

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

James R. Martin
License No.: 11471J
(Adjudicatory/Disciplinary Proceeding)

Docket No. 16-07

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 James R. Martin ("Respondent" or "Mr. Martin") in Docket Number 16-07.

BACKGROUND INFORMATION

On January 14, 2016 the Office of Professional Licensure and Certification (hereafter "OPLC") received a complaint from Stephen Murphy against James Martin, Licensed Electrical Journeyman, which was assigned Complaint number 16-07. The complaint was assigned to Electrical Inspector Denis Laurendeau. Inspector Laurendeau, met with the Respondent, James Martin, regarding the complaint.

As a result of said meeting and the investigation conducted by Inspector Laurendeau, it was determined that between July and October of 2015 the Respondent made electrical installations which were not complete or compliant with the National Electrical Code as required. In addition, Mr. Martin was contracting electrical work for his own account without licensure as a Master Electrician, in violation of statutory law and rules governing Electricians in the State of New Hampshire. Finally, the work the Respondent was performing required a permit and the Respondent failed to procure said required permit.

More specifically, the investigation revealed that the Respondent performed electrical work at 33 Strawberry Hill Road; he did not complete the installation and failed to obtain a permit from the Town of Bedford. Moreover, he contracted himself for this work while holding only a Journeyman Electrical License, in violation of RSA 319-C:2, IV and 319-C:12, II(c) and Elec 404.04 and Elec 405.01(a)(1).

As a result of the foregoing, a Notice of Hearing was forwarded to the Licensee on April 14, 2016 to show cause why he contracted himself for electrical work while only holding a Journeyman Electrical License in violation of RSA 319-C:2, IV. Additionally, the Respondent did not complete the electrical work and performed work that was not compliant with the National Electrical Code and did not procure the required permit from the Town of Bedford necessary to conduct said electrical work, all in violation of RSA 319-C:2, IV, 319-C:12, II(c) and Elect 404.04 and Elec 405.01(a)(1).

As a result of the foregoing, a disciplinary hearing was held on Tuesday, June 7, 2016 at the Board office in Concord, New Hampshire. A Notice of Hearing (NOH) and exhibits were mailed to Mr. Martin at the Board's last on-file address via US Mail, via certified mail, dated April 14, 2016. The US Mail certified mail of the Notice of Hearing and exhibits were electronically delivered to Mr. Martin on May 15, 2016.

The Respondent did not appear at the hearing. Testimony was provided at the hearing from Dean Sotirakopoulos, Chief Electrical Inspector and Denis Laurendeau, Electrical Inspector, both of the Office of Professional Licensure and Certification establishing the foregoing.

Board members present were¹

Peter Cicolini, Master Electrician, Chairperson, Presiding Officer
James Roberts, Public Member, Vice-Chairperson

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

Jack Grube, Public Member
Joseph Casey, Journeyman Electrician, Board Member
Romeo Dupuis, Jr., Master Electrician
Matthew LaBonte, Fire Marshall Representative

EXHIBITS:

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

1. Notice of Hearing dated April 14, 2016.
2. Complaint Form #16-07 submitted by Stephen Murphy against James R. Martin (license #11471J).
3. Summary of Events and attached emails and documents submitted by Electrical Inspector.
4. Notice of Violation dated February 24, 2016 to James R. Martin (license #11471J).
5. Letter to Stephen Murphy from State Electrical Inspector Denis Laurendeau dated January 29, 2016.
6. Emails and attachments to James Martin from Denis Laurendeau, State Electrical Inspector dated May 9, 2016.

FINDINGS OF FACT

1. The Respondent was issued a Journeyman Electrician's License on July 27, 2000.
2. Respondent was forwarded a Notice of Hearing for violation of statutes and results related to a licensed Electrician on May 14, 2016.
3. The Notice stated the hearing was to be held on June 7, 2016.
4. The Respondent failed to appear at said hearing after having been provided the required notice.
5. The Respondent contracted a job himself as a Journeyman, in violation of RSA 319-C:2, IV and Elec 405.01(a)(1); and 405.01(a)(5).
6. Respondent failed to procure the required permit with the Town of Bedford for the electrical job.

7. Respondent failed to complete the electrical work and performed electrical work that was not compliant with the National Electrical Code as required.
8. As a result, a new hearing was held alleging the respondent was in violation of RSA 319-C:12, II(c) and Electricians Rules 405.01(a)(1); and 405.01(a)(5) as a result of engaging in unprofessional conduct by failing to comply with a sanction of the Board.
9. The Respondent failed to appear at the June 7, 2016 hearing.
10. It was determined that the Respondent was in violation of statutory laws and rules governing licensure of electricians in the State of New Hampshire.

