

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

MAY 19, 2009

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, May 19, 2009 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting was called to order at 8:40 a.m. by Chairman Nancy LeRoy
Present: Commissioners Nancy LeRoy, Daniel Jones, David Dunn, Executive Director Beth Edes, Investigator Ann Flanagan, and Education Program Assistant Fran West.

I. APPOINTMENTS

8:40 a.m. Equivalency Appointment

JOSEPH P. DIBLASI

On motion by Commissioner Dunn, seconded by Commissioner Jones, the Commission decided to approve Mr. Diblasi's real estate experience as sufficient experience pursuant to RSA 331-A:10(c) and (g), contingent upon receipt of a positive opinion obtained from the NH Bar Association regarding the ethical appropriateness of a NH Bar member practicing real estate law and real estate brokerage out of the same office.

9:15 a.m. JASON PHILIP SAPHIRE appeared before the Commission to discuss Settlement Agreements he entered into with the Maine Real Estate Commission and the Arizona Department of Real Estate for failure to disclose a misdemeanor conviction which occurred in New Hampshire which he disclosed on his New Hampshire broker renewal application. After review and discussion, the Commission, on motion by Commissioner Jones, seconded by Commissioner Dunn decided to allow Mr. Saphire to renew his broker license.

9:40 a.m. CALMAN WISER appeared before the Commission with additional documentation regarding his previous legal incident disclosed on his salesperson renewal application that the Commission requested from Mr. Wisser during his appearance at the March Commission meeting. After review and discussion of the documentation presented, the Commission, on motion by Commissioner Jones, seconded by Commissioner Dunn decided to allow Mr. Wisser to renew his license in active status.

II. DISCUSSION

CHIP MAXFIELD submitted a request for clarification of RSA 331-A:16 regarding whether it is permissible to designate a principal or managing broker to manage two offices in two different locations. After review and discussion, the Commission decided that the designation of a principal or managing broker for two office in two different locations would not be permissible under RSA 331-A, and decided that the current statute should be reviewed to consider amending the language of RSA 331-A:16 to address changes in the way real estate business is practiced.

III. PUBLIC HEARING 11:00 AM

The Commission conducted a public hearing on the initial proposal of rule amendment Rea 302.01 Programs of Study Accreditation and Re-accreditation. After taking into consideration all written and oral testimony, the Commission, on motion by Commissioner Jones, seconded by Commissioner Dunn, decided to continue the hearing to June 19, 2009 at 11:00 a.m. to allow for a Committee of individuals that were in attendance at the public hearing, along with Commissioner Jones and commission staff to meet and make recommendations for change and to allow for any additional oral and written testimony to the following initial proposal:

Rea 302.01 Programs of Study Accreditation and Re-accreditation.

(a) Any individual applying for accreditation or any corporation applying for accreditation to instruct a real estate *pre-licensing or continuing education* course shall submit to the commission documents substantiating the applicant's qualifications to instruct such course, including, but not limited to (b) *and* (c) below. The applicant shall be scheduled to appear before the commission to address any questions the commission has prior to the commission deciding whether to approve or deny accreditation.

(b) All individuals ~~or corporations~~ applying for accreditation ~~shall complete at least 72 hours of course teaching of real estate related subjects in New Hampshire before requesting accreditation before the commission.~~ *as a pre-licensing or core continuing education instructor shall demonstrate the following:*

(1) Brokerage experience qualifications or other qualifications found by the commission to be equivalent to the following:

a. An active broker license with 3 years of full-time experience in real estate brokerage within the past 5 years, 2 of which must have been in New Hampshire within the previous 3 years from the date of application; and

(2) Teaching experience qualifications or other qualifications found by the commission to be equivalent to the following:

a. A bachelor's degree or higher in the field of education from an accredited college, university, or institute of higher learning within 5 years prior to the date of application; or

b. A minimum of 150 hours of course teaching, speaking, or presentation experience within 2 years prior to the date of application; and

(3) The following demonstration of subject matter knowledge and good teaching skills:

a. An applicant for pre-licensing instructor accreditation shall submit a one-hour unedited video or DVD recording which depicts the applicant teaching New Hampshire state specific pre-licensing material.

b. An applicant for core continuing education instructor accreditation shall submit an unedited video or DVD recording which depicts the applicant teaching a New Hampshire core continuing education course.

