

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

**FEBRUARY 19, 2008**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, February 19, 2008 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting was called to order at 8:45 a.m. by Chairman Nancy LeRoy

Present: Commissioners Nancy LeRoy, Robert Stephen, Pauline Ikawa, Barbara Heath, Daniel Jones, Executive Director Beth Edes, and Investigator Ann Flanagan.

- I. On motion by Commissioner Jones, seconded by Commissioner Stephen, the Commission present and voting approved the Minutes of the Commission meeting held on December 18, 2007. On motion by Commissioner Jones, seconded by Commissioner Heath, the Commission present and voting approved the Minutes of the Commission meeting held on January 22, 2008.

### II. APPOINTMENTS

8:45 a.m. - Equivalency Appointments

DONALD SIENKIEWICZ

On motion by Commissioner Jones, seconded by Commissioner Ikawa, the Commission approved Mr. Sienkiewicz's experience as equivalent experience required for a broker's license. The Commission on motion by Commissioner Jones, seconded by Commissioner Ikawa approved Mr. Sienkiewicz's real estate experience and transactional experience submitted as sufficient experience pursuant to RSA 331-A:10, II (c) and (g).

RICK FOYE

On motion by Commissioner Stephen, seconded by Commissioner Jones, the Commission approved Mr. Foye's experience as equivalent experience required for a broker's license. Mr. Foye to supply 6 acceptable real estate transactions pursuant to RSA 331-A:10, II (g).

8:55 a.m. DAVID J. GILDING appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Stephen, seconded by Commissioner Heath approved Mr. Gilding to apply for his original salesperson's license.

9:10 a.m. DENNIS POWER appeared before the Commission, along with Andy Werry of NNEREN to discuss the Commission's denial of accreditation of an elective course previously submitted titled, "Innovia Training." After further explanation of how this course would benefit the public for a licensee to attend the course, the Commission, on motion by Commissioner Jones, seconded by Commissioner Heath approved the course outline supplied to the Commission for 3 hours of continuing education elective credit. Commissioner Ikawa was opposed to the decision. Mr. Powers to submit a new course outline and handouts to Fran West, the Commission's Education Program Assistant for review and approval.

III. **HEARING 10:35 AM**

FILE NO. 2006-026 NEW HAMPSHIRE REAL ESTATE COMMISSION VS KENNETH S. DEMARCO

The following persons were present at the hearing:

Commission: Commissioners Nancy LeRoy, Robert Stephen, Pauline Ikawa, Barbara Heath and Daniel Jones

Stenographer: Susan J. Robidas  
Nolin, McKenna & Duffy Reporting Associates  
P.O. Box 1658  
Dover, NH 03821-1658

Evaluator: Former Commissioner Slattery evaluated the above matter and did not take part in the discussion or decision.

Complainants: Ann Flanagan, Investigator of the NH Real Estate Commission

Attorney: Pro Se

Witnesses: None

Respondent: Kenneth S. Demarco  
Verani Realty, Inc.  
2 Main Street  
Hampstead, NH 03841

Attorney: Pro Se

Witnesses: Harry Dadian

Decision: Pending – subject to review of transcripts and exhibits.

IV. **HEARING 11:10 AM**

FILE NO. 2006-008 NEW HAMPSHIRE REAL ESTATE COMMISSION VS STEPHEN WELLS

The following persons were present at the hearing:

Commission: Commissioners Nancy LeRoy, Robert Stephen, Pauline Ikawa, Barbara Heath and Daniel Jones

Stenographer: Susan J. Robidas

Nolin, McKenna & Duffy Reporting Associates  
P.O. Box 1658  
Dover, NH 03821-1658

Evaluator: Former Commissioner Slattery evaluated the above matter and did not take part in the discussion or decision.

Complainant: Ann Flanagan, Investigator of the NH Real Estate Commission

Attorney: Pro Se

Witnesses: None

Respondent: Stephen Wells

Realty-1 Wells Real Estate  
377 Nashua Street  
Milford, NH 03055

Attorney: Pro Se

Witnesses: None

Decision: Pending – subject to review of transcripts and exhibits.

V. **HEARING 11:45 AM**  
FILE NO. 2005-025 BARBARA RUSSACK VS BARRY MAZZAGLIA

The following persons were present at the hearing:

Commission: Commissioners Nancy LeRoy, Robert Stephen, Pauline Ikawa, Barbara Heath and Daniel Jones

Stenographer: Susan J. Robidas

Nolin, McKenna & Duffy Reporting Associates  
P.O. Box 1658  
Dover, NH 03821-1658

Evaluator: Former Commissioner Slattery evaluated the above matter and did not take part in the discussion or decision.

Complainant: Barbara Russack

48 Boston Street  
Methuen, MA 01844

Attorney: Pro Se



QUALIFICATIONS FOR ACCREDITATION OF PRE-LICENSING AND CORE CONTINUING EDUCATION INSTRUCTORS – Fran West, the Commission's Education Assistant provided the Commission with responses to surveys sent to pre-licensing and core continuing education providers and instructors, and to various states' regulatory agencies on qualifications for accreditation as pre-licensing and core course instructors. After review and discussion, the Commission decided to require all instructors in the future to possess a NH broker's license and have a minimum of 2 years real estate experience as a broker in New Hampshire.

