

**State of New Hampshire
Office of Professional Licensure & Certification
Board of Electricians
Concord, New Hampshire**

Gregory Clarkson
License No.: 12395
(Adjudicatory/Disciplinary Proceeding)

Docket No. 16-01

FINAL DECISION AND ORDER

Before the New Hampshire Office of Licensure & Certification, Board of Electricians ("Board") is an adjudicatory/disciplinary proceeding in the Matter of Gregory Clarkson ("Respondent" or "Mr. Clarkson") in Docket Number 16-01.

BACKGROUND INFORMATION

This proceeding was commenced by a Notice of Hearing dated December 15, 2015 by the Board of Electricians ("the Board"), to determine whether Mr. Clarkson, licensed Master Electrician #12395M committed professional misconduct pursuant to RSA 319-C:12,(II)(c) and/or Rule Elec 404.03 and Elec 405.01(a)(1), (2) and (4) related to his conduct regarding the electrical installation of the PV supporting structure. Specifically, Mr. Clarkson failed to cooperate with numerous requests from the electrical inspectors to respond to an investigation of a complaint of alleged misconduct and 2) the Respondent conducted electrical work without having properly obtained a permit from the Town of Rye; 3) the Respondent failed to report a change in his address in violation of Elec 404.03.

A disciplinary hearing was held on Monday, February 1, 2016 at the Board office in Concord, New Hampshire. A Notice of Hearing (NOH) and exhibits were mailed to Mr. Clarkson at the Board's last on-file address via US Mail, via certified mail, dated December 16,

2015. The US Mail certified mail of the Notice of Hearing was delivered to Mr. Clarkson on December 18, 2015. Thereafter, on January 14, 2016 the required exhibits again were mailed to the Respondent return receipt requested, which the post office confirmed he never retrieved. As a result, the documents were hand delivered and left at the abode of Mr. Clarkson by the Chief Electrical Inspector on January 29, 2016. The Respondent failed to appear at the hearing.

Testimony was received at the hearing from Dean Sotirakopoulos, Chief Electrical Inspector, and Al Torissi, Electrical Inspector, both of the Office of Professional Licensure and Certification.

Both Mr. Sotirokapoulos and Mr. Torissi are responsible for conducting electrical inspections and investigations for the Board of Electricians.

Board members present were¹

Peter Cicolini, Master Electrician, Chairperson, Presiding Officer

James Roberts, Public Member, Vice-Chairperson

Jack Grube, Public Member

Joseph Casey, Journeyman Electrician, Board Member

Romeo Dupuis, Jr., Master Electrician

Matthew LaBonte, Fire Marshall Representative

The following exhibits were introduced into evidence and accepted into the record:

1. The complaint filed by Andrew Foss with attachments (contract and letter from Foss to Clarkson) received by the Office of Professional Licensure and Certification, Board of Electricians, on May 8, 2015.
2. A letter from the Board's Electrical Inspector Al Torrissi dated June 5, 2015(signed on January 12, 2016) indicating the results of his investigation in this matter, including but not limited to his contacts with the Respondent and the Respondent's subsequent failure to cooperate in the investigation in this matter. In addition the report cites the statutory and rule violations as it relates to the practice as an electrician in this state.

¹ The same Board members also deliberated and voted on this Final Final Decision and Order.

3. A letter from the Complainant, Andrew Foss to the New Hampshire Electrician's Board dated November 23, 2015 regarding this matter.
4. A Notice of Violation issued by Inspector Torrasi dated October 9, 2015 to the Respondent, forwarded by the state Electrical Inspectors for the Board of Electricians, via Certified Mail, Return Receipt Requested, finding that the Respondent was in direct violation of NH RSA 319-C:12,II(c), Elec. 404.03 and 405.01(a) as follows: failure to have acquired the necessary permit for work conducted in the Town of Rye, New Hampshire which was determined to be considered electrical work; for having an invalid license; failure to complete continuing education requirements; failure to change his address with the Board and failure to cooperate with Board Inspectors.
5. Informational Bulletin issued by the NH Division of Fire Safety, Office of the State Fire Marshall, affirming that on November 27, 2012 the Electricians' Licensing Board voted unanimously that "all the metallic structure components of a PV system are required to be installed by a New Hampshire "licensed" electrician ..." Emphasis Added.
6. Email from the Building Inspector for the Town of Rye, Peter Rowell, confirming that the town never issued a permit to the Respondent for the work he was performing at 780 Ocean Boulevard, Rye, New Hampshire.
7. Printout from state data system confirming that the Respondent's license as a Master Electrician expired on August 31, 2015 and that Respondent failed to timely update his address as required.
8. Mail returned to the NH Joint Board of Licensure (now the Office of Professional Licensure and Certification) from the Respondent dated June 17, 2013 and November 6, 2014, indicating the respondent's address was no longer 20 New Boston Road, Kingston, New Hampshire, with

enclosures that he had not submitted proper documentation of completed continuing education requirements.

9. Renewal form submitted by the Respondent received by the Office of Professional Licensure on October 5, 2015.

10. New Hampshire Electrician's Licensing Board Violation Report with attached letter from the Respondent dated November 6, 2015 and response from Inspector Torrasi dated November 16, 2015.

11. Letter from Respondent dated November 12, 2015 and response from Inspector Torrasi dated November 30, 2015.

12. Affidavit signed by Chief Inspector Dean Sotirakopoulos dated January 29, 2016 confirming he delivered the exhibits in this matter by leaving them at the abode of the Respondent on January 28, 2016.