(c) All individuals applying for accreditation as an elective continuing education instructor shall demonstrate the following:

(1) Experience qualifications or other qualifications found by the commission to be equivalent to the following:

a. A bachelor's degree or higher from an accredited college, university or institute of higher learning with coursework related to the field of the subject matter of the course within 5 years prior to the date of application; or

b. Three years full-time work experience or teaching experience within the previous 5 years of the date of application that is related to the field of the subject matter of the course; and

(2) The following evidence of teaching experience or ability qualifications or other qualifications found by the commission to be equivalent to the following:

a. A bachelor's degree or higher in the field of education from an accredited college, university or institute of higher learning within 5 years prior to the date of application; or

b. A minimum of 15 hours of course teaching, speaking or presentation experience within 2 years prior to the date of application; or

c. Submission of a one-hour unedited video or DVD recording which demonstrates that the applicant possesses good teaching skills in the subject matter to be taught.

(e)(d) All individuals or corporations firms shall apply for re-accreditation of pre-licensing, core, and elective continuing education courses within one year from the date of original accreditation or re-accreditation.

On motion by Commissioner Jones, seconded by Commissioner Dunn, the Commission recessed the Public Hearing at 12:00 p.m. and reopened the Commission meeting.

VII. OTHER BUSINESS

1. The Commission unanimously approved the following date for the June meeting:
June 19, 2009 at 8:30 a.m.

2. CASE EVALUATIONS

(a) FILE NO. 2006-009

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(b) FILE NO. 2007-027

Evaluator: Commissioner Jones

Determination: No violation, should not be heard.

(c) FILE NO. 2008-023

Evaluator: Commissioner Jones

Determination: Should be heard, hearing to be scheduled.

(d) FILE NO. 2008-030

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(e) FILE NO. 2008-034

Evaluator: Commissioner Jones

Determination: No violation, should not be heard.

(f) FILE NO. 2008-036

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

The above determinations were unanimously approved by the Commission.

3. ITEMS FROM THE DESK OF THE EXECUTIVE DIRECTOR

INTERIM RULEMAKING – The Executive Director presented the Commission with the following administrative rule for interim rulemaking, and requested permission to enter the rule into the formal administrative rulemaking process.

Rea 302.01 Programs of Study Accreditation and Re-accreditation.

(a) Any individual applying for accreditation or any corporation applying for accreditation to instruct a real estate course shall submit to the commission documents substantiating the applicant's qualifications to instruct such course, including, but not limited to (b) below. The applicant shall be scheduled to appear before the commission to address any questions the commission has prior to the commission deciding whether to approve or deny accreditation.

(b) All individuals or corporations applying for accreditation shall complete at least 72 hours of course teaching of real estate related subjects in New Hampshire before requesting accreditation before the commission.

(c) All individuals or corporations shall apply for re-accreditation within one years from the date of original accreditation or re-accreditation.

On motion by Commissioner Jones, seconded by Commissioner Dunn, the Commission requested the Executive Director to proceed with the interim rulemaking process on Rea 302.01.

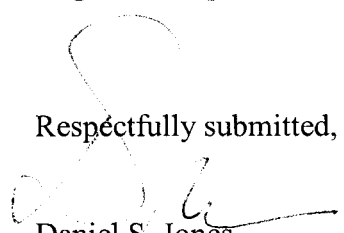
V. **DISCUSSION CONTINUED**

JOHN DORAN submitted a request for the Commission to reconsider the total credit hours to be allowed for two of his courses submitted for re-accreditation to be re-accredited at 3 hours each. Mr. Doran was notified by the Education Program Assistant Fran West that upon review of the content outline of following two courses: Conflict of Resolution and the Art of Negotiating, that the total hours of credit may be reduced. After Mr. Doran presented a clarification of the courses and how they benefit the consumer, the Commission decided to have Mr. Doran meet with Ms. West to go over both course content outlines to demonstrate how they benefit the consumer.

VI. **ADJOURNMENT**

On motion by Commissioner Jones, seconded by Commissioner Dunn, to adjourn the meeting, Chairman Nancy LeRoy adjourned the meeting at 12:30 p.m.

Respectfully submitted,


Daniel S. Jones
Acting Clerk