

NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
January 18, 2022

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, January 18, 2022, 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., Susan Doyle, Paul Lipnick, Matthew Cabana and Ralph Valentine

Also present from OPLC office: Administrators Bobbie Mayo and Dawn Couture.

Sheri Phillips from the Department of Justice was also present.

I. CALL TO ORDER –

The meeting was called to order at 8:41 a.m. by Chairman Hyde.

II. READING AND APPROVAL OF MINUTES –

Commissioner Valentine moved to approve the December 21, 2021, minutes as written, seconded by Commissioner Doyle. An interjection was made by a member of the public requesting that under section “V” that the word Puplic be corrected to say Public. The motion passed 3-0. Commissioner Cabana abstained.

III. NEW BUSINESS -

Appointments:

- a. Sharon Farrell – Request for Reinstatement. Ms. Farrell stated that she had many excuses as to why her license lapsed. She mentioned that she always used the 6-month grace period to renew her license. Chairman Hyde stated that the 6-month expiration period is not a grace period. Ms. Farrell stated that she contacted the OPLC on two separate occasions and that the OPLC did not respond. She offered to provide the Commission with the screen shots from her email box. Chairman Hyde asked that the record show that Ms. Farrell’s emails were sent from an email which was not associated with her account at the OPLC. The OPLC customer service did respond to her email and requested additional information to verify Ms. Farrell’s identity. Chairman Hyde explained that when the Commission approves reinstatements, the licensee must show good cause as to why they let the license lapse and the request needs to be made in an appropriate amount of time in accordance with RSA 331-A:18. Ms. Farrell argued that the memo that the Commission was provided was not accurate and that she had been working on the renewal three days after her license went into lapsed status. Commissioner Doyle stated that she felt that Ms. Farrell failed to show good cause as to why her license

- lapsed. Commissioner Cabana made a motion to deny the request for reinstatement for lack of good cause shown. The motion was seconded by Commissioner Doyle, the motion passed unanimously.
- b. Jeffrey Smith – Mike Keeler, principal broker appeared with Jeff Smith. Mr. Keeler stated that the Pelham office will only contain one agent. Mr. Smith currently manages two offices in Massachusetts and the Pelham office will be the only office that is physically present in NH, but he does have agents within his MA offices that practice in NH as well as MA. Commissioner Doyle asked how Mr. Smith plans to oversee so many agents within the three separate offices. Mr. Keeler responded that their Brokerage uses an online platform where agents can submit documents for review. Commissioner Cabana made a motion to approve Mr. Smith to manage three offices as requested. The motion was seconded by Commissioner Doyle, the motion passed unanimously.
- c. Don Roberts – Mr. Roberts is requesting to be the managing broker of two firms, one in Alton and one in Wolfeboro. Mr. Roberts explained that he used to be the owner/principal broker of these offices, but his company merged with a larger company. Commissioner Valentine made a motion to approve Mr. Roberts to be the managing broker of the two offices, as requested. Commissioner Doyle seconded, the motion passed unanimously

IV. OTHER BUSINESS

- Proposed Rules – Staff Member Tina Kelley joined the meeting and reviewed the requested changes from the December 21 meeting. The Commissioners reviewed each rule and form, minor changes were made. A motion was made by Chairman Hyde to approve proposed rules Rea 300 and Rea 400 as amended. Commissioner Doyle seconded; the motion passed unanimously. Chairman Hyde made a motion to approve all forms as amended. The motion was seconded by Commissioner Doyle. The motion passed unanimously. Staff Member Tina Kelley will submit the proposal to JLCAR. Once JLCAR receives the proposal, the rules will be posted on the Commission website for review. Tina Kelley is hoping to schedule a rule hearing for March 2022.
- Questions and Comments –
 - Instructor John Doran asked the Commission if they could give any explanation to the bills that were filed on behalf of the Commission. He also asked if they sought any feedback from the public prior to filing. Staff member Mayo responded that Bill 1354 was the reciprocity bill that Ann and Jack Flanagan had assisted the Commission with. This bill was originally brought forth as HB 355 but failed.
 - A comment was made that reciprocity means that each state is accepting of each other's license, a concern was raised that we may accept all states

licensees but because NH's requirements are so low, other states may not accept ours. Staff member Mayo responded that this had been a concern raised previously but it is the current legislative opinion that moving between states should be easier than it currently is.

V. NON-PUBLIC MEETING –

At 10:55 a.m. following an appropriate motion by Chairman Hyde and seconded by Commissioner Cabana 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 December 21, 2021 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.

VI. PUBLIC MEETING RECONVENED –

At 12:01 p.m. an appropriate motion was made by Commissioner Valentine and seconded by Commissioner Doyle, and the Commission unanimously voted by roll call, to reconvene the public meeting.

VII. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Chairman Hyde 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.

VIII. NEXT MEETING – February 15, 2022, at 8:30 a.m.

IX. ADJOURNMENT

At 12:03 p.m. an appropriate motion was made by Commissioner Valentine, and seconded by Commissioner Doyle, to adjourn the meeting. The motion was unanimously approved.