

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

BOARD OF ELECTRICIANS

**In Re: Richard J. Azzara
Lic. No.: 9830M**

Docket No.: 2023-ELEC-0026

FINAL DECISION AND ORDER

I. PARTICIPANTS:

Board Members, Support Staff, and Counsel:

Matt Connors, Board Chair
William Infantine, Board Member
Michael Palmeri, Board Member
Henry J. Szumiesz, Board Member
Dexter Robblee, Board Member

Terese Barton, OPLC Board Administrator
Charlene Anstead, OPLC Board Administrator
Attorney Elizabeth Eaton, OPLC Board Counsel

Presiding Officer:

Attorney Shane D. Goulet, OPLC Hearings Examiner

Parties:

Collin Phillips, Esq., Hearing Counsel
Richard J. Azzara, Licensee (not in attendance)

II. CASE SUMMARY/PROCEDURAL HISTORY:

On 02/17/23 the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”) received information from the Moultonborough, New Hampshire building

inspector regarding electrical code violations discovered in two single family homes. After investigation and review of a report of investigation, the New Hampshire Electrician’s Board (“Board”) voted on 06/07/23 to initiate a disciplinary adjudicative proceeding against Richard J. Azzara (“Licensee”). A Disciplinary Hearing was held on 06/06/24. This Final Order follows.

III. SUMMARY OF THE PROPOSED EVIDENCE AND EVIDENTIARY RULINGS:

The Board received the following evidence pursuant to RSA 541-A:33 and Rules 206.22 and 206.18(d):

A. Exhibits were submitted by Hearing Counsel, numbered as follows:

1. Inspector Vallery Report of Investigation, dated May 8, 2023 (Bates #HC001-003);
2. Inspection photographs of 84 Eden Lane (Bates #HC004-007);
3. Town of Moultonborough electrical permit for 84 Eden Lane, dated February 19, 2021 (Bates HC008);
4. Town of Moultonborough electrical permit for 19 Eden Lane, dated April 21, 2021 (Bates #HC009);
5. Scott Dvorak letter to Inspector Vallery, dated April 7, 2023 (Bates #HC010);
6. Notice of Violation, dated April 7, 2023 (Bates #HC011).

B. Exhibits were submitted by the Licensee and labeled as follows:

A. None.

C. Sworn testimony was received from:

1. Kenneth Vallery, OPLC Electrical Inspector
2. Scott Dvork, Code Enforcement and Health Officer, Moultonborough, N.H.
3. Richard J. Azzara, Licensee

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:

Hearing Counsel had the burden of proving its case by a preponderance of the evidence.

Exhibit’s 1 through 6 were accepted as full Exhibits for the Board’s consideration. Hearing Counsel

submitted “Findings of Fact” which were accepted for the Board’s consideration. The Licensee failed to appear. The Presiding Officer concluded that the Licensee had received sufficient notice pursuant to RSA 310, Plc 206.06, and the Federal and State Constitutions. The hearing was held *in absentia*. Hearing Counsel proceeded by offer of proof. Inspector Vallery and Mr. Dvorak were sworn in under oath with respect to Hearing Counsel’s offer on their behalf.

HEARING COUNSEL’S CASE-IN-CHIEF

Scott Dvorak, Code Enforcement and Health Officer, Moultonborough, N.H.

Hearing Counsel provided an offer of proof on Mr. Dvorak’s behalf. Mr. Dvorak is the Code Enforcement Health Officer for the Town of Moultonborough, N.H. Mr. Dvorak took photographs of the electrical panel installed at 19 Eden Lane. See Exhibit 2 Hc005- Hc007. The electrical panel found within Exhibit 2 confirms the absence of AFCI¹ breakers and further identifies what circuits pertain to to each room in the home. Exhibit 3 and Exhibit 4 reflect the record of the permits pulled for the electrical worked performed by the Licensee at 84 Eden Lane and 19 Eden Lane in the Town of Moultonborough, N.H. On February 6, 2023, Mr. Dvorak performed an inspection of 84 Eden Road and observed that the Licensee had not installed AFCI breakers the electrical panel. On February 13, 2023, Mr. Dvorak inspected 19 Eden Road and personal observed that the Licensee had not installed AFCI breakers on the electrical panel. See Exhibit 5

Kenneth Vallery, OPLC Electrical Inspector

Hearing Counsel provided an offer of proof on Inspector Vallery’s behalf. The Presiding Officer took notice of the Board’s knowledge of Inspector Vallery’s background, education, experience, and

¹ AFCI is a known and commonly used acronym in the industry for “arc-fault circuit interrupter.”

