

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

**JULY 19, 2005**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, July 19, 2005 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 8:30 a.m. by Chairman Arthur Slattery

Present: Commissioners Arthur Slattery, Nancy LeRoy, Barbara Heath, Pauline Ikawa, Executive Director Beth Emmons, and Investigator Ann Flanagan.

- I. The Commission tabled the approval of the May 17, 2005 Commission Minutes and the June 29, 2005 Commission Minutes due to the lack of a quorum of Commission members present. The May and June Commission Minutes will be presented for approval at the August 16, 2005 Commission meeting.

### II. APPOINTMENTS

Equivalency Interviews - None

8:30 a.m. – DANIEL VINCENT re-appeared before the Commission for reconsideration of the Commission's decision to deny reinstatement of his lapsed broker's license due to failure to show good cause as required by RSA 331-A:18. After review and discussion of additional information and documentation presented by Mr. Vincent, the Commission, on motion by Commissioner LeRoy, seconded by Commissioner Heath, approved the reinstatement of Mr. Vincent's broker's license upon receipt of his renewal application and renewal fee.

### III. DISCUSSION:

KYLE UHLIG of Noble Trust Company submitted a request for Commission interpretation as to whether it is acceptable to pay a disclosed referral to real estate agents for non-mortgage related financial services. If it is not in violation with RESPA Regulations, and if it is properly disclosed in writing to all parties, then it would be acceptable for the real estate agent to receive compensation.

FILE NO. 2003-08-01 – The Complainants submitted a Request to withdraw Complaint File No. 2003-08-01 at the February 25, 2005 Commission meeting, due to resolution of the parties' differences. After review and discussion of the Request, the Commission unanimously denied the withdrawal and decided to offer the Respondent a Settlement Agreement in the alternative of a hearing. The Respondent did not enter into the Settlement offered. The Respondent's license had lapsed in 2003. After review and discussion, the Commission at this meeting, decided to place the matter aside, and should the Respondent apply for a new license, the Complaint will be scheduled to be heard prior to the issuance of a license. Parties to be so notified.

IV. **OTHER BUSINESS**

1. Tuesday, August 16, 2005, was unanimously approved as the date for the next regular meeting.

2. CASE EVALUATIONS

(a) **FILE NO. 2003-06-05**

Evaluator: Commissioner Ikawa

Determination: Should be heard, hearing to be scheduled.

(b) **FILE NO. 2003-11-01**

Evaluator: Commissioner Ikawa

Determination: Should be heard, hearing to be scheduled.

(b) **FILE NO. 2004-015**

Evaluator: Commissioner Slattery

Determination: Should be heard, hearing to be scheduled.

(c) **FILE NO. 2004-020**

Evaluator: Commissioner Ikawa

Determination: Should be heard, hearing to be scheduled.

(d) **FILE NO. 2004-021**

Evaluator: Commissioner Heath

Determination: Should be heard, hearing to be scheduled.

(e) **FILE NO. 2004-026**

Evaluator: Commissioner Slattery

Determination: No violation, should not be heard.

(f) **FILE NO. 2004-032**

Evaluator: Commissioner LeRoy

Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission unanimously decided to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of \$100.

(g) **FILE NO. 2004-042**

Evaluator: Commissioner Slattery

Determination: Should be heard, hearing to be scheduled.

(h) **FILE NO. 2005-002**

Evaluator: Commissioner Slattery

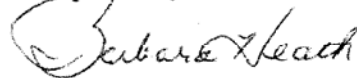
Determination: No violation, should not be heard.

The above determinations were unanimously approved by the Commission.

V. **ADJOURNMENT**

Motion by Commissioner Heath, seconded by Commissioner LeRoy to adjourn the meeting. Chairman Slattery adjourned the meeting at 10:56 a.m.

Respectfully submitted,



Barbara Heath  
Clerk