

**NEW HAMPSHIRE REAL ESTATE COMMISSION
PUBLIC MEETING MINUTES
October 18, 2022**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 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., Matthew Cabana, Ralph Valentine and Susan Doyle.

Not Present: Commissioner Paul Lipnick.

Also present from OPLC office: Administrators Dawn Couture, Marla Pike and Chris Senko.

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. REVIEW OF PUBLIC MINUTES –

Commissioner Doyle suggested a minor amendment to the minutes:

- Under New Business, change the spelling of “pellet” to “appellate”.

Chairman Hyde moved to approve the September 20, 2022, public minutes, as amended, seconded by Commissioner Doyle. The motion passed 3-0. Commissioner Valentine abstained.

III. ADMINISTRATIVE RULES & LEGISLATIVE TOPICS –

- a. HB 1344 – Schedule Rulemaking – Noted.

IV. NEW BUSINESS –

- a. Mark D. Ashley – Request to be a managing broker – Mr. Ashley appeared via Zoom requesting to be the managing broker for Maxfield Real Estate in Center Harbor while still being the principal broker for Lake & Island Properties in Meredith which had recently Maxfield Real Estate merged with Lake & Island Properties. Mr. Ashley will be primarily in the Center Harbor location while maintaining the Meredith office for value. There are 15 agents between the two offices; 4 agents will be in the Meredith office. Chairman Hyde made a motion to approve Mr. Ashley as the managing broker for Maxfield Real Estate located in Center Harbor as well as principal broker for Lakes & Island Properties located in Meredith. The motion was seconded by Commissioner Doyle. The motion passed unanimously.

- b. James Patrick Carr – Request to reinstate lapsed salesperson license – The Commission received an email from Mr. Carr explaining why his license had lapsed and requested for it to be reinstated. Chairman Hyde has excused the absent of Mr. Carr as he was told he did not need to be present. Commissioner Doyle went on record stating that Mr. Carr was licensed in April 2020 and took 4 out of the 5 classes right after being licensed. In February 2022, the continuing education requirement had changed to where a purchase and sale class was required to renew. It was noted that Mr. Carr had taken 2 purchase and sale classes, one in June and one in July. Chairman Hyde went on record to note that OPLC has been under some internal changes and is trying to work out some issues due to the changes. Commissioner Valentine made a motion to approve the reinstate of Mr. Carr’s salesperson license and to waive any late fees. The motion was seconded by Commissioner Cabana. The motion passed unanimously.

V. ADMINISTRATIVE RULES & LEGISLATIVE TOPICS –

- a. Adoption of administrative rules 400 – Tina was present and explained to the Commission that is there one editorial change to Rea 404.02 (e) regarding the date, needs to change from 5/2022 to 7/2022. Chairman Hyde made a motion to adopt the 400’s as presented with the editorial change of Rea 404.02 (e). Commissioner Doyle seconded the motion. The motion passed unanimously.

Tina informed the Commission that she was asked to wait on submitting the 300’s. She will submit a request to wait one additional month from the date of the last meeting. Commissioner Valentine made a motion to wait one additional month. Commissioner Doyle seconded the motion. The motion passed unanimously.

VI. QUESTIONS AND COMMENTS –

- Ann Flanagan asked for clarification regarding the process on how students should register to take the examination. Ann commented that it should not be up to the instructors to register the students and it should not be the responsibility of the instructors to handle the students ID’s which are their social security numbers. Ann also mentioned that PSI has been emailing students their ID number without blocking out any digits of their social security number. Attorney Phillips explained that briefly it was the process where students needed to register with PSI themselves; however, that is not the current process and everything is back to being submitted to OPLC and OPLC will register with PSI. Chairman Hyde acknowledged that there was change as he received a voice message from an instructor, which he forwarded the message over to Executive Director Courtney and it was handled very quickly.
- Shannon Aldrich Whaley asked about the instructor’s workshop. Administrator Senko mentioned that OPLC is looking at a tentative date of 11/7 to hold an

informational session via Zoom to address the upcoming changes with PSI and hopefully will have a few possible dates for the instructor's workshop to be held in either November or December.

VII. NON-PUBLIC MEETING –

At 9:31 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 September 20, 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.

VIII. PUBLIC MEETING RECONVENED –

At 11:11 a.m. following an appropriate motion was made by Chairman Hyde and seconded by Commissioner Valentine, the Commission unanimously voted by roll call, to reconvene the public meeting. The motion passed unanimously.

IX. 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.

X. ADJOURNMENT –

At 11:13 a.m. a motion to adjourn was made by Commissioner Valentine, and seconded by Commissioner Doyle, to adjourn the meeting. The motion was unanimously approved.