training within the electrical field and as an Inspector for the Office of Professional Licensure and Certification (OPLC). Inspector Vallery prepared the Report of Investigation and was assigned to investigate the matter. See Exhibit 1. Inspector Vallery reviewed the photographs he received from Mr. Dvorak which evidenced that the electrical panels located at 19 and 84 Eden Lane “lacked” AFCI protective devices. Inspector Vallery performed an inspection at 84 Eden Lane and personally observed the electrical panel noting the absence of AFCI breakers. The Inspector was unable to access 19 Eden Lane. Inspector Vallery noted in his report of investigation that 15 AFCI breakers were not installed in the panel at 84 Eden Lane and 16 AFCI’s were not installed in the electrical panel at 19 Eden Lane as required by code. On February 21, 2023, the Licensee admitted to Inspector Vallery that he had not installed the AFCI breakers in either home because they were troublesome and further acknowledged that he does not use them. Inspector Vallery informed the Licensee that the 2017 edition of the National Electrical Code (NFPA-70; NEC) requires the use of AFCI breakers. The Inspector instructed the Licensee to remedy the deficient installations at 19 and 84 Eden Lane, as well as any other homes he has wired incorrectly. Inspector Vallery issued the Licensee a Notice of Violation. See Exhibit 6. On April 18, 2023, the Licensee informed Inspector Vallery that he attempted to correct the deficiencies at 19 and 84 Eden Lane. However, the homeowners at the 19 Eden Lane had already hired another electrician to install AFCI breakers and the homeowners at 84 Eden Lane did not want the Licensee to return to the home. The Licensee never provided Inspector Vallery with any information regarding other properties where he did not install AFCI breakers as required by the NFPA-70; NEC.

V. THE BOARD’S FINDINGS OF FACT

After reviewing all the evidence and considering the presentation and demeanor of all the witnesses, the Board makes the following findings of facts. The Board adopted Hearing Counsel's Findings of Fact paragraphs 1 through 14 as amended herein and set forth below.

1. Richard Azzara ("Licensee") was first issued his master electrician license #9830M on April 13, 1995, having the expiration date of October 31, 2025.
2. Licensee has no previous disciplinary history before the Board.
3. On February 19, 2021, the Licensee applied for a permit to perform an upgrade to 200 amp service on a new addition of a residential property at 84 Eden Lane, Moultonborough, NH 03254.
4. On April 21, 2021, the Licensee applied for a permit to set up temporary wire for a new residential property at 19 Eden Lane, Moultonborough, NH 03254.
5. On or about February 2023, the owner of 84 Eden Lane and a real estate agent who was familiar with 19 Eden Lane reported to Scott Dvorak, Code Enforcement and Health Officer, Town of Moultonborough that the electrical panels lacked AFCI's.
6. Officer Dvorak inspected 19 Eden Lane, took pictures of the electrical panels, confirmed the electrical panels lacked AFCI's.
7. Officer Dvorak and Inspector Ken Vallery inspected 84 Eden Lane, took pictures of the electrical panels, and confirmed the electrical panels lacked AFCI's.
8. Upon inspection of the photographs of the electrical panel at 19 Eden Lane, Inspector Vallery determined the Licensee failed to install sixteen (16) AFCI breakers.
9. Upon in-person inspection of the electrical panel at 84 Eden Lane, Inspector Vallery determined that the Licensee failed to install fifteen (15) AFCI breakers.

10. On February 21, 2023, during a telephone interview with Inspector Vallery, the Licensee admitted to not installing AFCI breakers in both 19 Eden Lane and 84 Eden Lane. See Exhibit 1.

11. The Licensee stated his reason for not installing AFCI breakers was that he finds AFCI's to be "troublesome," and that he does not use them.

12. Inspector Vallery instructed the Licensee to contact the owners of all homes he has wired incorrectly since 2017.

13. On April 18, 2023, the Licensee informed Inspector Vallery that another electrician installed AFCI breakers at 19 Eden Lane, and that the owners of 84 Eden Lane do not want the Licensee back at their home and have hired another electrician.

14. The Licensee did not inform Inspector Vallery concerning correcting installations at any other properties.

VI. CONCLUSION AND DECISION:

Based upon the Board's findings of fact, the Presiding Officer makes the following conclusions of law:

1. The Licensee has engaged in professional misconduct as defined at RSA 319-C:12, II(c) and/or (d).

Pursuant to RSA 310:12 and RSA 319-C:12, III, the Board issues the following sanctions:

1. The Licensee is hereby **REPRIMANDED**.
2. The Licensee's license is downgraded to journeyman until such time as the Licensee pays the administrative fine and submits documentation evidencing completion of 30 hours of continuing education on the 2020 National Electrical Code; 6 of the 20 hours shall focus on AFCI and the

2020 NH NEC amendments. The continuing education shall be conducted by a board approved educational provider.

3. The Licensee is assessed an administrative fine of \$500.00 and the reasonable cost of investigation and prosecution in the amount of \$500.00.
4. The Licensee shall be subject to a limitation of certification for 18 months. The Licensee shall report, on a monthly basis, the locations of his jobs in N.H., and a list of employees, if any, accompanied by their license or ID number. The monthly report shall be submitted regardless of whether the licensee had jobs in N.H. during the reporting period.

VII. ORDER

Pursuant to RSA 310:12 and RSA 319-C:12, III, the Presiding Officer hereby makes a finding of professional misconduct noted herein and the Board administers the discipline outlined above.

DATED: 2/22/2024

/s/ Shane D. Goulet, Esq.,
Shane D. Goulet, Presiding Officer
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