

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

MAY 23, 2007

A meeting of the New Hampshire Real Estate Commission was held on Wednesday, May 23, 2007 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting was called to order at 9:10 a.m. by Chairman Nancy LeRoy

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

I. On motion by Commissioner Stephen, seconded by Commissioner Ikawa, the Commission approved the Minutes of the Commission meeting held on April 19, 2007.

II. **APPOINTMENTS**

Equivalency Appointments

<u>CANDIDATE</u>	<u>COMMISSIONER</u>	<u>DETERMINATION</u>
GEORGE KOKKINOS	LEROY	APPROVED
RYAN THOMAS	LEROY	APPROVED
MICHAEL J. D'ARMANO, ESQ.	STEPHEN	APPROVED

9:30 a.m. RICHARD CLICK 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 Ikawa, decided to allow Mr. Click to apply for his salesperson's license.

9:35 a.m. SCOTT HEATH 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 Ikawa, seconded by Commissioner Stephen, decided to allow Mr. Heath to apply for his salesperson's license.

9:42 a.m. NORMENTA J. JACQUITH 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 Ikawa, decided to allow Ms. Jacquith to apply for her salesperson's license on the condition that Ms. Jacquith's principal broker submit a letter notifying the Commission that he/she has knowledge of Ms. Jacquith's previous legal incident.

9:55 a.m. CHRISTOPHER BELIGIANIS 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 Ikawa, decided to allow Mr. Beligianis to apply for his salesperson's license.

10:00 a.m. JAMES P. BARRY, II appeared before the Commission to request approval as an accredited real estate instructor to teach pre-licensing education, pursuant to Rea 302.01. After review and discussion, the Commission tabled its decision until Ms. West, the Commission's Education Program Assistant, monitors Mr. Barry's instruction of pre-licensing education and submits her findings to the Commission. Once the Commission is in receipt of Ms. West's findings, Mr. Barry shall re-appear before the Commission to request approval as an accredited real estate pre-licensing education instructor.

III. **HEARING 10:25 AM**

FILE NO. 2004-015 NEW HAMPSHIRE REAL ESTATE COMMISSION VS DANIEL AVERSA
(WELLINGTON PROPERTIES)

The following persons were present at the hearing:

Commission: Commissioners Robert Stephen, Nancy LeRoy, and Pauline Ikawa

Stenographer: Harry McKenna

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

Evaluator: Commissioner Slattery evaluated the above matter and abstained from participation in the discussion and resulting decisions.

Appearances:

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

Attorney: Pro Se

Witnesses: None

Respondent: Daniel Aversa

Wellington Properties
137 Carter Hill Road
Concord, NH 03301

Attorney: Pro Se

Witnesses: None

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

IV. **DELIBERATIONS**

10:55 a.m. – FILE NO. 2003-05-04 RICHARD GILBERT, JOHN MCQUADE & NH REAL ESTATE COMMISSION VS SCOTT GODZYK. The Commission conducted deliberations on the above noted Complaint File prior to issuing an Order on the hearing held on April 19, 2007.

11:10 a.m. – FILE NO. 2006-017 CARLOS AND KATHERINE MOREIRA VS DALE S. ROBINSON. The Commission conducted deliberations on the above noted Complaint File prior to issuing an Order on the hearing held on April 19, 2007. On April 19, 2007, the Respondent's attorney submitted to the Commission, a Motion to Dismiss and a Request for Findings and Rulings. After review and discussion, the Commission at this meeting denied the Motion to Dismiss and addressed the Requests for Findings and Rulings.

V. **APPOINTMENTS CONTINUED**

JASON P. SAPHIRE 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 Ikawa, decided to allow Mr. Saphire to apply for his salesperson's license.

VI. **DISCUSSION**

STEVE COTRAN submitted a request for clarification of RSA 331-A regarding the following question: As a principal broker, can I pay a sales agent his commissions through his sub-chapter S Corporation and/or LLC, paying directly to the S Corporation or LLC from the principal brokerage. The Corporation is owned in whole or in part by the sales agent.

After review and discussion, the Commission stated that the principal broker can pay a salesperson's commission through the S Corporation and/or LLC, as long as the S Corporation and/or LLC is registered with the New Hampshire Secretary of State's office and the salesperson is the sole owner of the legal entity. Mr. Cotran to be so notified.

KRIS NAMECHE submitted a request for clarification from the Commission as to whether closed files that are kept by digital media rather than in paper format complies with RSA 331-A:26. After review and discussion, the Commission stated files kept by digital media rather than in paper format would be in compliance with RSA 331-A:26. Ms. Nameche to be so notified.

VII. **OTHER BUSINESS**

1. The Commission unanimously approved the following dates for meetings in June, July, August, and September:

June 19, 2007

July 26, 2007
August 23, 2007
September 26, 2007

2. CASE EVALUATIONS

FILE NO. 2006-028

Evaluator: Commissioner LeRoy

Determination: Should be heard, hearing to be scheduled.

VIII. ADJOURNMENT

Motion by Commissioner Stephen, seconded by Commissioner Ikawa, to adjourn the meeting. Commissioner LeRoy adjourned the meeting at 12:40 p.m.

Respectfully submitted,



Pauline A. Ikawa
Acting Clerk