

**Board of Registration of Real Estate Brokers and Salespersons  
1000 Washington Street, Boston, MA 02118, Room 1C**

**Public Minutes of the Board Meeting Held on September 5, 2017**

**Members Present:**

Kevin Sears, Chair, Industry Member  
Peter Ruffini, Industry Member  
Kimberly Allard, Industry Member  
Stanley Zoll, Public Member  
Neil St. Clair, Public Member

**Administrative Staff Present:**

John High, Associate Executive Director  
Ann-Margarette Barry, Executive Director  
Charles Kilb, Board Counsel  
Seth Henderson, Prosecuting Counsel  
Jenna Hentoff, Prosecuting Counsel  
Stephanie Bennett, Prosecuting Counsel

**Public Present:**

Derek Ingram, Coldwell Banker

**Meeting Called to Order**

**10:31 a.m.:** Mr. Sears, Chair, opened the meeting at 10:31 a.m. John High, Associate Executive Director, reviewed the Evacuation Plan.

**Vote on Meeting Minutes**

A motion to approve the minutes for the Board's May 5, 2017 meeting was made by Mr. Ruffini, seconded by Mr. Zoll, and adopted unanimously by the Board.

**Education Subcommittee**

**1. Reappointment of Education Subcommittee**

A motion to reappoint the Board's Education Subcommittee was made by Mr. Ruffini, seconded by Mr. Zoll, and adopted unanimously by the Board.

**Discussion of Delegation Authority & Complaint Procedures**

**1. Delegation of Authority for Signature of Meeting Minutes**

A motion to provide Board staff with the authority to post draft meeting minutes following each meeting, prior to approval at the minutes at the subsequent Board meeting, was made by Mr. Ruffini, seconded by Ms. Allard, and adopted unanimously by the Board.

**2. Discussion on Delegation of Authority for Complaint Review/Screening**

The Board discussed its existing delegation of authority for complaint screening and review. No action taken; the delegation remains in place.

**3. Discussion on Complaint Counteroffer Review Procedure**

The Board discussed holding occasional phone conferences, as needed, to review time sensitive counteroffers in ongoing cases between meetings. A motion was made by Mr. Ruffini to allow for phone conferences, compliant with quorum requirements and documented with meeting minutes. Motion seconded by Ms. Allard, and adopted unanimously by the Board.

**Policy Items**

**1. Discussion of Attorney-Broker License Renewal & Reinstatement Policy**

The Board discussed its existing reinstatement policy for licensed Attorney-Brokers whose law license is no longer active. No action taken; the existing policy remains in place.

**2. Discussion of Affiliation Reporting Requirement & Enforcement**

Associate Executive Director John High shared with the Board that the online Affiliation database had been re-launched in August 2017. The Board discussed the Affiliation-reporting requirement and potential changes to the process for reporting this information to the Board.

**3. Discussion of Advertising Rules and Regulations**

The Board discussed its advertising rules and specifically, their application to certain electronic forms of communication, including social media. The Board requested that Board staff draft a Frequently Asked Question (FAQ) document on its advertising rules, to be shared with licensees, schools, instructors, and professional associations.

**4. Discussion of Topics for Future Regulation Revisions**

Board Counsel Charles Kilb discussed possible regulation revision topics that may need to be addressed by the Board during its next regulation review.

### **Executive Session - Closed Session under M.G.L. c. 30A, §21: Good Moral Character Interviews**

At 12:10 p.m., the Chair noted that the Board would need to enter closed, Executive Session to discuss license applicant's character, rather than competence. The Chair estimated that the Executive Session would only return to open session for purposes of entering other forms of closed sessions, no further items would be discussed in the open meeting until adjournment.

A motion to enter into Executive Session was made by Mr. Ruffini, seconded by Ms. Allard. This motion was passed by a roll call vote:

<b>MEMBER</b>	<b>YEA</b>	<b>NAY</b>	<b>ABSENT</b>	<b>RECUSED</b>	<b>ABSTAINED</b>
Kevin Sears	X				
Peter Ruffini	X				
Stanley Zoll			X		
Kimberly Allard	X				
Neil St. Clair	X				

See separate minutes for Executive Session actions

At 1:45 p.m., the Board returned to open session.

### **Investigative Conference - Closed Session under M.G.L c. 112, §65C**

At 1:46 p.m. a motion to enter into Investigative Conference was made by Mr. Ruffini, seconded by ~~Mr. Zoll~~ and adopted unanimously by the Board. While in Investigative Conference, the Board took the following action(s):

#### **1. Prosecutor Seth Henderson:**

- i. **2016-000125-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
- ii. **2016-000020-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
- iii. **20130424RE502-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.

#### **2. Prosecutor Jenna Hentoff:**

- i. **2016-000151-IT-ENF / 2016-000152-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.

#### **3. Prosecutor Stephanie Bennett:**

2. Agenda dated September 5, 2017
3. List of Education Subcommittee Members for Reappointment



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Kevin Sears, Chair  
Board of Registration of Real Estate Brokers and Salespersons

- i. **20151008RE130-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
- ii. **20150722RE035-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
- iii. **20150722RE036-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.

At 3:15 p.m., the Board returned to open session.

**Quasi-Judicial: Closed Session under MGL c. 30A, Section 18**

At 3:15 p.m. a motion to enter into Quasi-Judicial Session was made by Mr. St. Clair, seconded by Ms. Allard, and adopted unanimously by the Board.

Board Counsel Charles Kilb provided the Board with an update on pending litigation.

At 3:25 p.m., the Board returned to open session.

**Request(s) for Reinstatement**

- (a) **Daniel Gardner (RE-89-138):** The Board determined that the applicant must take the salespersons pre-licensure education course and pass all applicable examinations.
- (b) **Frank H. Knippenberg (RE-12-096):** The Board will invite the applicant to appear at a future Board meeting for an interview.
- (c) **Catharine Ryan (RE-12-604):** The Board will invite the applicant to appear at a future Board meeting for an interview.

**Future Meeting Date(s):**

The Board requested that Board staff coordinate the scheduling of the next meeting.

**Meeting Adjournment**

At 3:44 p.m., Mr. Ruffini made a motion to adjourn the meeting, seconded by Ms. Allard, and adopted unanimously by the Board.

**List of Documents Used in Open Session:**

1. Minutes dated May 10, 2017