

**NEW HAMPSHIRE REAL ESTATE COMMISSION**  
**PUBLIC MEETING MINUTES**  
**June 21, 2022**

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A meeting of the New Hampshire Real Estate Commission was held on Tuesday, June 21, 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, Matthew Cabana, Paul Lipnick and Ralph Valentine.

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

Sheri Phillips from the Department of Justice was also present.

**I. CALL TO ORDER –**

The meeting was called to order at 8:31 a.m. by Chairman Hyde.

At 8:32 a.m. Chairman Hyde moved to go into a non-meeting, seconded by Commissioner Valentine. The motion passed unanimously.

At 9:33 a.m. Commissioner Valentine moved to come out of non-meeting, seconded by Commissioner Cabana. The motion passed unanimously.

**II. HEARINGS –**

9:30 Kelly Brennan Powers – The hearing opened at 9:34 a.m. Ms. Powers was present via Zoom. She gave an explanation of her work history and fully complied with the Commission’s request for further information. The Commission asked Ms. Powers additional questions and a brief discussion was held. The hearing closed at 9:55 a.m.

10:00 Peter Eisan Jr. – The hearing opened at 10:00 a.m. Mr. Eisan was physically present. He explained to the Commission that he was still a minor when the arrest happened and was under the impression that he was charged as a minor. He is in the process of having the conviction annulled. He believed he was answering the question truthfully. The hearing closed at 10:12 a.m.

**III. NEW BUSINESS –**

Appointments:

- a. Joseph Haas – Mr. Haas brought forth his concerns regarding the difficulty he experienced in finding the meaning of the words “Absolute” and “Beneficiary” within the administrative rules in regards to absolute sales and beneficial interest

with auctions. Chairman Hyde explained that these concerns did not really fall under the Real Estate Commission and suggested other agencies Mr. Haas could contact.

**IV. HEARINGS –**

10:30 Kenneth J. Riley – The hearing opened at 10:30 a.m. Mr. Riley was physically present. He thought that the offense was a violation opposed to a misdemeanor. He considers his mistake as an administrative error not an intent to deceive. Mr. Riley informed the Commission that he lives his life by the code of the Airforce. The hearing closed at 10:45 a.m.

**V. NEW BUSINESS –**

Appointments:

b. Donna Gerry – Ms. Gerry appeared in person requesting to be the managing broker for a fourth office located in Portsmouth, NH. Ms. Gerry works for the Masiello Group. In 2020, COVID forced the Portsmouth office to close; however, recently they have realigned additional support to their agents and would like to reopen the Portsmouth office with Ms. Gerry as the managing broker. Chairman Hyde had Ms. Gerry as a client but does not feel it is a conflict. Commissioner Valentine had a client in common with Ms. Gerry but does not feel he has a conflict. Chairman Hyde moved to approve the request, seconded by Commissioner Valentine. The motion passed unanimously.

**VI. READING AND APPROVAL OF MINUTES –**

Commissioner Valentine moved to approve the May 17, 2022, minutes as written, seconded by Commissioner Doyle. The motion passed 4-0. Commissioner Valentine abstained.

**VII. OTHER BUSINESS –**

- Kara Leigh Baumann - Ms. Baumann wrote to the Commission to ask for reconsideration for her reinstatement denial. As the Commission does not have a reconsideration process, the Commission voted to take Ms. Baumann's request up as an appeal pursuant to RSA 331-A:7, V. Chairman Hyde moved to consider the request for an appeal, seconded by Commissioner Cabana, motion passed 4-0. Chairman Hyde was recused. Commissioner Valentine moved to not consider Ms. Baumann's appeal of her reinstatement denial, seconded by Commissioner Doyle. The motion passed 4-0.

**VIII. HEARINGS –**

11:00 Timothy King – The hearing opened at 11:00 a.m. Mr. King was physically present. He checked off “No” on the question regarding having a criminal record on his application. He believed he was answering the question truthfully when filling out the application and not intentionally being misleading. The hearing closed at 11:11 a.m.

