

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

ELECTRICIANS' BOARD

**In Re: Grace Electric Inc.
License 26C**

Docket No.: 21-01

**In Re: Jason Dysart
License 12826M**

**FINAL DECISION AND
ORDER – 06/24/21**

I. ATTENDEES:

Peter Cicolini, Board Chair
Henry Szumiesz, Board Member
Matt Connors, Board Member
William J. Infantine, Board Member
Dexter Robblee, Board Member
Christine Horne, Administrator
Jason Dysart, Licensee and Principal for Grace Electric, Inc.
Attorney Michael Porter, OPLC Enforcement Administrator
Michael Soucy, Chief State Electrical Inspector
Todd H. Prevett, OPLC Hearings Examiner and Presiding Officer

II. CASE SUMMARY/PROCEDURAL HISTORY:

After an inspection on 04/12/21, the Board received information alleging that Grace Electric, Inc. ("Licensee"), whose principle is Jason Dysart (collectively "Licensees") had allowed two individuals, one registered apprentice and one unregistered apprentice to conduct electrical installations without appropriate supervision. The Board voted pursuant to RSA 319-C:12(I) to commence an adjudicative proceeding in this matter and a final adjudicative hearing was held on 06/08/21 at 9:30 am.

III. SUMMARY OF THE EVIDENCE:

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 212.05:

A. Exhibits were submitted by OPLC Enforcement, numbered as follows:

1. Notice of Violation, dated 04/16/21
2. Report on Investigation, dated 04/19/21
3. Letter from Licensees, dated 06/01/21

B. Exhibits were submitted by Licensee, designated as follows:

A. None

C. Testimony was received from:

1. Jason Dysart, Licensee
2. Michael Soucy, Chief State Electrical Inspector
3. Denis Laurendeau, Board Inspector

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:

Jason Dysart holds a license as the master of record, and Grace Electric Inc. holds a license in its own name. After receiving an inspection report from the Board's investigator, the Board conducted this adjudicative hearing on 06/08/21, where Licensees appeared. Pursuant to Rule 212.03, OPLC Enforcement has the burden of proving its case by a preponderance of the evidence. OPLC Enforcement admitted their evidentiary exhibits without objection. The credible evidence presented at the hearing allows the Board to find the following facts.

Denis Laurendeau, an inspector on behalf of the Board, was sworn and testified. Mr. Laurendeau testified that, on 04/12/20, he conducted a random inspection of the job site where Licensees were working. Mr. Laurendeau discovered that there were two individuals engaged in unsupervised electrical installation. One participant (Ben Haavisto) was an apprentice electrician (not a journeyman), and the other participant (Matthew Kovarik) was not registered or licensed at all on that date. Mr. Haavisto made a phone call and told the inspector that the supervising journeyman electrician (Marcus Rautiola) was "just down the road" and he was returning to the job site. Matthew Kovarik was in the process of being registered and did become registered on 04/16/21. However, both Mr. Haavisto and Mr. Kovarik were still left unsupervised at the time of the inspection.

Jason Dysart appeared on behalf of himself and Grace Electric Inc. He conceded that there was no licensed journeyman or other appropriate supervisor on the job site, and he admitted that both Mr. Haavisto and Mr. Kovarik were engaged in “rough” electrical installation. Mr. Dysart stated that the job site was a multi-building complex, where Licensee should have had a 6-8 man crew present, including a licensed electrician to supervise apprentices. Perhaps due to someone calling out sick, there was no licensed supervisor there and it was simply an oversight on the part of Licensee. Mr. Dysart stated that he knows the law, admits his fault, and that the inspector was in the right. He appreciated the Board’s intervention and offered his humble apologies.

Investigator Soucy closed by indicated that he appreciated the Licensee coming in and recognizing that the Board takes their safety regulations very seriously. Mr. Soucy recommended that the Board dismiss the alleged violation regarding Matthew Kovarik, as Mr. Kovarik did become registered within a few days. On the remaining charge, Mr. Soucy recommended a deferred suspension, monthly reporting, and to allow the Licensees to continue to operate.

V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

After reviewing all of the evidence, and taking into account the presentation and demeanor of all the witnesses, the Board finds, by a preponderance of the evidence, that there is sufficient evidence that the Licensees have committed professional misconduct. Licensees candidly and openly admitted to allowing an unsupervised and unregistered apprentice to engage in electrical installation. However, Licensees have also been very proactive in cooperating with the Board, and admit their fault in this matter, all of which the Board is giving great weight in its decision. As part of this decision, the Board makes the following findings of fact and conclusions of law:

- A. On or about April 2021, Licensees were responsible for supervising and performing electrical installation pursuant to RSA 319-C:2(III) in Peterborough, NH.
- B. Pursuant to RSA 319-C:2-a(I) and Rule 404.05(i), Licensees engaged in professional misconduct by allowing an unsupervised apprentice electrician to engage in electrical installation on a job site in Peterborough, NH on 04/12/21.
- C. Pursuant to RSA 319-C:12(III)(b), and upon a finding of professional misconduct above, the Board orders that Licensees’ licenses shall be suspended for a period of six months, with said

suspension being *held in abeyance for a period of one year*, subject to compliance with the terms and conditions of this disciplinary decision.

D. Pursuant to RSA 319-C:12(III)(b) and Rule 405.02(b), and upon a finding of professional misconduct above, the Board orders that Licensees shall be subject to limitation of certification in the form of monthly reporting to the Board as part of this disciplinary decision. Licensees shall file monthly reports 30 days after the effective date of this decision and every month thereafter for 12 months. Failure to comply with this requirement shall result in the imposition of the suspension detailed above.

E. Pursuant to RSA 332-G:11, and upon a finding of professional misconduct above, the Board determines that Licensees should not be liable for the investigative costs in this matter, due to their level of cooperation.

F. Pursuant to RSA 319-C:12 and Rule 405.03(j) and (k), the Board, in imposing the above-referenced sanctions, considered the following factors: the Licensees' clear acknowledgment of their wrongdoing, their willingness to cooperate with the investigation and the Board, the lack of prior disciplinary infractions, the mild severity of the offense, and the possible creation of a hazard to public safety.

G. Pursuant to RSA 319-C:12 and Rule 405.02, the Licensees are subjected to the above-referenced discipline as the minimum sanction that the Board believes will, based on the facts and circumstances of this particular case, both protect the public and deter Licensees and any other licensee from engaging in such misconduct in the future.

VI. CONCLUSION AND DECISION:

Pursuant to RSA 319-C:12, and Rule 405, the Board hereby SUSPENDS Licensees' licenses (held in abeyance), and subject them to further discipline as outlined above.

DATED: 06/24/21

_____/s/ Todd H. Prevett, Esq. _____
Todd H. Prevett, Esq., Hearings Examiner
Authorized Representative of the
Electricians' Board -
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301