

NEW HAMPSHIRE  
REAL ESTATE COMMISSION

DECLARATORY RULING

On The Definition of “First Business Meeting” as Used  
In Rea 701.01(a) and the Definitions of “Substantive Communication” and “Initial Acts”

A request for a Declaratory Ruling was submitted by Paul Griffin, the Executive Vice President of the New Hampshire Association of REALTORS (“NHAR”) on behalf of the NHAR to issue a ruling defining the phrase “first business meeting” as found in Rea 701.01(a) and as found in the header of the New Hampshire Real Estate Commission Brokerage Relationship Disclosure Form.

The Commission defines “First Business Meeting”, “Substantive Communication”, and “Initial Acts” as follows:

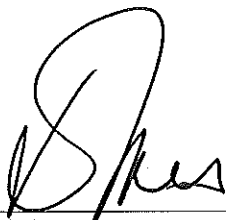
“First Business Meeting” is defined as the first substantive communication regarding a real estate transaction by a face-to-face meeting, a written communication, telephonic communication, or an electronic communication with the consumer (“the prospective seller, buyer, landlord and/or tenant”).

“Substantive Communication” is defined as any action or conduct that exceeds initial acts and includes, but is not limited to, discussion of:

- a. Any specific financial qualifications of the consumer; or
- b. The selling, buying, leasing, or renting motives or objectives of the consumer, in which the consumer may divulge any confidential personal or financial information, which if disclosed to the other party, could affect that party’s bargaining position.

“Initial Acts” is defined as actions or conduct that a licensee may perform for a consumer that are informative in nature and do not rise to the level of representation on behalf of a consumer. Initial Acts include, but are not limited to, the following:

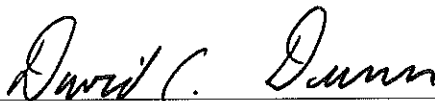
- a. Responding to inquiries by consumers as to the availability and pricing of real estate services;
- b. Responding to inquiries from a consumer concerning the price or location of real property;
- c. Attending an open house and responding to questions about the property from a consumer;
- d. Setting an appointment to view property;
- e. Describing a property or the property's condition in response to a consumer's inquiry;
- f. Referring a person to another broker or service provider.



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Daniel S. Jones, Commissioner

10/15/13

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Date



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David C. Dunn, Commissioner

10/15/2013

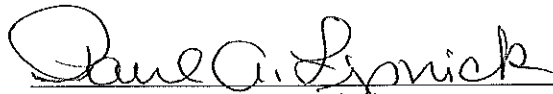
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William E. Barry, Commissioner

10/15/2013

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Paul A. Lipnick, Commissioner

Oct. 15, 2013

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Date

Commissioner James R. Therrien was recused from the discussion and decision.