

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

SEPTEMBER 26, 2007

A meeting of the New Hampshire Real Estate Commission was held on Wednesday, September 26, 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 8:40 a.m. by Acting Chairman Robert Stephen

Present: Commissioners Robert Stephen, Pauline Ikawa, Barbara Heath, Daniel Jones, Executive Director Beth Edes, Investigator Ann Flanagan, and Education Program Assistant Fran West.

### I. APPOINTMENTS

Equivalency Appointments – None

8:40 a.m. KEVIN A. AVARD 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 Heath, decided to allow Mr. Avard to apply for an original salesperson's license contingent upon the Commission's receipt of a letter from a counselor and a letter from Mr. Avard's principal broker notifying the Commission that he/she is aware of Mr. Avard's previous legal incidents.

8:50 a.m. MICHAELE R. STEPHEN appeared before the Commission to discuss a previous legal incident disclosed on her salesperson renewal application. Commissioner Stephen recused himself from any discussions and decision and Commissioner Heath was appointed as Acting Chairman. After review and discussion, the Commission decided that there was no action needed regarding Ms. Stephen's license.

COMMISSIONER STEPHEN was the acting chairman for the remainder of the meeting.

8:57 a.m. KIM HARDY 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 Jones, decided to allow Ms. Hardy to apply for her salesperson's license contingent upon the Commission's receipt of a letter from a counselor within 30 days of this meeting and a letter from Ms. Hardy's principal broker notifying the Commission that he/she is aware of Ms. Hardy's previous legal incident.

9:05 a.m. The Commission adjourned the public meeting to go into a non-public meeting, pursuant to RSA 91-A:3, II(c).

9:13 a.m. The Commission adjourned the non-public meeting and reconvened its public meeting.

9:15 a.m. LAURIE DUNLOP appeared before the Commission to discuss a previous legal incident prior to applying for a broker's license. After review and discussion, the Commission decided to allow Ms. Dunlop to apply for her broker's license.

II. **DISCUSSION**

FRAN WEST, the Commission's Education Program Assistant asked the Commission to reconsider the current Commission policy of accrediting up to 10 hours of distance education within a 40 hour pre-licensing course, and whether this policy should be changed to only apply to distance education for only a certain number of make-up classes based on acceptable absences. The Commission tabled its discussion and will further discuss this matter after Ms. West obtains information on pre-licensing distance education offered in other states and feedback from the New Hampshire accredited pre-licensing instructors.

COMMISSIONER JONES requested that the Commission consider submitting legislation at some point requiring separate licensure or continuing education for licensees who practice commercial brokerage. The Executive Director will obtain information from other states which require separate licensure or continuing education for licensees who practice commercial brokerage.

III. On motion by Commissioner Ikawa, seconded by Commissioner Stephen, the Commission unanimously approved the Minutes of the Commission meeting held on August 21, 2007.

IV. **HEARING 10:30 AM**

FILE NO. 2004-005 CHRISTOPHER MASIELLO & NEW HAMPSHIRE REAL ESTATE  
COMMISSION VS PAULA FORBES

The following persons were present at the hearing:

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

Stenographer: Lynne A. Beck

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

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

Complainants: Christopher Masiello

The Masiello Group Limited  
69A Island Street, Suite 3  
Keene, NH 03431

&

NH Real Estate Commission  
through its Investigator Ann Flanagan

25 Capitol Street, Room 434  
Concord, NH 03301

Attorney: Pro Se

Witnesses: Pamela Judge  
Valerie Woods

Respondent: Paula Forbes

Tolwood Realty  
242 Central Avenue  
Dover, NH 03820

Attorney: Albert Souther

225 Washington Street  
Dover, NH 03820

Witnesses: None

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

V. **HEARING 12:05 PM**

FILE NO. 2006-002 NEW HAMPSHIRE REAL ESTATE COMMISSION VS THOMAS  
CODMAN

The following persons were present at the hearing:

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

Stenographer: Lynne A. Beck

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

Evaluator: Former Commissioner Slattery evaluated the above matter and did not take part in the discussion and resulting decisions.

Complainant: NH Real Estate Commission  
through its Investigator Ann Flanagan

25 Capitol Street, Room 434  
Concord, NH 03301

Attorney: Pro Se

Witnesses: None

Respondent: Thomas M. Codman

EA Bishop Company, Inc.  
44 Main Street  
Peterborough, NH 03458

Attorney: Pro Se

Witnesses: None

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

VI. **HEARING 12:56 PM**

FILE NO. 2006-001 NEW HAMPSHIRE REAL ESTATE COMMISSION VS ALAN COLE

The following persons were present at the hearing:

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

Stenographer: Lynne A. Beck

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

Evaluator: Former Commissioner Slattery evaluated the above matter and did not take part in the discussion and resulting decisions.

Complainant: NH Real Estate Commission  
through its Investigator Ann Flanagan

25 Capitol Street, Room 434  
Concord, NH 03301

Attorney: Pro Se

Witnesses: None

Respondent: Alan Cole

P.O. Box 4146  
Concord, NH 03301

Attorney: Pro Se

Witnesses: None

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

VII. **OTHER BUSINESS**

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

October 16, 2007 at 10:30 a.m.

2. CASE EVALUATIONS

FILE NO. 2007-005

Evaluator: Commissioner Ikawa

Determination: No violation, should not be heard.

FILE NO. 2007-006

Evaluator: Commissioner Ikawa

Determination: Should be heard, hearing to be scheduled.

FILE NO. 2007-008

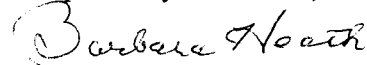
Evaluator: Commissioner Ikawa

Determination: The Commission determined that this complaint should be heard, but in the alternative decided to offer the Respondents a Settlement Agreement with a disciplinary fine of \$250 for two of the Respondents and an Ethics course above and beyond the required continuing education for three of the Respondents. No violation against the principal broker.

VIII. ADJOURNMENT

Motion by Commissioner Ikawa, seconded by Commissioner Heath, to adjourn the meeting. Commissioner Stephen adjourned the meeting at 1:35 p.m.

Respectfully submitted,



Barbara Heath  
Clerk