

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

Nathan Ashe
License No.: 12910 M
(Adjudicatory/Disciplinary Proceeding)

Docket No. 19-05

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 Nathan Ashe ("Respondent" or "Mr. Ashe") in Docket Number 19-05.

BACKGROUND INFORMATION

There was a previous proceeding which resulted in a Settlement Agreement that was signed on June 28, 2016. The Respondent failed to meet the completeness required in the reporting requirements.

As a result, a Notice of Hearing was mailed to Mr. Ashe at the Board's last on-file addresses via regular first class US Mail, and via email on April 4, 2019 to show cause why the Respondent failed to report all his jobs on his monthly reports to the Board when he reported on the first of each month, as per the Settlement Agreement.

A disciplinary hearing on that matter was held on Tuesday, August 6, 2019, at the Board office in Concord, New Hampshire. A hearing list of witnesses and exhibits along with the exhibits were mailed to Mr. Ashe at the Board's last on-file address via regular first class US Mail dated April 16, 2019.

The Respondent appeared at the hearing with representation by Attorney Lisa Snow Wade. Testimony was received at the hearing from Dean Sotirakopoulos, Chief Electrical Inspector of the Office of Professional Licensure and Certification and the Respondent, Nathan Ashe.

Board members present were¹

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

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

Notice of Hearing dated April 4, 2019.

1. Electrical Inspection Reporting Form regarding 76 Hamilton Dr, Epping not listed on probation report.
2. Settlement Agreement dated June 28, 2016.
3. Notice of Violation dated March 20, 2019 regarding a permit obtained on July 28, 2018 136 Packers Falls Rd in the Town of Durham not listed on probation report.
4. Town of Durham Electrical Permit Application for 136 Packers Falls Rd, New Durham.

FINDINGS OF FACT

1. The Respondent was issued a Master Electrician's License on September 16, 2010.
2. Respondent signed a Settlement Agreement on May 30, 2016 and signed by the Board's representative on June 28, 2016, which related to 4 unlicensed employees making electrical installations.

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

3. 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 sanctions of the Board.
4. The Respondent was provided proper Notice of that hearing.
5. The Respondent appeared for that hearing on August 6, 2019.
6. The Respondent reported changes made so this would not happen again for the remainder of the probation period.

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 sanctions ordered 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 sanctions of this Board by Decision and Order (i.e. by his failure to include all jobs performed in NH on his monthly Probation Reports to the Board within the time period set forth in said Decision and Order).

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 June 28, 2016 .
- C. The Respondent's Probation reports will be required to be received on time and complete (by the first of each month) through June 1, 2020.
- D. If any of the Probation Reports are missing jobs or late this will be considered a breach of the condition of this Order and 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).
- E. 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.
- F. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.
- G. This Order shall take effect on the date it is signed by an authorized representative of the Board.
- H. 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.

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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: August 23, 2019

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