

NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
March 15, 2022

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, March 15, 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 8:32 a.m. by Chairman Hyde.

II. READING AND APPROVAL OF MINUTES –

Commissioner Valentine moved to approve the February 15, 2022, minutes as written, seconded by Commissioner Doyle. The motion passed unanimously.

III. NEW BUSINESS -

Appointments:

- a. Andrew White – Mr. White appeared in person to request the ability to act as a managing broker for a new office. Mr. White stated that this office will hold a team of three agents. The distance between the two offices is approximately 3.5 miles. A brief discussion was held. Commission Valentine made a motion to approve Mr. White’s request to be the managing broker of a new office to open in Hudson, NH. The motion was seconded by Commission Doyle. The motion passed unanimously.
- b. Anthony Giglio – Mr. Giglio appeared via Zoom to request approval of equivalency. Mr. Giglio has active licenses in three states. He has a client who would like to start to do business in New Hampshire and Mr. Giglio would like to be licensed in preparation of this. A brief discussion was held wherein the Commission discussed the petitions qualifications and compared them to 331-A:10. Commissioner Valentine made a motion to approve Mr. Giglio’s request for equivalency. The motion was seconded by Commissioner Cabana. The motion passed unanimously.
- c. Melissa Mullen – Attorney Mullen appeared via Zoom to request approval of equivalency. Attorney Mullen is currently licensed as a broker in MA, she was licensed by attorney waiver. Attorney Mullen does have an active Attorney’s license

in the state of Massachusetts. A brief discussion was held wherein the Commission discussed the petitions qualifications and compared them to 331-A:10. Commissioner Cabana made a motion to approve Attorney Mullen's request for equivalency. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

- d. Jacqueline L. Theodore – Administrator Mayo explained to the Commission that she never received confirmation from Ms. Theodore that she would be present at the meeting. Chairman Hyde clarified the process for scheduling petitioners for the meeting and then made a motion to dismiss Ms. Theodore's request to reinstate due to non-appearance. Commissioner Lipnick seconded the motion. The motion passed unanimously.

IV. OTHER BUSINESS

- Proposed Rules – Administrator Mayo informed the Commission that a hearing was scheduled for the April meeting.
- Pending Bills – Commissioner Valentine gave a summary and review of pending legislation.
 - SB 322 – sent to interim study
 - SB 344 – sent to interim study
 - SB 222 – voted ought to pass
 - SB 330 – sent to interim study
 - SB 210 – regarding the sale of mobile home parks
 - HB 1014 – voted ought to pass
 - HB 1344 – regarding broker's authorities
 - HB 1354 – Passed the house with an amendment
 - HB 1460 – ITL
 - HB 1019 – Sent to study
- Standing Order – Re: Bounced Checks – A brief discussion was held wherein the Chair voiced his concern that the OPLC would be making decisions on behalf of the Commission prior to consulting the Commissioners. A brief discussion was held where the other Commissioners felt that this was also not appropriate. A motion was made by Chairman Hyde voted to deny the request to sign the standing order regarding bounced checks. Commissioner Doyle seconded the motion. The motion passed unanimously.
- Questions and Comments – None.

V. **NON-PUBLIC MEETING –**

At 9:19 a.m. following an appropriate motion by Chairman Hyde and seconded by Commissioner Doyle 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 February 15, 2022 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 12:49 p.m. an appropriate motion was made by Chairman Hyde and seconded by Commissioner Valentine, 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 Valentine, 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.

OTHER BUSINESS - Continued

- Enforcement Memo – Chairman Hyde stated that he had numerous concerns with the new procedure. His main concerns are that it appears that the new procedure is a direct violation of 331-A. A discussion was held wherein the Commissioners also stated their concerns. Chairman Hyde made a motion to draft a letter to Attorney Kallipolites, Director Courtney and Attorney General Formella outlining the Commissioners concerns. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

VIII. NEXT MEETING – April 19, 2022, at 8:30 a.m.

IX. ADJOURNMENT

At 1:00 p.m. an appropriate motion was made by Commissioner Valentine, and seconded by Commissioner Doyle, to adjourn the meeting. The motion was unanimously approved.