



MAURA HEALEY  
GOVERNOR

KIM DRISCOLL  
LIEUTENANT GOVERNOR

YVONNE HAO  
SECRETARY, EXECUTIVE OFFICE  
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts  
Division of Occupational Licensure  
Board of Registration of Real Estate Brokers  
and Salespersons

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LAYLA R. D'EMILIA  
UNDERSECRETARY, CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

SARAH R. WILKINSON  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**October 25, 2023**

**Public Minutes**

**Members in attendance:**

*Peter Ruffini, Chairman*

*Linda Kody, Member*

*Cliff Ponte, Member*

*Kathy Condon, Member*

*Robert Jones, Member*

**Administrative Staff in attendance:**

*Jenna Hentoff, Board Counsel*

*Kristin Mitchell, Executive Director*

*Colleen Cavanaugh, Associate Executive Director*

**Call to Order** – Peter Ruffini opened the meeting at 10:10 a.m.

**Vote on Minutes:**

September 15, 2023 Public minutes

September 15, 2023 Executive minutes

A motion was made by Cliff Ponte and seconded by Linda Kody to approve the minutes as drafted and presented.

Voted: To unanimously approve the public and executive minutes listed above as presented.

Roll Call vote.

In favor: Linda Kody, Cliff Ponte, Robert Jones, Kathy Condon, Peter Ruffini

Peter Ruffini introduced the newest board member, Kathy Condon.



## **Executive Director Report**

Kristin Mitchell informed the Board of the following information:

Since the Board's last meeting (9/15/23), the Board has received 507 applications for exam.

Since the Board's last meeting, the Board has issued 305 licenses:

231 Salesperson by exam

21 Broker by exam

22 Businesses

10 Attorney Brokers

17 Reciprocal Salespersons

Reciprocal Brokers

The Board members were reminded of PSI's staffing shortage. Board members were notified that staff is working to close the gap in application approval on the Board side as quickly as possible.

## **Board Counsel Report**

Jenna Hentoff informed the board that the Home Inspectors Consumer Fact Sheet has been translated into six other languages. Peter Ruffini asked that it be posted on the Real Estate Board's webpage as well as the Home Inspector Board's webpage. Jenna is also continuing to work on the draft regulations.

## **Application Review**

Eric Hall – He submitted a Brokers license application. He has a current broker license in New Hampshire. On his application, he disclosed discipline in the State of New Hampshire. In 2015 he had a Final Decision and Order issued against him for an advertising violation and paid a fine.

A motion was made by Linda Kody and seconded by Kathy Condon:

To allow the candidate to continue with the application process

Roll call vote.

In favor: Linda Kody, Kathy Condon, Robert Jones, Cliff Ponte, Peter Ruffini

John Mahoney – He submitted a reinstatement application. He holds an attorney broker license. He disclosed discipline by the BBO on his application. According to the BBO discipline, he was suspended for 3 months, which was stayed for a year, and was on probation with conditions. The BBO discipline was entered in March 2019. The charges were related to Mr. Mahoney's professional conduct as

a lawyer in regards to preparation of trust documents, accounting of a trust, opening a bank account and making distributions from this account without the client knowing, and issues with his IOLTA account. He has had no issues since and is actively practicing real estate law.

A motion was made by Cliff Ponte and seconded by Linda Kody:

To allow the candidate to continue with the application process

Roll call vote.

In favor: Cliff Ponte, Linda Kody, Robert Jones, Kathy Condon, Peter Ruffini

## **Discussion**

### **A) Education Subcommittee Report**

Linda Kody provided the report for the Education Subcommittee's October meeting. The subcommittee reviewed 2 classes and sent them back with comments and for further information. The subcommittee voted to recommend approval of an updated course, Advanced Industrial Real Estate Brokerage.

A motion was made by Cliff Ponte and seconded by Robert Jones:

To approve the Education Subcommittee Report

Roll call vote.

In favor: Cliff Ponte, Kathy Condon, Robert Jones, Linda Kody, Peter Ruffini

### **B) License Affiliations and Sole Proprietorship**

There was discussion regarding sole proprietorship and license affiliations. The Board's position has been that a broker working as a sole proprietor has no licensees affiliated with them. Questions on this topic have arisen due to the Board's new affiliation process that has been in place since March 2023. The Board discussed the topic and took comment from Justin Davidson, General Counsel of the Massachusetts Association of Realtors, who was recognized by the Chair. It was noted that though this type of business arrangement does not provide protection to the broker as compared to a registered corporation, company or partnership, it is a legitimate form of business.

