

State of New Hampshire
Office of Professional Licensure and Certification
Electricians' Board
Concord, New Hampshire 03301

In the Matter of:

Richard Drinkwater/Drinkwater and Sons Electric, Inc.

License No.: 7750M

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 Richard Drinkwater/Drinkwater and Sons Electric, Inc. (hereinafter "Respondent"), a master electrician licensed by the Board, do hereby stipulate and agree to resolve certain allegations of misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 319-C:6-a, 319-C:4, 319-C:5, 319-C:12, 319-C:12-a, RSA 541-A, and the Electrician's Board Administrative Rules ("Elec") 105, 203, 207, and 405, the Board has jurisdiction to investigate and adjudicate allegations of misconduct committed by electricians. Pursuant to RSA 319-C:12 and Elec 207.07 the Board may, dispose of such allegations by settlement at any time prior to a decision on the merits.
2. The Board first granted the Respondent a license to practice electrical installations in the State of New Hampshire as a master electrician on April 2, 1987 through reciprocity. The Respondent currently holds master electrician license number 7750M. The Respondent is the owner/master of record for Drinkwater and Sons Electric, Inc.
3. On or about October 6, 2021, Inspector Henry "Joe" LeSage conducted a random unannounced inspection at 141 Stratham Heights Rd. in the town of Stratham. During the inspection, Inspector LeSage encountered Mathew Melendez (#20691A) and Casey Drinkwater (#16221A), both

apprentices and employees of Drinkwater and Sons Electric, Inc., performing an electrical installation without supervision by an onsite journeyman or master electrician. In response, Inspector LeSage conducted an investigation, obtained information from various sources, and discovered that the Respondent, in fact, failed to supervise two apprentices performing an electrical installation which is a violation of the provision of RSA 319-C: and the Board of Electrician's Practice and Procedural Rules ("Elec").

4. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would present evidence of the following facts, from which the Board could find that he engaged in misconduct under RSA 319-C:12 and unprofessional conduct under Elec 405.01:
 - A. Respondent violated RSA 319-C:1 by making an electrical installation for compensation where Respondent failed to supervise at all times an electrical installation performed by apprentices.
 - B. Respondent violated RSA 319-C:12(II)(g) by willfully or repeatedly violating provisions of RSA 319-C.
 - C. Respondent failed to directly supervise at all times the installation of an electrical system performed by an apprentice in violation of Elec 404.05 (a).
5. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent engaged in misconduct when he violated RSA 319-C:1 (IV), RSA 319-C:12(II)(g), and Elec 404.05(a).
6. Respondent acknowledges that the above-described conduct constitutes grounds for the Board to take disciplinary action against the Respondent's license to practice as an electrician in the State of New Hampshire, as stated in Elec 405.02.
7. Respondent represents that he has taken steps to avoid any repetition of such conduct in the future.
8. There is no current record of a similar violation on file at the Board's office as of the date of this *Settlement Agreement*.

9. The Respondent is willing to accept that this is a first offense as described in Elec 405.03(c)(1).

This shall be considered as a disciplinary action until seven years after the execution of this *Settlement Agreement* as described in Elec 405.03(i).

10. For the purposes of determining disciplinary action, multiple offenses that occur on one job site or in one incident shall be considered separate offenses as described in Elec 405.03 (g).

11. The Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12, Elec 405.01, Elec 405.02, Elec 405.03(c)(1), Elec 405.03(j):

A. The Respondent is **REPRIMANDED**.

B. The Respondent's license is **SUSPENDED** for a period of one (1) year. The suspension will be deferred for a two (2) year period provided the Respondent does not violate the provisions of RSA 319-C or the Board's administrative rules and the Respondent advises the Board on a monthly basis in a written report by completing the Probation Reporting Form of the location of any current or projected jobs in NH as required under Elec 405.02 (b). 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 form, supplied by the Board, shall be received in the Board's office by the first day of the month, with the first report due on the first day of the month following the execution of this *Settlement Agreement* and the last report due twelve (12) months after the execution of this Settlement Agreement. A report shall be filed each month even if no work is performed in NH.

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

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

action by the Board. The deferred suspensions may then be brought forward in addition to any further disciplinary action. 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 the Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this *Settlement Agreement* as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

13. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
14. The 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.
15. The Board agrees that in return for the Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
16. The 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.
17. The 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*.
18. The 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 and Respondent's admissions herein shall be of no effect and inadmissible in any proceeding or matter. The 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.

19. The Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
20. The Respondent certifies that he has read this *Settlement Agreement*. The 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, the Respondent fully understands the nature, qualities, and dimensions of these rights. The Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
21. This agreement shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 12/21/2021



(Signature)

Richard Drinkwater

(Print Name)

FOR THE BOARD

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

Date: 11/11/22



(Signature)

Paul Chairman

(Print Name and Title)