

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

**JUNE 17, 2008**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, June 17, 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 8:35 a.m. by Chairman Nancy LeRoy

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

I. On motion by Commissioner Jones, seconded by Commissioner Ikawa, the Commission present and voting, unanimously approved the Minutes of the Commission meeting held on May 20, 2008.

### II. OTHER BUSINESS

#### CASE EVALUATIONS

(a) FILE NO. 2007-024

Evaluator: Commissioner Jones

Determination: No violation, no hearing necessary.

The above determination was unanimously approved by the Commission present and voting.

COMMISSIONER HEATH ARRIVED AT 8:37 AM AND COMMISSIONER STEPHEN ARRIVED AT 8:40 AM.

### III. APPOINTMENTS

8:35 a.m. - Equivalency Appointments

The following Commissioners were present and voting for the following equivalency appointment: Nancy LeRoy, Robert Stephen, Pauline Ikawa, Barbara Heath and Daniel Jones.

STEPHANIE K. BURNHAM

On motion by Commissioner Jones, seconded by Commissioner Stephen, the Commission approved Ms. Burnham's real estate experience as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). Commissioner Ikawa was opposed to the decision.

8:50 a.m. WILLIAM ROSOFF appeared before the Commission to discuss a previous legal incident prior to applying for a salesperson's license. After review and discussion, the Commission, on motion by Commissioner Stephen, seconded by Commissioner Jones decided to allow Mr. Rosoff to apply for an original salesperson's license, contingent upon receipt of satisfactory documentation to the Commission within 60 days from the date of this meeting and a letter from Mr. Rosoff's broker notifying the Commission that he/she is aware of Mr. Rosoff's previous legal incident.

IV. **OTHER BUSINESS CONTINUED**

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

July 15, 2008 at 8:30 a.m.

2. CASE EVALUATIONS CONTINUED

- (b) File No. 2006-027

Evaluator: Commissioner LeRoy

Determination: Should be hearing, hearing to be scheduled. In the alternative, the Commission unanimously decided to offer the Respondent a Settlement Agreement.

- (c) File No. 2006-032

Evaluator: Commissioner Heath

Determination: Should be heard, hearing to be scheduled.

- (d) File No. 2007-028

Evaluator: Commissioner Heath

Determination: No violation, no hearing necessary.

- (e) File No. 2008-007

Evaluator: Commissioner Heath

Determination: Should be heard, hearing to be scheduled.

The above determinations were unanimously approved by the Commission.

V. **HEARING 9:30 AM**

FILE NO. 2007-006 SCOTT MARDER VS AMY KNITTEL

The following persons were present at the hearing:

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

Stenographer: Lynne A. Beck

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

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

Complainant: Scott Marder

Attorney: Pro Se

Witnesses: None

Respondent: Amy Knittel

Integrity Plus Investments Real Estate, LLC  
523 Shaker Road  
Concord, NH 03301

Attorney: Pro Se

Witnesses: None

**VI. HEARING 10:40 AM**  
HARLINDA WEBB & THE NEW HAMPSHIRE REAL ESTATE COMMISSION VS  
WILMA WILLSON

The followings persons were present at the hearing:

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

Complainants: Harlinda Webb

&

NH Real Estate Commission through its Investigator Ann Flanagan

Attorney: Pro Se

Witnesses: Ofelia Polack

Respondent: Wilma Willson

Hi-Tech Building Services  
3 Crosby Lane  
Londonderry, NH 03053

Attorney: Pro Se

Witnesses: None

**VII. PUBLIC MEETING ADJOURNED 11:47 AM**

The Commission adjourned the public meeting at 11:47 a.m. to consult with its legal counsel. The non-public meeting was adjourned and the public meeting was reconvened at 12:10 p.m.

**VIII. DISCUSSION**

FILE NO. 2005-029 – Complainant Dawn Matthews of File No. 2005-029 Dawn Matthews & New Hampshire Real Estate Commission vs. Kevin Hampsey & Thor Michael Grenier submitted a request to the Commission to withdraw her complaint. After review and discussion, the Commission unanimously decided to withdraw the complaint filed by Dawn Matthews, but to proceed with the complaint filed by the New Hampshire Real Estate Commission. The parties to be so notified.

