

NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
August 16, 2022

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, August 16, 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., Matthew Cabana, Paul Lipnick and Ralph Valentine.

Susan Doyle arrived at 11:20 a.m.

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 8:40 a.m. by Chairman Hyde.

II. REVIEW OF PUBLIC MINUTES –

Commissioner Valentine suggested a minor amendment to the minutes -

- Under Adjournment, replace the phrase “an appropriate motion” to “a motion to adjourn”.

Commissioner Valentine moved to approve the July 19, 2022, public minutes, as amended, seconded by Commissioner Lipnick. The motion passed 4-0.

III. ADMINISTRATIVE RULES & LEGISLATIVE TOPICS –

a. Conditional Approval Rea 300 & Rea 400 – Tina Kelley went over the conditional approval response with the Commission.

- Rea 300 – Chairman Hyde made a motion to accept the conditional approval as amended. The motion was seconded by Commissioner Valentine. The motion passed 4-0.
- Rea 400 – Chairman Hyde made a motion to accept the conditional approval as amended. The motion was seconded by Commissioner Cabana. The motion passed 4-0.

IV. PUBLIC APPEARANCES –

a. Peter Beauchemin – Mr. Beauchemin appeared via Zoom requesting to act as the managing broker for two additional offices located in Concord and Nashua. Currently he is the managing broker for an office in Portsmouth and wants to

provide consistent support. Training is done online and in-person. Compliance is done online all day long. A motion was made by Commissioner Valentine to approve Mr. Beauchemin as the managing broker for all three offices. The motion was seconded by Commissioner Cabana. The motion passed 4-0.

V. QUESTIONS AND COMMENTS –

Joseph Haas wanted to know the status of his complaint. Chairman Hyde told Mr. Haas that all complaint go through OPLC's Enforcement division; complaints do not go right to the Commission, there is a process that must be followed. Mr. Haas will follow up with enforcement.

VI. NON-PUBLIC MEETING –

At 9:49 a.m. following an appropriate motion by Chairman Hyde and seconded by Commissioner Valentine 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 July 19, 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.

VII. PUBLIC MEETING RECONVENED –

At 11:05 a.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. The motion passed 4-0.

VIII. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Valentine and seconded by Commissioner Cabana, 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.

IX. NEW BUSINESS –

- a. 11:00 Adjudicative Hearing Seth Barberio – The complaint was filed on behalf of the Real Estate Commission. Respondent, Seth Barberio was present in-person. The respondent was represented by Attorney Tara Lynch.

Attorney Frye was appointed as the Presiding Officer. The Commission went into non-public session to discuss.

X. NON-PUBLIC MEETING –

At 11:32 a.m. following an appropriate motion by Chairman Hyde and seconded by Commissioner Valentine to go in to a non-public session the Commission, by roll call, voted to conduct a non-public session for the purpose of discussing 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.

XI. PUBLIC MEETING RECONVENED –

At 11:56 a.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.

XII. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Valentine and seconded by Commissioner Cabana, 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.

Attorney Frye closed the hearing at 12:06 p.m.

The Commission took a break for lunch from 12:08 p.m. to 12:32 p.m.

IX. NEW BUSINESS, CONTINUED –

- b. 12:30 Adjudicative Hearing Elise Labbe – The complaint was filed on behalf of the Real Estate Commission. Respondent, Elise Labbe was present in-person. The respondent was represented by Attorney Matt Johnson.

Attorney for the prosecution was Marissa Schuetz. Attorney Frye was appointed as the Presiding Officer. The matter then proceeded to hearing.

Attorney Schuetz presented her case, investigator Eric Goulet was sworn in as a witness for the prosecution. Ms. Labbe stated that she was under the impression that her license was renewed without any issues as she had mailed in a completed renewal within the six-month timeframe after her expiration date. Attorney Frye closed the hearing at 1:37 p.m. The Commission will deliberate on the matter in non-public session.

XIII. NON-PUBLIC MEETING –

At 1:38 p.m. following an appropriate motion by Chairman Hyde and seconded by Commissioner Valentine to go in to a non-public session the Commission, by roll call, voted to conduct a non-public session for the purpose of discussing 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.

XIV. PUBLIC MEETING RECONVENED –

At 2:07 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.

XV. NON-PUBLIC MINUTES SEALED –

On an appropriate motion by Commissioner Valentine and seconded by Commissioner Cabana, 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.

XVI. ADJOURNMENT –

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At 2:11 p.m. a motion to adjourn was made by Commissioner Valentine, and seconded by Chairman Hyde, to adjourn the meeting. The motion was unanimously approved.