CONCLUSIONS OF LAW

Pursuant to the evidence submitted in this matter the Board finds that the Respondent is found to be in violation of RSA 319-C:2, IV, and Elec 405.01(a)(1) and 405.01(a)(5) by exhibiting unprofessional conduct in that he contracted work as a Journeyman Electrician without being under the employment of a Master Electrician per RSA 319-C:2, IV. He also failed to procure the required permit for the job and did not complete the electrical work and/or performed electrical work that was not in compliance with the 2014 National Electric Code as required all in violation of RSA 319-C:12, II(c) .

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

- A. The Respondent is hereby **reprimanded**.
- B. The Respondent's Journeyman license is suspended for a period of six months commencing the date of this Order set forth below

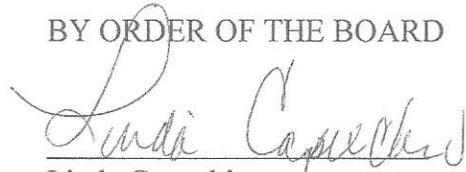
- C. The Respondent, however, shall not be given any credit toward the six month suspension until such time as the Respondent surrenders his physical Journeyman license to the OPLC, 121 South Fruit Street, Concord, New Hampshire 03301.
- D. The Respondent is deemed to be in violation of RSA 319-C:2, IV; 319-C:12(c) and Electrician Rule Elec405.01(a)(1); and 405.01(a)(5).
- E. Respondent is required to submit his physical Journeyman Electrical License to the OPLC no later than five business days from the date of this Order.
- F. Failure of the Respondent to comply with paragraph D above shall be grounds for further and separate disciplinary action by exhibiting unprofessional conductor dishonorable conduct unworthy of and affecting the practice of the profession and contracting for his own work while only holding a Journeyman Electrical License; not completing electrical work and/or performing electrical work not in compliance with the National Electric Code as required; failing to procure the necessary permit from the Town of Bedford for the work performed.
- G. The Respondent is hereby ordered to submit his physical Journeyman Electrician License to OPLC within five business days of the date of this Order.
- H. 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.
- I. Although the Respondent's Journeyman Electrician's License will be suspended for a period of six months effective the date of this Order, he will not be given

credit for that six months until his Journeyman Electrician License has been physical surrendered to OPLC

- J. 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).
- K. 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.
- L. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.
- M. 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.

BY ORDER OF THE BOARD



Linda Capuchino
Division Director
Technical Division
Off. Of Prof. Lic. & Certif.

Effective Date: July 12, 2016

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

James R. Martin
License No.: 11471J
(Adjudicatory/Disciplinary Proceeding)

Docket No. 16-07

AMENDED AND SUPPLEMENTAL 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 James R. Martin ("Respondent" or "Mr. Martin") in Docket Number 16-07.

The Final Decision and Order issued to the Respondent dated July 12, 2016 is hereby amended and supplemented as follows:

1. Paragraph H on page 5 of said order is omitted in its entirety.
2. The following Orders are also issued as a result of the hearing in this matter:

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

- A. The Respondent is required to complete fifteen hours of continuing education by a Board approved provider, based upon the 2014 National Electrical Code, and provide proof of completion to the Board prior to his Journeyman License being restored. Elec 405.02(f).
- B. If at any time during his suspension the Respondent qualifies and applies to take the New Hampshire Master's License Exam, and passes said exam, his Master's License will not be issued until such time as he provides proof of completion of the fifteen hours of continuing education set forth in paragraph A.

- C. Moreover, if the Respondent takes and passes his Master's License Exam during his period of suspension, he shall be issued his Master's License but must be in compliance with Elec 405.02(b), reporting monthly on the first day of each month for the remainder of the suspension period. Specifically, Elec 405.02(b) requires the following:

Elec 405.02 Types of Disciplinary Action.

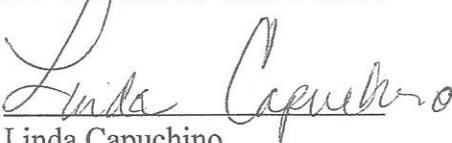
(b) Limitation of certification shall require the licensee to report, on a monthly basis, the locations of his/her jobs in NH and a list of employees, if any, with his/her license or apprentice or high/medium voltage trainee ID numbers who are working on those jobs. The monthly report shall be submitted whether or not the licensee had jobs in NH during the reporting period.

- D. 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 new effective date of this Amended and Supplemental Final Decision and Order dated July 14, 2016. This motion shall be in accordance with Elec part 213.

Effective Date: July 14, 2016

BY ORDER OF THE BOARD



Linda Capuchino
Division Director
Technical Division
Off. Of Prof. Lic. & Certif.