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JUN 09 2016
STATE OF NH
JOINT BOARD

State of New Hampshire
Electricians' Board
Concord, New Hampshire 03301

In the Matter of
Stephens-Marquis Associates Inc

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public, the New Hampshire Electricians' Board (hereinafter "Board") and Stephens-Marquis Associates Inc / (hereinafter "Respondent"), licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 319-C:6-a, 319-C:12, 319-C:12-a and the Board of Electrician's Practice and Procedural Rules the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by electricians. Pursuant to RSA 319-C:12 and Elec 207.07 the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.

2. The Board first granted Respondent a license to practice electrical installation in the State of New Hampshire as a Corporation on May 23, 2006. Respondent currently holds master license number 0191C.

3. In response to an inspection by State Electrical Inspector Alfio Torrisi, at 250 North Main St, Rochester, NH on April 25, 2016, it was determined that the Respondent, allowed two apprentices: Matthew Starr, 15582A and Dustin Callahan 13991A to perform an electrical installation not directly supervised at 250 North Main St, Rochester, NH on April 25, 2016. These are in violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules. No additional violations were found. In response to this, State

Electrical Inspector Alfio Torrisi conducted an investigation and obtained information from various sources pertaining to Respondent's violations of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules.

4. The investigation revealed and Respondent freely admits to the following facts:

The Respondent, allowed two apprentices: Matthew Starr, 15582A and Dustin Callahan 13991A to perform an electrical installation not directly supervised at 250 North Main St, Rochester, NH on April 25, 2016. This is in violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 319-C:12(II)(c), Elec 404.05(a) and 405.0l(a)(3).

5. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions, as stated in Elec 405.03(g), against Respondent's license to practice as an electrician in the State of New Hampshire and represents that he has taken steps to avoid any repetition of such conduct.

6. Because there is no current record of a similar violation on file at the Board's office and with the respondent's cooperation the sanctions have been mitigated and the disciplinary action will be based on Section Elec. 405.03(j). For the purpose of this settlement agreement the offenses are limited to one (1), bringing this disciplinary action to a first offense level.

7. Respondent is willing to accept disciplinary action as stated above. This shall be considered as a disciplinary action until June 7, 2023, as described in Elec 405.03(i).

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12 and Elec 405.02 (a), 405.02(d) and 405.03(c) (1):

A. Respondent is **reprimanded.**

B. Respondent's license is **suspended** for a period of six months. The suspension will be deferred for a period of 1 year provided the Respondent advises the Board on a monthly basis in a written report of the location of any current or projected jobs in NH. The reports shall include jobs (completed or projected) from the first day of the month to the first day of the following month. The report, supplied by the Board shall be received in the Board's office by the first day of the month, with the first report due July 1, 2016 and the last report due on June 1, 2017. A report shall be filed each month even if no work is performed in NH.

C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 319-C:12, and a separate and sufficient basis for further disciplinary action by the Board.

10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Agreement as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.

12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that

no promises or representations have been made to him other than those terms and conditions expressly stated herein.

13. The Board agrees that in return for Respondent executing this *Settlement Agreement,* the Board will not proceed with the formal adjudicatory process based upon the facts described herein.

14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement.*

16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement.* If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement.*

18. Respondent certifies that he has read this *Settlement Agreement.* Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the Building Code Review Board, pursuant to RSA 155-A:11-a. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement,* he waives these rights as they pertain to the misconduct described herein.

19. This agreement shall take effect as an *Order of the Board* on the date it is signed by an authorized representative of the Board.

Date: 6/2/16

FOR RESPONDENT

D. Stephens, President

Respondent

FOR THE BOARD

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 6.28.16

Linda Capuchino, Div. Dir

(Signature)

LINDA CAPUCHINO, DIV. DIR

(Print or Type Name)
Authorized Representative of the New Hampshire Electrician's Board