

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

Ryan M. White
License No.: 13468 M
(Adjudicatory/Disciplinary Proceeding)

Docket No. 19-03

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 Ryan White ("Respondent" or "Mr. White") in Docket Number 19-03.

BACKGROUND INFORMATION

There were two previous proceedings. The first resulted in a settlement agreement which was signed on April 4, 2017. The second was a show cause hearing with a Decision and Order dated February 22, 2018. The Respondent failed to meet the timeliness required in the reports.

As a result, a Notice of Show Cause Hearing was mailed to Mr. White at the Board's last on-file addresses via regular first class US Mail, and via email on December 12, 2018 to show cause why the Respondent failed to report his jobs to the Board in a timely manner, as agreed by the settlement agreement and Decision and Order, to the Board by the first of each month.

A disciplinary hearing regarding these was held on Tuesday, January 9, 2019, at the Board office in Concord, New Hampshire. A hearing list of witnesses and exhibits and the exhibits were mailed to Mr. White at the Board's last on-file address via regular first class US Mail dated December 21, 2018.

The Respondent appeared at the hearing. Testimony was received at the hearing from Dean Sotirakopoulos, Chief Electrical Inspector of the Office of Professional Licensure and Certification and the Respondent, Ryan White.

Board members present were¹

Peter Cicolini, Master Electrician, Chairperson, Presiding Officer
Matthew Connors, Master Electrician, Vice Chairperson
Henry Szumiesz, Journeyman Electrician
Jack Grube, Public Member
William Infantine, Public Member

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

1. Notice of Show Cause Hearing dated December 12, 2018.
2. Settlement Agreement dated April 4, 2017.
3. Board Final Decision and Order dated March 2, 2018.
4. Copies of November and December emails containing his probation reports.

FINDINGS OF FACT

1. The Respondent was issued a Master Electrician's License on December 17, 2013.
2. Respondent signed a Settlement Agreement for violation of statutes and rules related to unlicensed individuals in an earlier unrelated matter.
3. The Settlement Agreement required the reporting of jobs in NH on the first day of each month.
4. The Respondent was provided proper Notice of Hearing as a result of a separate matter alleging the respondent was in violation of RSA 319-C:12, II(c) and Electricians Rules

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

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.

5. Respondent was issued a Board Final Decision and Order dated March 2, 2018.
6. The November report was not received by the Board's office until November 5, 2018.
7. The December report was not received by the Board's office until December 5, 2018.
8. As a result, a hearing was held on a separate matter 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 appeared for that hearing on January 8, 2019.
10. The Respondent failed to provide good cause for his failure to submit the required reports by the dates required as per his Settlement Agreement and Decision and Order.

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 sanction order by this Board in violation of Elec. Rule 405.01(a)(5).

Moreover, the evidence submitted in this matter established that the Respondent violated RSA 319-C:12, II(c) and 405.01(a)(1) and 405.01(a)(5) by exhibiting unprofessional conduct in failing to comply with a sanction of this Board by Settlement Agreement (i.e. by his failure or

refusal to deliver his Probation Reports to the Board within the time period set forth in said Agreement).

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

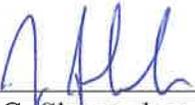
- A. The Respondent is hereby **reprimanded**.
- B. The Respondent is deemed to be in violation of RSA 319-C:12, II(c) and 405.01(a)(1) by exhibiting unprofessional conduct or dishonorable conduct unworthy of and affecting the practice of the profession and Elec 405.01(5) in his failure to comply with the Settlement Agreement dated April 4, 2017 and Decision and Order dated March 2, 2018.
- C. If the final Probation Report is late this will be considered a breach of the condition 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).
- D. 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.
- E. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.
- F. 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

Dated: January 17, 2019



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