FRAN WEST, the Commission's Education Program Assistant presented a list of instructors who either failed to attend the entire mandatory Annual Instructor's Workshop, or failed to attend portions of the workshop held in October 2007, along with the instructors' explanation of their absences. After reviewing the list and explanations, and for the lack of an excusable absence, the Commission unanimously decided to withdraw the following instructor's accreditation for one year or until full attendance at an Annual Instructors Workshop, whichever occurs first:

1. STEVEN SLOVENSKI
2. THOMAS NEAL

The Commission, after review and discussion, unanimously approved the following instructor's absence as excusable:

1. ALAN RICE

VII. **APPOINTMENTS CONTINUED**

1:00 p.m. SHANNON ALDRICH appeared before the Commission to request accreditation as a real estate pre-licensing instructor. Ms. Aldrich has been working as a salesperson since receiving her license in 1999 and has been teaching real estate related courses since 2004. After review and discussion, the Commission, on motion by Commissioner Ikawa, seconded by Commissioner Jones decided to approve the accreditation of Ms. Aldrich as a pre-licensing instructor once she has obtained a NH broker's license. The Commission approved her salesperson experience in place of the 2 years of broker experience as required by the Commission. (Refer to Commission decision in Section VI Discussion above.) Ms. Aldrich to submit proof of broker license to Fran West for accreditation.

VIII. **OTHER BUSINESS**

1. The Commission unanimously approved the following date for the March meeting:

March 18, 2008 at 8:30 a.m.

2. CASE EVALUATIONS

(a) FILE NO. 2007-016

Evaluator: Commissioner LeRoy

Determination: Should be heard, hearing to be scheduled.

(b) FILE NO. 2007-004

Evaluator: Commissioner LeRoy

Determination: Upon re-evaluation, the Commission decided to uphold its original decision of no violation, no hearing necessary.

The above determinations were unanimously approved by the Commission.

3. ORDERS

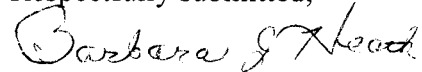
The following Order was issued by the Commission and is attached to the Minutes of this meeting:

FILE NO. 2006-021 NEW HAMPSHIRE REAL ESTATE COMMISSION VS GARY SHAKRA

IX. ADJOURNMENT

Motion by Commissioner Ikawa, seconded by Commissioner Jones, to adjourn the meeting. Chairman Nancy LeRoy adjourned the meeting at 3:10 p.m.

Respectfully submitted,



Barbara J. Heath  
Clerk

NEW HAMPSHIRE REAL ESTATE COMMISSION

V.

GARY SHAKRA

ORDER

FILE NO. 2006-021

This matter comes before the Real Estate Commission on the complaint of its Investigator, Ann Flanagan, who alleges violation of NH RSA 331-A:26, IV, by Gary Shakra. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Gary Shakra (hereinafter referred to as Respondent) was licensed as a real estate salesperson on 3/21/79, and a real estate broker on 3/3/83, and was so licensed and the principal broker of Century-21 Shakra at the time of the alleged violation.
2. The Commission's Investigator conducted an on-site inspection at Century-21 Shakra at 288 Route 101, Bedford, NH, on 6/29/06.
3. Advertisement publication made false misleading statements indicating office locations and associated local telephone number prefixes in Manchester, Goffstown, and Merrimack, where no such branch offices were licensed with the New Hampshire Real Estate Commission.
4. The Bedford location was the only licensed office for Century-21 Shakra Realty Group.
5. The public might be misled to believe that they are dealing with a real estate agency with local contacts that do not exist.


6. Respondent testified that he had no intentions to mislead the public about his office location.
7. Respondent replied to the complaint indicating that he did this to help the public avoid making a toll call to his office from these other communities; although, Manchester, Goffstown, and Merrimack are not toll calls to Bedford.
8. Respondent discontinued these advertisements subsequent to the on-site inspection.
9. Respondent testified that he has recently closed his real estate office and no longer has agents working under his broker license.

Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

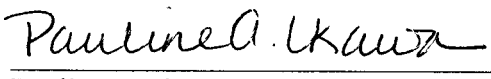
Respondent admitted that his advertisements indicated branch offices that did not exist, but that it was without intention to mislead the public. Therefore, the Commission rules that Respondent did violate RSA 331-A:26, IV.

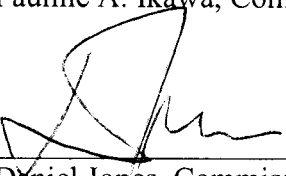
In view of the foregoing rulings of law, the Commission orders that although Respondent did technically violate the regulation, that no disciplinary action would be assessed against Respondent for this violation. The Commission took into consideration Respondent's long record of no previous complaints, that Respondent discontinued the advertisement as soon as he was made aware of the problem with it, and because Respondent's real estate office is no longer in business.

Former Commissioner Arthur Slattery evaluated this case and did not take part in the hearing or decision.

  
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Nancy LeRoy, Chairperson 2/19/08  
DATE

  
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Barbara Heath, Commissioner 2/19/08  
DATE

  
\_\_\_\_\_  
Pauline A. Ikawa, Commissioner 2/19/08  
DATE

  
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Daniel Jones, Commissioner 2/19/08  
DATE