**The Commission took a break from 11:12 a.m. to 11:27 a.m.**

**IX. NEW BUSINESS -**

Appointments:

- a. Robert Barry – Attorney Barry appeared in person to request equivalency to sit for the Broker’s exam. Attorney Barry appeared in May with no transactions and was denied but he has submitted additional information. Attorney Barry asked for clarification on what “equivalent experience” is. Commissioner Doyle explained that during the May meeting there was substantial conversation in regards to equivalent experience. Attorney Barry felt that he made have misunderstood. Chairman Hyde explained that the Commission works as a whole and equivalent experience means something a little different to each individual. Chairman Hyde read into record an email received by Attorney Barry in regards to his experience. Commissioner Valentine explained that “If you don’t have 6 transactions, then tell me what experience you would have that would be equivalent to having 6 transactions.” Commissioner Hyde asked Attorney Barry if he was before the Commission because of the three transactions submitted in which Attorney Barry indicated that was correct. Commission Valentine asked Attorney Barry about his involvement with the three transactions submitted; specifically, “did he have a contract with the buyer”, “did he have representation with the buyer” and “did he receive compensation?” Attorney Barry had answered “no” to all three questions. Commissioner Doyle had indicated the additional information that was submitted does not provide the same information located on an MLS sheet. The Commission thanked Attorney Barry for this appearance and informed him that OPLC Staff would notify him of their decision.
  
- b. Diane Stuart – Ms. Stuart appeared in person to request equivalency. Ms. Stuart had indicated that she was licensed as a salesperson in 1998 with Better Homes and Gardens, in 2007 she became a part of a “referral associate program”. The question arose as to what her involvement was in transactions. Ms. Stuart indicated that she does answer the phone and transfer the caller to an agent; however, she was more of a trouble shooter and deals mostly with the end part of the transactions such as help with home inspections, with contracts and third parties. She also indicated that compensation was part of her salary and she does about 250-300 transactions a year. Ms. Stuart had a witness with her who attested to her job functions and responsibilities. Commissioner Cabana moved to approve Ms. Stuart’s request,

seconded by Commissioner Lipnick. The motion passed unanimously.

**At 12:37 p.m. Chairman Hyde moved to break for lunch, seconded by Commissioner Valentine. The motion passed unanimously.**

**At 1:09 p.m. the Commission resumed public session.**

**X. OTHER BUSINESS**

- Tina Kelley – Rea 300’s & 400’s comments from JLCAR. Commissioner Doyle volunteered to review JLCAR’s comments and provide feedback to Tina within a weeks’ time.
- Rea 208 – Waiver of Substantive Rules – A brief discussion was held. Chairman Hyde moved to not add this into the rules, seconded by Commissioner Cabana. The motion passed unanimously.
- Passage of HB1354 – Administrator Mayo informed the Commission that the licensure recognition law would go into effect on August 1, 2022. A brief discussion was held. Commissioner Valentine will work on specific questions and provide them Administrator Mayo who will work with Tina in creating a new form, for those who are applying for reciprocity, regarding the exams taken.
- Questions and Comments – There were no questions or comments.

**XI. NON-PUBLIC MEETING –**

At 1:45 p.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 May 17, 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.

**XII. PUBLIC MEETING RECONVENED –**

At 3:20 p.m. an appropriate motion was made by Chairman Hyde and seconded by Commissioner Doyle, and the Commission unanimously voted by roll call, to reconvene the public meeting.

**XIII. NON-PUBLIC MINUTES SEALED –**

On an appropriate motion by Commissioner Cabana 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.

**IXX. NEXT MEETING** – July 19, 2022, at 8:30 a.m.

**XX. ADJOURNMENT**

At 3:21 p.m. an appropriate motion was made by Commissioner Valentine, and seconded by Commissioner Doyle, to adjourn the meeting. The motion was unanimously approved.