**IX.** On motion by Commissioner Ikawa, seconded by Commissioner Stephen, the Commission present and voting approved the Minutes of the Commission meeting held on May 30, 2008.

**X. RULEMAKING**

The Executive Director presented the Commission with proposed administrative rule adoptions and re-adoptions with amendments on the following rules and requested permission to enter the initial rule proposals into the formal administrative rulemaking process:

Rea 201.01 Petition and Adoption of Rules  
Rea 201.02 Public Hearings  
Rea 201.03 Notice  
Rea 201.04 Record  
Rea 201.05 Opening the Hearing  
Rea 201.06 Testimony  
Rea 201.07 Concluding the Hearing  
Rea 201.08 Petition for Declaratory Rulings  
Rea 202.01 Date of Issuance or Filing  
Rea 202.02 Format of Documents  
Rea 202.03 Delivery of Documents  
Rea 203.01 Computation of Time  
Rea 204.01 Complaint Form  
Rea 204.02 Filing of Complaint  
Rea 204.03 Notice of Complaint  
Rea 204.04 Answer  
Rea 204.05 Investigation  
Rea 205.01 Notice  
Rea 205.02 Request of Continuance  
Rea 205.04 Presiding Officer; Appointment; Authority


Rea 205.05 Withdrawal of Commissioner  
Rea 205.06 Appearances and Representation  
Rea 205.08 Role of Agency Staff in Enforcement of Disciplinary Hearings  
Rea 205.09 Role of Complainants in Enforcement of Disciplinary Hearings  
Rea 205.10 Postponements  
Rea 205.11 Failure to Attend Hearing  
Rea 205.12 Witnesses  
Rea 205.13 Evidence  
Rea 205.14 Standard and Burden of Proof  
Rea 205.15 Reopening the Record  
Rea 205.16 Hearing Procedures  
Rea 205.17 Record of the Hearing  
Rea 206.02 Appeals  
Rea 301.01 Application Form  
Rea 301.02 Fees  
Rea 301.03(g), (k), (o)-(r)  
Rea 302.01 Programs of Study Accreditation and Re-accreditation  
Rea 303.02 Answer Sheets  
Rea 303.03 Examination Failure  
Rea 303.04 Failure to Attend Examination  
Rea 303.05 Partial Examinations  
Rea 304.01 Reciprocity for Licensure  
Rea 305.01 Foreign Corporation  
Rea 305.02 Partnerships, Associates, Corporations and Limited Liability Companies  
Rea 305.03 Form of License Certificates and Cards  
Rea 305.04 Placement of License Certificates  
Rea 401.01 Renewals of License  
Rea 403.01 Continuing Education Requirements  
Rea 404.01 Sign on Office  
Rea 404.02 Change of Addresses and Names  
Rea 404.03 Copies of Written Instruments  
Rea 404.05 Advertisements  
Rea 404.04 Brokerage Contracts  
Rea 501.01 Agency Code of Ethics  
Rea 701.01 Agency and Non-Agency Disclosure  
Rea 701.02 Licensee's Duty to a Prospective Buyer  
Rea 701.03 Private Water Supply Disclosure  
Rea 701.04 Insulation Disclosure  
Rea 701.05 Sewage Disposal System Disclosure  
Rea 702.02 Funds Received  
Rea 702.03 Accounting

After review and discussion, the Commission, on motion by Commissioner Ikawa, seconded by Commissioner Stephen approved the adoptions and re-adoptions with amendments made to the above noted administrative rules for submission in the rulemaking process. A public hearing will be scheduled when these proposals have reached the point in the rulemaking process when such a hearing is required.

**XI. ADJOURNMENT**

On motion by Commissioner Ikawa, seconded by Commissioner Stephen, to adjourn the meeting, Chairman Nancy LeRoy adjourned the meeting at 1:20 p.m.

Respectfully submitted,



Pauline A. Ikawa  
Acting Clerk