FINDINGS OF FACT

1. The Respondent was issued a Master Electrician's License on August 6, 2008.
2. Respondent entered into a contract with Andrew Foss to engage in electrical work/partial installation of a solar PV system at Mr. Foss' residence, 780 Ocean Boulevard, Rye, New Hampshire on December 11, 2014.
3. The Respondent's installation of metal frames supporting the solar PV system required that said work be installed by a New Hampshire licensed electrician. See Exhibit 5.
4. The Respondent commenced that job without acquiring the required permit(s) from the Town of Rye. See Exhibit 6.
5. Moreover, by May 8, 2015 the Respondent had still not completed the work and as a result a Complaint was filed with the New Hampshire Board of Electricians on May 8, 2015. See Exhibit 1.

6. As a result of the complaint, Investigator Torrissi contacted the Respondent on May 26, 2015 the Respondent confirmed he commenced work at 780 Ocean Boulevard in Rye and installed the metal frames for the solar PV system.
7. On May 27, 2015 Inspector Torrissi appeared at the address where the work was being conducted and confirmed visually that there was electrical installation of a homemade metal racking system for supporting the PV modules. See Exhibit 2.
8. On May 28, 2015 the Respondent initially did not accept calls made by Inspector Torrissi and thereafter, on that same date, answered the phone and instructed Inspector Torrissi not to contact him again in this matter. See Exhibit 2.
9. The Respondent's electrician's license had lapsed during the pendency of his contract for the work performed in this case.
10. The Respondent failed to conduct himself in a professional manner pursuant to the statutory laws and rules governing licensed electricians.
11. The respondent failed to complete the required continuing education requirements by December 31, 2014 as required; he was therefore unable to renew his license and as a result it expired on August 31, 2015.
12. Respondent's license was not renewed until October 5, 2015.
13. In addition, the respondent failed to notify the New Hampshire Electricians' Board of his move from 20 New Boston Road, Kingston, NH 03848 in 2013 until his application for renewal in October, 2015.
14. Thereafter, the Respondent failed or refused to cooperate with the investigation in this matter.
15. A Notice of Hearing regarding the allegations against the Respondent was issued on December 16, 2015 by the New Hampshire Electricians' Board sent via US Certified Mail in

which the Respondent was afforded the opportunity to appear before the Board on February 1, 2016 at 9:30 a.m. and show cause why any and all rights he may have to practice as a Master Electrician in New Hampshire should not be suspended or subject to disciplinary action. The Notice of Hearing was sent via US Certified Mail and delivered to Gregory Clarkson on December 18, 2015.

16. All exhibits introduced in this matter were mailed US Certified Mail on January 14, 2016 to the respondent, who did not pick up said documents at his local post office by January 28, 2016.
17. Accordingly, all exhibits in this matter were left at the abode of the Respondent by the Chief Electrical Inspector in this matter, Dean Sotirakopoulos.
18. A disciplinary hearing was held on February 1, 2016 at the Board office. The Respondent was absent from the hearing therefore the hearing was held in absentia.

CONCLUSIONS OF LAW

The evidence in this matter has established that the Respondent has committed statutory and rule violations governing licensed electricians in the State of New Hampshire. The Respondent has failed to fully cooperate with board inspectors in this matter and failed or refused to attend the hearing in this matter.

Pursuant to the evidence submitted in this matter the Respondent is found to be in violation of Elec. Rule 404.03, which the Respondent to report a change address within 30 days.

The evidence in this matter has established that the Respondent is in violation Elec. Rule 405.01(a)(4) in that he failed to cooperate with the board inspector in the administrative investigation in this matter, thereby engaging in unprofessional conduct.

The evidence in this matter has established that the Respondent is in violation of Elec. Rule 405.01(a)(2) as he failed to comply with local requirements regulating electrical installations, thereby engaging in unprofessional conduct.

The Respondent has engaged in unprofessional conduct pursuant to NH RSA 319-C:12, II(c), as a result of his unprofessional conduct as set forth above.

The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated Electricians Rules 404.03; 405.01(a)(1); 405.01(a)(2); 405.01(a)(4) and NH RSA 319-C:12, II(c).

THEREFORE, IT IS ORDERED, pursuant to RSA 319-C:12, III(a) and (b) the Board imposes the following sanctions:

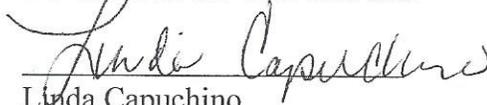
- A. The Respondent is hereby reprimanded.
- B. The Respondent's Master Electrician License is hereby downgraded to a Journeyman License for a period of six months from the effective date of this Order set forth below. See Elec. 405.02 (c) (1).
- C. The Respondent shall, within five (5) business days from the effective date of this Order set forth below, deliver his Master Electrician License to the Office of Professional Licensure and Certification, 121 South Fruit Street, Concord, NH 03301, which shall be replaced with a Journeyman license for the period of time set forth herein.

- D. The Respondent's breach of any terms or conditions of this Order shall constitute unprofessional conduct pursuant to Elect. 405.01(a)(5) and RSA chapter 319-C:12,II and serve as a separate sufficient basis for further disciplinary action by the Board for a period of seven (7) years, pursuant to NH RSA 319-C:12,IV and Elec. 405.03(i).
- E. Additionally, the Board may consider the fact that discipline was imposed by this Final Decision and Order in determining appropriate discipline in the future should any further misconduct be proven against the Respondent.
- F. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.
- G. This Order shall take effect on the date it is signed by an authorized representative of the Board.
- G. Any person affected by a final decision of the board may appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a. See NH RSA 319-C:12-b.

IT IS FURTHER ORDERED that a motion for rehearing, reconsideration, or clarification shall be filed within 30 days of the effective date of this Final Decision and Order. This motion shall be in accordance with Elec part 213.

Effective Date: February 9, 2015

BY ORDER OF THE BOARD



Linda Capuchino
Division Director
Technical Division
Office of Professional Certification
And Licensure