

State of New Hampshire
Office of Professional Licensure and Certification
Electrician's Board
Concord, New Hampshire

In the matter of:

Louis J. Lessard
License No.: 812M
(Adjudicatory/Disciplinary Proceeding)

Docket No. 18-01

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 of Louis J. Lessard ("Respondent" or "Mr. Lessard") in Docket Number 18-01.

BACKGROUND INFORMATION

This proceeding was commenced by a Notice of Hearing dated January 17, 2018 by the Board of Electricians ("the Board"), to determine whether Mr. Lessard, licensed Master Electrician #812 committed professional misconduct pursuant to RSA 319-C:12 (II)(c) & (g), Elec 404.04, and Elec 405.01(a) (1), (3), (4) while performing an electrical installation for a new single family residence. Specifically, Mr. Lessard failed to cooperate with numerous requests from the electrical inspector to respond to an investigation of a complaint of alleged misconduct.

A disciplinary hearing was held on Tuesday, February 13, 2018 at the Board office in Concord, New Hampshire. A Notice of Hearing (NOH) and exhibits were mailed to Mr. Lessard at the Board's last on-file address via US Mail, via certified mail, dated January 26, 2018. The US Mail certified mail of the NOH and exhibits was signed for on February 3, 2018. Testimony was received at the hearing from Dean Sotirakopoulos, Chief Electrical Inspector, and Denis Laurendeau, Electrical Inspector, both of the Office of Professional Licensure and Certification. Both Mr.

Sotirakopoulos and Mr. Laurendeau are responsible for conducting electrical inspections and investigations for the Board of Electricians.

The Respondent appeared at the hearing and offered testimony on his behalf.

Board members present were¹

Matthew Connors, Master Electrician, Vice Chairperson, Presiding Officer
Jack Grube, Public Member
William Infantine, Public Member
Matthew LaBonte, Fire Marshall Representative

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

1. Complaint filed, electrical permit issued by Town of Salem & Letter from homeowner.
2. Certified mail returned unclaimed on 4/24/17 for the notice of violation. Inspection report dated 5/3/17 from Inspector Laurendeau. Letter to the Respondent dated 5/26/17 from Inspector Laurendeau. Hand delivered violation notice on 11/15/17
3. 9 inspection reports from the Town of Salem Electrical Inspector with some deficiency photos.
4. 2 inspection reports from the Town of Salem. A letter/email dated 2/5/17 from the homeowner dismissing the Respondent from the job. A copy of the Town of Salem inspection report dismissing the Respondent and some deficiency photos.
5. 10 inspection reports from the Town of Salem Electrical Inspector for another new house wired by the Respondent located at 87 Shadow Lake Road, Salem NH.
6. 2 inspection reports from the Town of Salem Electrical Inspector for another electrical installation by the Respondent located at 5 Reid Ave. Salem NH.

FINDINGS OF FACT

1. The Respondent was issued a Master Electrician's License on April 8, 1976.
2. The Respondents installation failed to comply with the 2014 National Electrical Code.
3. The Respondent failed to cooperate with the investigation by Inspector Laurendeau.

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

4. As a result, a hearing was held alleging the respondent was in violation of RSA 319-C:12 (II)(c), Elec 404.04, and Elec 405.01(a) (1), (3) and (4). as a result of engaging in unprofessional conduct by failing to cooperate with a Board investigation and perform a non-compliant electrical installation with the 2014 National Electrical Code.
5. The Respondent was provided proper Notice of that hearing.
6. The Respondent appeared for that hearing on February 13, 2018.

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 comply with a Board investigation and perform a non-compliant electrical installation in accordance with the 2014 National Electrical Code.

Moreover, the evidence submitted in this matter established that the Respondent violated RSA 319-C:12, II(c), Elec 404.04, 405.01(a)(1), (3) and (4) by exhibiting unprofessional conduct in failing to cooperate with an investigation by this Board and performing a non-compliant electrical installation

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 is deemed to be in violation of R RSA 319-C:12, II(c) by exhibiting unprofessional conduct or dishonorable conduct unworthy of and affecting the practice of the profession. Elec 404.04 Compliance with Electrical Code. All electrical installations performed by licensees or those who have been

issued apprentice or high/medium voltage trainee identification cards shall comply with the requirements of RSA 155-A:1, IV, as amended by the building code review board under RSA 155-A:10, V. Elec 405.01(a)(1) Any violation of RSA 319-C:12, II. Elec 405.01(a)(3) Negligent or willful acts that negatively affect the health or safety of employees or others. Elec 405.01(a)(4) Failure to cooperate with a board inspector or administrative investigation.

- C. The Respondents masters' license shall be suspended for a period of six months with all of the suspension deferred for 18 months (starting on March 1, 2018 and ending on August 1, 2019) provided that the Respondent reports, 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. The Respondent shall complete a 30 hour electrical course on the 2017 National Electrical Code chapters 1-4 within 6 months of the notice by a board approved provider.
- E. 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).

- F. 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.
- G. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.
- H. 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



Joseph G. Shoemaker, Director
Division of Technical Professions
NH Office of Professional Licensure and Certification
Authorized Representative of the NH Electricians' Board

Dated: March 2, 2018