the disciplinary hearing follows.

**III. EVIDENCE PRESENTED:**

The Commission received and, there being no objection, fully admitted the following exhibits submitted by Hearing Counsel. The Commission labels these Exhibits as follows:

1. Report of Investigation, dated 04/05/22
2. Complaint
3. Respondent's Initial Response, dated 02/25/21
4. New England Real Estate Network (NEREN) MLS listings for Elise Labbe between 11/23/19 and 05/15/21
5. Records of unlicensed transactions by Elise Labbe
6. Arris Licensing Procedures and Policies and Training Opportunities Before and After 01/27/21
7. Records of Compensation paid to Elise Labbe between 11/23/19 and 05/15/21

The Commission received no exhibits from the Licensee.

The Commission received sworn testimony from the following witness(es):

1. Eric Goulet, OPLC Investigative Paralegal (called by Hearing Counsel, via offer of proof and questioning)
2. Maurice Robichaud, Principal Broker and Licensee (called by Licensee, via offer of proof and questioning)

The Commission received a Joint Stipulation of Facts submitted by the parties.

**IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:**

The issues presented in this disciplinary adjudicatory hearing are as follows: 1) whether Licensee, while acting as a Principal Broker as defined at RSA 331-A:2, VIII, violated RSA 331-A:26, II (*See* RSA 331-A:16, II, RSA 331-A:26, XXIV, RSA 331-A:26, XXVII, RSA 331-A:26, XXIX, and/or RSA 331-A:26, XXXVI, ) when between 11/23/19 and 01/26/21 he allowed one of his salespersons, Elise Labbe, to conduct multiple transactions, assist clients in a salesperson capacity, and receive a portion of related commissions with an expired license; 2) whether Licensee, while acting as a Principal Broker as defined at RSA 331-A:2, VIII, violated RSA 331-A:26, XXIV when between 11/23/19 and 01/19/21 he allowed

one of his salespersons, Elise Labbe, to conduct multiple transactions, assist clients in a salesperson capacity, and receive a portion of related commissions with an expired license; 3) whether Licensee, while acting as a Principal Broker as defined at RSA 331-A:2, VIII, violated RSA 331-A:26, XXVII when between 11/23/19 and 01/26/21 he allowed one of his salespersons, Elise Labbe, to conduct multiple transactions, assist clients in a salesperson capacity, and receive a portion of related commissions with an expired license; 4) whether Licensee, while acting as a Principal Broker as defined at RSA 331-A:2, VIII, violated RSA 331-A:26, XXIX when between 11/23/19 and 01/26/21 he allowed one of his salespersons, Elise Labbe, to conduct multiple transactions, assist clients in a salesperson capacity, and receive a portion of the related commissions with an expired license. 5) whether Licensee, while acting as a Principal Broker as defined at RSA 331-A:2, VIII, violated RSA 331-A:26, XXXVI when between 11/23/19 and 01/26/21 he allowed one of his salespersons, Elise Labbe, to conduct multiple transactions, assist clients as in salesperson capacity, and receive a portion of the related commissions with an expired license; and 6) if the above allegations are proven, whether and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 331-A: 28. *See* Notice of Hearing at II(c). Pursuant to Rule 205.14, Hearing Counsel has the burden of proving her case by a preponderance of the evidence. The credible evidence presented at the hearing allows the Commission to find the following facts.

#### **A. HEARING COUNSEL'S CASE-IN-CHIEF**

##### **1. Eric Goulet, OPLC Investigative Paralegal**

According to Hearing Counsel, were a full trial to have occurred at the adjudication, the testimony of Eric Goulet and Hearing Counsel's exhibits would have established the facts contained in the Joint Stipulation of Facts submitted by the parties. The Joint Stipulation of Facts contains the following factual representations:

The Commission first granted Respondent a license to practice as a Principal Broker in the State of New Hampshire on April 14, 2013. Respondent holds license number 056032. On November 17, 2020, the Commission initiated a complaint against Elise Labbe, a licensed Salesperson operating under Respondent, alleging that she had been conducting transactions while her license was expired and lapsed. A second complaint was filed against Elise Labbe on January 25, 2022, after discovery of additional suspected violations. On January 27, 2021, the Commission initiated a complaint against Respondent, alleging that Respondent permitted one of his real estate Salespersons, Elise Labbe (“Labbe”), to practice in an unlicensed status and paid or offered to pay valuable consideration to an unlicensed employee. Labbe is a Salesperson under Respondent’s responsibility as her Principal Broker of Arris Realty. Labbe’s license expired on November 23, 2019, and lapsed on May 23, 2020. Labbe was unlicensed until the Commission issued her a new license on May 15, 2021. Labbe did not inform Respondent of her licensure status until January 2021, after the Commission denied her request for renewal. Respondent did not confirm Labbe’s licensure status prior to issuing commission payments to Labbe; Nor did he know her license had expired. Respondent became aware of Labbe’s licensure status on January 19, 2021 and immediately ceased her activities as a real estate salesperson. Between November 23, 2019, and May 15, 2021, Labbe closed on nine (9) transactions while her license was expired or lapsed, for which Respondent paid Labbe commissions totaling \$33,102.11.

