

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

In the Matter of:
Joshua Lariviere
License No. 13310 M
(Adjudicatory/Disciplinary Proceeding)

Docket No. 19-01

FINAL DECISION AND ORDER

Before the New Hampshire Office of Professional Licensure & Certification, Board of Electricians' ("Board") is an adjudicatory/disciplinary proceeding in the Matter of Joshua Lariviere ("Respondent" or "Mr. Lariviere") in Docket Number 19-01.

BACKGROUND INFORMATION

On August 30, 2018 the Office of Professional Licensure and Certification (hereafter "OPLC") received a complaint from Martin Aronovitz owner of Back Bay Sign against Joshua Lariviere owner of Viper Electric LLC, Licensed Electrical Master, which was assigned Complaint number 2019-04. The complaint was assigned to Electrical Inspector Denis Laurendeau. Inspector Laurendeau, aware of the permit issue exchanged emails with the Respondent, Joshua Lariviere, in an effort to resolve the permit issue before the complaint was filed.

As a result of the investigation conducted by Inspector Laurendeau, it was determined that the required electrical permits that the Respondent stated would be obtained within seven days were never issued. Finally, the work the Respondent was performing required a permit and the Respondent failed to procure the required permit.

More specifically, the investigation revealed that the Respondent performed electrical work at A T & T stores in the Mall of NH, Manchester and the Rockingham Mall, Salem which required electrical permits.

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As a result of the foregoing, a Notice of Hearing was forwarded to the Licensee on October 14, 2018 for a hearing on November 6, 2018, rescheduled to December 6, 2018, then further rescheduled to January 8, 2019 both at the request of the Respondent, to show cause why he failed to obtain the required permits in violation of RSA 319-C:12 II (c) & (g). Additionally, the Respondent did not cooperate with the investigation by Inspector Laurendeau by not responding to an email from Inspector Laurendeau dated August 3, 2018, in violation of RSA 319-C:12, II(c) & (g) and Elec 405.01(a)(1), (2) & (4).

A disciplinary hearing was held on Tuesday, January 8, 2019 at the Board office in Concord, New Hampshire. A Notice of Hearing (NOH) was mailed on October 14, 2018 and exhibits were mailed to Mr. Lariviere at the Board's last on-file address via US Mail, via certified mail, on October 24, 2018.

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, (Recused himself)
Matthew Connors, Master Electrician, Vice-Chairperson, Presiding Officer
Hank Szumiesz, Journeyman Electrician
Jack Grube, Public Member
William Infantine, Public Member

EXHIBITS:

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

Cover page- Notice of Hearing dated October 14, 2018.

1. Complaint from Back Bay Sign received in our office on August 30, 2018 with supporting emails.
2. Email exchanges between State of New Hampshire Electrical Inspector Laurendeau, Back Bay sign & Joshua Lariviere.
3. Notice of Violation issued September 7, 2018 to Joshua Lariviere master/owner of Viper Electric LLC.

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

4. Report of investigation dated September 18, 2018 from State of New Hampshire Electrical Inspector Laurendeau.

FINDINGS OF FACT

1. The Respondent was issued a Master Electrician's License on December 5, 2012.
2. Respondent was forwarded a Notice of Hearing for violation of statutes and results related to a licensed Electrician on October 14, 2018.
3. The Notice stated the hearing was to be held on November 6, 2018.
4. The Respondent failed to appear at the hearing calling to request an extension due to illness. A revised Notice was sent scheduling the hearing for December 4, 2018. The Respondent failed to appear for the rescheduled hearing calling to request an extension as he was unable to take the time off work at his new employment. A revised Notice was sent scheduling the hearing for January 8, 2019 notifying the Respondent that this would be the last extension and the hearing would be held in abstentia should he not attend.
5. The Respondent failed to appear at the January 8, 2019 hearing.
6. Respondent failed to procure the required permits with the Town of Salem and the City of Manchester for the electrical work performed and unprofessional conduct by failing to comply with the investigation by the Board Inspector Laurendeau in violation of RSA 319-C:12 and Elec 405.01(a)(1), (2) & (4).
7. It was determined that the Respondent was in violation of statutory laws and rules governing licensure of electricians in the State of New Hampshire as referenced in 6 above.

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:12, II(c) & (g) and Elec 405.01(a)(1), (2) & (4) by exhibiting unprofessional conduct in that he performed electrical installations in the Town of Salem and City of Manchester without

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first procuring permits as required. He also failed to cooperate with the investigation by Inspector Laurendeau in violation of RSA 319-C:12, II(c) & (g) and Elec. 405.01(a)(4).

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

- A. The Respondent is hereby **reprimanded**.
- B. The Respondent's master license is suspended until such time the respondent is able to appear before the Board.
- C. The Respondent is deemed to be in violation of RSA 319-C:12, II(c) & (g) and Elec 405.01(a)(1), (2) & (4).
- D. The Respondent shall, within ten (10) 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.
- 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.

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- I. 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 22, 2019

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