A motion was made by Cliff Ponte and seconded by Linda Kody:

To allow brokers operating as sole proprietors to have affiliated licensees

Roll call vote.

In favor: Cliff Ponte, Kathy Condon, Robert Jones, Linda Kody, Peter Ruffini

C) Agency Disclosure Form

There was discussion regarding further amending the Board's Mandatory Agency Disclosure Form to clarify when buyers and sellers must provide the document to their clients or others involved in the transaction. After discussion, the Board decided to review the regulations governing the disclosure form. Further discussion was tabled until the November meeting.

D) Compliance Monitoring in 2022-000847-IT-ENF

The licensee entered into a consent agreement with the Board on 9/27/23 in which he agreed to complete 3 continuing education courses. The continuing education courses submitted in compliance with the agreement were completed before the agreement's effective date. The licensee requested that the Board accept the submitted certificates as it was his intent to complete these courses to fulfill the terms of the consent agreement. The Board agreed to accept these continuing education credits for purposes of the consent agreement and further stated that the Board staff can accept such certificates in similar situations.

A motion was made by Robert Jones and seconded by Linda Kody:

To accept Mr. Nguyen's continuing education certificates for compliance with his consent agreement

Roll call vote.

In favor: Cliff Ponte, Robert Jones, Linda Kody, Kathy Condon, Peter Ruffini

**Matters Not Anticipated by the Board**

Nothing to report.

At 11:32 a.m., a motion was made by Robert Jones and seconded by Linda Kody and it was so

Voted: To Exit Open Session and enter Closed Executive Session for to discuss individuals' character, rather than competence pursuant to G.L. c. 30A, § 21(a)(1).

Roll call vote.

In favor: Linda Kody, Cliff Ponte, Kathy Condon, Robert Jones, Peter Ruffini

At 12:17 p.m., the Board exited Closed Executive Session and entered Closed Session pursuant to G.L. c. 112, § 65C for the purpose of conducting investigatory conferences.

Linda Kody recused herself for review of 2023-000353-IT-ENF.

During closed session, the Board took the following actions:

2022-001147-IT-ENF – refer to Prosecutions  
2022-001168-IT-ENF – dismiss with advisory (Peter Ruffini recused)  
2022-001169-IT-ENF – dismiss with advisory (Peter Ruffini recused)  
2022-001170-IT-ENF – dismiss with advisory (Peter Ruffini recused)  
2023-000234-IT-ENF- return to Investigations (Linda Kody recused)  
2023-000355-IT-ENF- Invite in (Peter Ruffini recused)  
2023-000131-IT-ENF- dismiss with advisory/open new complaint  
2023-000245-IT-ENF- dismiss  
2023-000256-IT-ENF- dismiss  
2023-000261-IT-ENF- Refer to Prosecutions  
2023-000274-IT-ENF- dismiss with advisory  
2023-000283-IT-ENF- dismiss  
2023-000293-IT-ENF- refer to Prosecutions  
2023-000301-IT-ENF- return to Investigations/open new complaint  
2023-000303-IT-ENF- dismiss  
2023-000305-IT-ENF- dismiss  
2023-000314-IT-ENF- refer to Prosecutions  
2023-000321-IT-ENF- dismiss  
2023-000340-IT-ENF- dismiss  
2023-000348-IT-ENF- return to Investigations  
2023-000350-IT-ENF- refer to Prosecutions  
2023-000353-IT-ENF- return to Investigations (Linda Kody recused)  
2023-000369-IT-ENF- return to Investigations  
2023-000370-IT-ENF- return to Investigations  
2023-000371-IT-ENF- return to Investigations  
2023-000379-IT-ENF- dismiss  
2023-000394-IT-ENF- return to Investigations  
2023-000401-IT-ENF- return to Investigations  
2023-000420-IT-ENF- dismiss

At 4:53 p.m., a motion was made by Linda Kody and seconded by Cliff Ponte and after roll call it was so

Voted: To exit closed session and enter open session for the purpose of adjourning the meeting

In favor: Linda Kody, Cliff Ponte, Kathy Condon, Peter Ruffini

Respectfully Submitted by:



11/29/23

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Kristin Mitchell, Executive Director

Date

**List of documents used during the Public Meeting:**

- October 25, 2023 meeting agenda
- September 15, 2023 Public minutes
- September 15, 2023 Executive minutes
- Application documents from Eric Hall
- Application documents from John Mahoney
- Draft Mandatory Licensee-Consumer Relationship Disclosure Form
- Email from Steven Nguyen in 2022-000847-IT-ENF