- a) 1190 Bridge Street, Manchester – Closed 12/2/2019; \$2,268.36
- b) 71 Derryfield Court, Manchester – Closed 12/2/2019; \$2,771.25
- c) 35 D Apple Lane, Hollis – Closed 4/30/2020; \$2,325.00
- d) 40 Highland Street, Hudson – Closed 4/13/2020; \$5,034.00
- e) 85 Ferry Street, Hudson – Closed 5/21/2020; \$3,720.00
- f) 251 Carley Road, Peterborough – Closed 10/6/2020; \$3,718.50
- g) 69 Tate Road, Gilford – Closed 11/16/2020; \$5,000.00
- h) 202 Elmwood Drive, Hudson – Closed 11/30/2020; \$2,040.00
- i) 161 Ferry Street, Hudson – Closed 12/11/2020; \$6,225.00

That since being granted a license to practice as a Principal Broker, the Respondent has managed more than forty (40) real estate salespersons and has never had a complaint filed against him prior to the present complaint.

Joint Stipulation of Facts dated 09/14/22.

Hearing Counsel had no direct questions for Mr. Goulet. Upon cross examination, Mr. Goulet testified that during his investigation he did not learn of any member of the public who was harmed by the transactions Ms. Labbe was involved in when she was unlicensed. The Board had no questions for Mr. Goulet.

**B. LICENSEE’S CASE-IN-CHIEF**

## **1. Maurice Robichaud, Licensee**

According to Counsel for the Licensee, were a full trial to have occurred at the adjudication, the testimony of the Licensee and Hearing Counsel's exhibits would have established the facts contained in the Joint Stipulation of Facts submitted by the parties and as already referenced herein. Counsel also proceeded with a line of direct examination of the witness. Additionally, Counsel for the Licensee explained that his client did not learn Ms. Labbe was unlicensed until 01/19/21, when he received a call from a John Doren, informing him that one of his licensees was in front of the Board. According to Counsel for the Licensee, his client's immediate reaction to learning of the situation was to call Ms. Labbe and instruct her not to work on anymore transactions. The Licensee's attorney assured the Board that had his client known Ms. Labbe's license was expired, he would not have allowed her to work on any of the nine transactions. Counsel for the Licensee closed his offer of proof by stating that his client has been a principal broker since 2013, has never been before the Board on a disciplinary matter, is a constant presence in his office, had a system in place for tracking licensure when this matter occurred, has since improved the license tracking system, takes full responsibility for what happened, and desired to have the matter resolved.

The Licensee was also asked a series of direct examination questions by his attorney. The Licensee's testimony revealed that he is a constant presence at his place of work and makes himself available to his salespersons and staff even when on vacation. He detailed for the Board that he does monthly trainings with his staff, both on an individual basis and as a group. In addition to monthly trainings, the staff has meetings to discuss issues, though he acknowledged this process was partially disrupted by the COVID-19 pandemic but has since revived. He testified that that his previous system for tracking licensure was having a printed copy of licenses that were about to expire on a calendar. A copy of that license would then be copied when it came due to expire and placed on his desk. He stated

once a new license came in he would throw the old one in the trash and restart the process. According to his testimony, due to inadvertence or mistake, Ms. Labbe's license was somehow removed from his desk. The Licensee assured the Board that he now had an electronic google reminder set for two weeks before the license was set to expire and the date of expiration. The Licensee explained that since the new system has been implemented, there have been no further issues.

On cross examination, the Licensee noted he has 18 salespersons and one unlicensed staff member. He also clarified that the trainings he provides for his employees includes matters of licensure, especially since the incident with Ms. Labbe occurred. The Licensee also reaffirmed his testimony that he was unaware of Ms. Labbe's license status until January of 2021 at which time he immediately informed her she could not do any further transactions. The Board had no questions for the witness.

**V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

After reviewing all the evidence and accounting for the presentation and demeanor of the witnesses, the Commission finds Hearing Counsel has met her burden of proof that the Licensee is guilty of professional misconduct. The salient facts are clear and undisputed: the Licensee admits that Ms. Labbe worked on 9 transactions with an expired license while under him. For each of those 9 transactions, the Licensee paid Ms. Labbe a commission.

Based upon the evidence presented and the findings of fact made herein, the Commission makes the following conclusions of law:

1. The Commission concludes that the Licensee is guilty of having violated RSA 331-A:26, II (See RSA 331-A:16, II).
2. The Commission concludes that the Licensee is guilty of having violated RSA 331-A:26, XXIV.
3. The Commission concludes that the Licensee is guilty of having violated RSA 331-A:26, XXVII.

4. The Commission concludes that the Licensee is guilty of having violated RSA 331-A:26, XXIX.
5. The Commission concludes that the Licensee is guilty of having violated RSA 331-A:26, XXXVI.
6. Upon a finding of guilty of violating this chapter, the Commission imposes the following sanctions against the Licensee:
  - a. The Licensee is hereby **REPRIMANDED** for his conduct.
  - b. A Two Thousand Dollar (\$2,000.00) fine, which shall be paid in full to the Commission within forty-five (45) days of the signed date of this Order;
7. In imposing these disciplinary sanctions, the Commission considered the presence of aggravating and mitigating circumstances as required by Rule 206.01(e) and outlined in Rules 206.01(f) and (g). Particularly, the Commission focused on the factors noted in Rules 206.01(f)(4) and (5) and 206.01(g) (1), (2), (3), and (4).
8. Pursuant to RSA 331-A:28, III and Rule 206.02 the action of the Commission stated in this order may be appealed to the superior court by the licensee charged with practicing unlawful brokerage activity within 30 days after its issuance.

## VI. ORDER

The Commission concludes the Licensee is guilty of violating RSA 331-A and subjects him to the disciplinary sanctions stated herein.

SO ORDERED.

DATED: 9/23/2022

\_\_\_\_\_/s/ Nikolas K. Frye, Esq.\_\_\_\_\_  
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