

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

OCTOBER 20, 2009

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 20, 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 8:30 a.m. by Chairman Nancy LeRoy

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

- I. On motion by Commissioner Jones, seconded by Commissioner Ikawa, the Commission unanimously approved the Minutes of the Commission meeting held on September 15, 2009.

- II. **APPOINTMENTS**

8:40 a.m. KRISTOPHER VIVIERS 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 Therrien, seconded by Commissioner Jones decided to deny Mr. Viviers request to apply for an original salesperson's license, based on the fact that Mr. Viviers had not satisfied all the requirements of his sentence. Once Mr. Viviers satisfies all of the requirements of his sentence the Commission informed him the he could request to appear before the Commission for re-consideration.

8:50 a.m. Equivalency Appointment
STEPHAN P. MORRISSEY

After review and discussion, the Commission unanimously decided to deny Mr. Morrissey's real estate experience as sufficient experience pursuant to RSA 331-A:10 (c) and (g).

8:55 a.m. SHANNA BEKAR appeared before the Commission to request a reinstatement of her lapsed real estate salesperson's license, pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Ikawa decided to grant the reinstatement of Ms. Bekar's real estate salesperson's license, contingent upon receipt of the required renewal documentation and fee within 30 days of the date of this meeting.

9:03 a.m. RAFIK PAPALIAN appeared before the Commission to discuss a previous legal incident prior to renewing his broker license. After review and discussion, the Commission, on motion by Commissioner Jones, seconded by Commissioner Therrien, decided to allow Mr. Papalian to renew his broker's license. Commissioner Ikawa abstained from the decision.

- III. **HEARING 9:30 AM**

FILE NO. 2008-015 SARA POIRIER VS JOSEPH DIMAURO & FREDERICK SANBORN

The following persons were present at the hearing:

Commission: Commissioners David Dunn, Pauline Ikawa, James Therrien and Daniel Jones

Stenographer: Lynn A. Beck

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

Evaluator: Commissioner LeRoy evaluated the above matter and did not take part in any of the discussions of this matter.

Complainant: Sara Poirier (not present)

Attorney: Michael G. Perez

Witnesses: None

Respondents: Frederick Sanborn

&

Joseph DiMauro (present but did chose not to take part in the hearing)

Attorney: Pro Se

Witnesses: None

IV. DISCUSSION

CRISTY SHORT submitted a request to the Commission for reinstatement of her lapsed salesperson's license, pursuant to RSA 331-A:18, II. After review and discussion, the Commission on motion by Commissioner Therrien, seconded by Commissioner Dunn, decided to grant the reinstatement of Ms. Short's salesperson's license, based on good cause shown, pursuant to RSA 331-A:18, II. Ms. Short to be so notified.

DESIGNATED AGENCY – The Commission continued its discussion on a request for clarification submitted by Antonella Bliss regarding designated agency which was tabled at the August 2009 meeting. After review and discussion, the Commission stated that when an agency chooses to practice designated agency and the appointing agent wishes to compete, the appointing agent can not be a designated agent and an appointing agent in the same transaction. The Commission stressed that an appointing agent has access to all files and confidential information, and that this scenario would create an undisclosed dual agency situation. Commissioner Jones to draft a response to Antonella Bliss.

V. **APPOINTMENTS CONTINUED**

10:25 a.m. ALICE NOYES appeared before the Commission to request the reinstatement of her lapsed salesperson's license, pursuant RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Jones, seconded by Commissioner Dunn, decided to grant the reinstatement of Ms. Noye's salesperson's license, based on good cause shown, pursuant to RSA 331-A:18, II. Commissioner Ikawa abstained from the decision.

10:35 a.m. SANDRA TOW appeared before the Commission to request the reinstatement of her lapsed broker's license, pursuant to RSA 331-A:18, II. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Therrien, denied the reinstatement of Ms. Tow's lapsed broker's license.

11:10 a.m. TODD TREFETHEN 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 Dunn, seconded by Commissioner Jones, decided to allow Mr. Trefethen to apply for an original salesperson's license.

11:20 a.m. KITTIE QUINN 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 Jones, seconded by Commissioner Dunn, decided to allow Ms. Quinn to apply for an original salesperson's license, contingent upon receipt of a letter from her principal broker notifying the Commission that he/she is aware of Ms. Quinn's previous legal incident.

VI. **OTHER BUSINESS**

1. The Commission unanimously approved the following date for the November meeting:
November 17, 2009 at 8:30 a.m.

2. CASE EVALUATIONS

- (a) FILE NO. 2008-004
Evaluator: Commissioner LeRoy
Determination: Should be heard, hearing to be scheduled.
- (b) FILE NO. 2008-029
Evaluator: Commissioner Ikawa
Determination: Should be heard, hearing to be scheduled.

- (c) FILE NO. 2008-040
Evaluator: Commissioner Therrien
Determination: No violation, should not be heard.
- (d) FILE NO. 2009-003
Evaluator: Commissioner LeRoy
Determination: No violation, should not be heard.
- (e) FILE NO. 2009-011
Evaluator: Commissioner Jones
Determination: No violation, should not be heard.
- (f) FILE NO. 2009-012
Evaluator: Commissioner LeRoy
Determination: No violation, should not be heard.

The above determinations were unanimously approved by the Commission.

VII. **ADJOURNMENT**

On a motion by Commissioner Ikawa, seconded by Commissioner Therrien, Chairman Nancy LeRoy adjourned the meeting at 12:45 p.m.

Respectfully submitted,



Daniel S. Jones
Acting Clerk