

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

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, November 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., Matthew Cabana, Ralph Valentine, Susan Doyle and 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 8:46 a.m. by Chairman Hyde.

II. REVIEW OF PUBLIC MINUTES –

Commissioner Valentine suggested a few minor amendments to the minutes:

- Under approval of the minutes, last sentence, change “abstained” to “abstain”.
- Under New Business a. Mark Ashley, the beginning of the third sentence change “there is 15 agents” to “there are 15 agents”.
- On page 3 under Public Meeting Reconvened, remove the word “and” in the second line.

Chairman Hyde moved to approve the October 18, 2022, public minutes, as amended, the motion was seconded by Commissioner Valentine. The motion passed unanimously.

III. PUBLIC APPEARANCES –

- a. Travis Parker Cole – Request to manage multiple offices – Mr. Cole appeared in person requesting to be the managing broker of two offices located in Laconia and Meredith for Bayside. Mr. Cole has been licensed since 2005 and is currently the managing broker at the Laconia office. REMAX has recently acquired Bayside. Commissioner Valentine asked if he felt comfortable managing two offices. Mr. Cole stated that he did. There is a staff of 6 agents that are usually split between offices. Commissioner Doyle asked about his access to documents. He receives a notification every time a document is submitted for his review. Commissioner Cabana made a motion to approve Mr. Cole as the managing broker for both the Laconia and Meredith offices. The motion was seconded by Commissioner Valentine. The motion passed unanimously.

IV. CASES IN ADJUDICATION –

- a. Case #2022-010 – Presiding Officer Attorney Frye informed the Commission that this case was being continued.

V. NEW BUSINESS –

- a. Consent order against Opendoor Labs – Discussed in Non-Public per request of legal counsel.

VI. QUESTIONS AND COMMENTS –

- Jennifer Vachon mentioned that there has been notice of a change with getting people licensed. She is aware that there are changes within OPLC; however, it seems there is a difference with effective dates not being entered correctly at OPLC which causes licensees to receive a fine from NREN. It was asked if a process could be in place where everyone is on the same page? Chairman Hyde stated that he was made aware of the effective dates and he has had a meeting with OPLC regarding it and that he will also be contacting the CEO at NERN. Ms. Vachon also mentioned a bit of lack of communication as they are not communicating with the same person within OPLC which leads to misleading information. Chairman Hyde indicated that there is a process in place at OPLC regarding phone calls going to the correct person and/or Board. Chairman Hyde appreciates when comments such as these are made to the Commission.
- Ann Flanagan asked about the rule changes. Chairman Hyde stated that the 300's are needing some additional changes therefore they are being tabled at this point.
- Commissioner Valentine mentioned of a new thing from ARELLO coming out regarding fair housing and antidiscrimination and if REC should work on antidiscrimination. Chairman Hyde stated that if there is a proven violation reported to OPLC then it would fall under OPLC's enforcement department and he strongly suggests that no action should be taken from REC until there is a finding. He does not suggest reaching out to HUD. If someone has a question, they should reach out to the Commission as a whole, not just one Commission member and expect to an answer.
- Jennifer Frost asked if there will be an email going out to the licensees regarding the 400 changes. Administrator Senko said that there will be an email going out.

VII. NON-PUBLIC MEETING –

At 9:30 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 October 18, 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 1:04 p.m. following an appropriate motion made by Commissioner Valentine and seconded by Chairman Hyde, 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 Commissioner Lipnick 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.

X. ADJOURNMENT –

At 1:07 p.m. a motion to adjourn was made by Commissioner Doyle, and seconded by Chairman Hyde, to adjourn the meeting. The motion was approved unanimously.