

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

BOARD OF ELECTRICIANS

**In Re: Jose Filho
Master Elec. Lic. # 15578**

**ORDER OF EMERGENCY
SUSPENSION – 07/28/23**

Docket No.: 2023-ELEC-013

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 07/17/2023, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Electricians (“Board”), learned of an alleged scheme through which Jose Filho (“Licensee”) had fraudulently obtained licensure as a Master Electrician in the State of New Hampshire. On 07/28/23, the Board held an emergency meeting and voted to suspend the Licensee’s privilege to practice as a Master Electrician in New Hampshire on an emergency basis pursuant RSA 541-A:30(III); RSA 310:12, IV (eff. 07/01/23); and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”).

II. LEGAL STANDARD:

“In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter.” RSA 310:12, IV. The Office of Professional Licensure and Certification has further interpreted that to mean that the Board “... shall issue an order that immediately suspends the respondent’s license based on: (1) [a] determination that there is a reasonable basis to believe that public health, safety, or welfare requires emergency action...” Rule 206.07(a)(1).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: a 07/28/23 “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N. H. Code Admin.R. Title Plc 206.07” filed by Michael Porter, OPLC Investigations Bureau Chief (“Verified Petition”). The Board also relied on its expertise in the field it regulates. A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find the following facts.

B. Findings of Fact

The Board hereby adopts the factual allegations contained in paragraphs 1-29 in the Verified Petition, which are incorporated by reference herein as its findings of fact. A copy of the Verified Petition is attached hereto.

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to believe that the public health, safety, or welfare requires the emergency action of suspending the Licensee’s New Hampshire Master Electrician license pursuant to RSA 310:12, IV and Plc 206.07(a)(1). The central facts are straightforward— the Licensee is actively licensed in New Hampshire and appears to have obtained his licensure by fraudulent means and is not qualified to be a master electrician. Using its combined training and experience, the Board concludes that the Licensee’s conduct, on its face, poses an imminent danger to the public health, safety, or welfare while licensed as a New Hampshire master electrician. The Board therefore orders the immediate emergency suspension of Jose Filho’s license pursuant to RSA 310:12, IV, pending a follow-up emergency suspension disciplinary hearing.

V. ORDER:

Pursuant to RSA 310:12, IV and Rule 206.07(a), the Board hereby orders the immediate emergency suspension of Jose Filho's license as a New Hampshire master electrician, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 7/28/2023

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

STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE ELECTRICIANS' BOARD

In The Matter Of:

JOSE FILHO
NEW HAMPSHIRE MASTER ELECTRICIAN LIC. NO.15578

VERIFIED PETITION FOR EMERGENCY TEMPORARY SUSPENSION OF
LICENSURE PURSUANT TO RSA 310: 12, IV AND N.H. CODE ADMIN. R. TITLE
PLC 206.07

NOW COMES, THE Office of Professional Licensure and Certification (“OPLC”), Division of Enforcement (“Division”), and hereby petitions the New Hampshire Electricians’ Board (“Board”) to emergently suspend the license of Jose Filho, Licensed Master Electrician in the State of New Hampshire stating in support as follows:

BACKGROUND

1. On or about 7/14/2023, Jose Filho (“Respondent”) applied for a New Hampshire Master Electrician license through reciprocity from the Commonwealth of Massachusetts (“Commonwealth”).
2. On or about 7/14/2023 the Respondent provided the OPLC Division of Licensure what purports to be a written verification of licensure from the Commonwealth of Massachusetts, dated 7/7/2023, verifying the Respondent, under the name Jose Valter Gomes Filho is a licensed Master Electrician in the Commonwealth with license no. 42921A and purportedly signed by Christine Garner, Administrative Assistant, Board of State Examiners of Electricians.
3. Under the signature line of what purports to be the signature of Christine Garner, the official title is misspelled. Specifically, it reads, “Board of State Eners of Electricians” when it should read “Board of State Examiners of Electricians.”

4. A review of the Massachusetts Board of Examiners of Electricians' database reflects license no. 42921A is not assigned to anybody in the Commonwealth.
5. On or about 7/14/2023, the Respondent was issued a New Hampshire Master Electrician License (#15578) with an expiration date of 7/31/2025.
6. On or about 7/17/2023 the Division of Enforcement was made aware the Commonwealth of Massachusetts uncovered a scheme or operation involving fraudulent verification of licensee letters being used by unlicensed individuals to obtain licensure by reciprocity as a Master Electrician and/or Journeyman in the State of New Hampshire and then using the newly obtained reciprocal license in New Hampshire to obtain licensure in the Commonwealth by producing what appears on its face to be a valid New Hampshire verification letter.
7. In the case of the Respondent, his New Hampshire licensure was obtained by reciprocity on 7/14/2023 due to the Respondent's production of what now appears to be a copy of a fraudulent verification letter submitted by the Respondent to New Hampshire OPLC Licensing Division from the Commonwealth of Massachusetts dated 7/7/2023, using license no.42921A as his Massachusetts licensure number when in fact no such license number exists in the Commonwealth database (Massachusetts Board of Examiners of Electricians' database).
8. It appears the Respondent was not in fact licensed in the Commonwealth of Massachusetts at the time he applied for licensure by reciprocity here in New Hampshire.
9. Of interest, in the Respondent's New Hampshire Licensure application, he lists VITOR GIMENES as a reference.

10. Vitor Gimenes is currently under investigation in the Commonwealth for using a fraudulent New Hampshire OPLC Verification letter to secure licensure as a Journeyman in Massachusetts.
11. On or about 6/12/2023, Vitor Gimenes secured a Massachusetts Journeyman License (#100764) in the Commonwealth.
12. On or about 5/24/2023, Gimenes used what appears to be a fraudulent NH OPLC Verification form, listing his name as: Vitor Santos Gimenes, Journeyman Electrician, with New Hampshire licensure number 19328.
13. However, New Hampshire licensure number 19328 actually belongs to a NH Journeyman, Benjamin Halsey, issued 2/27/2023 with and expiration date of 2/28/2025.
14. Gimenes was issued a Journeyman's license through a fraudulent NH OPLC Verification form, using a fraudulent name not associated with the licensure number on the fraudulent verification form.
15. Gimenes is scheduled for an emergency hearing before the Massachusetts Board of Examiners of Electricians case number 100764-EL-JR, Vitor Gimenes - hearing scheduled 8/3/23
16. Based on the Respondent listing Gimenes as a reference on his application for licensure in New Hampshire, the Division has reason to believe both Filho and Gimenes are acting in concert to perpetuate a scheme of obtaining licensure by fraud as a licensed electrician in both the State of New Hampshire and the Commonwealth.
17. The Respondent failed to list a telephone number on his application and there is no telephone number in our licensure database.
18. I did attempt to email the Respondent with no response.

19. On 7/26/2023, I met with officials from the Commonwealth of Massachusetts to discuss what appears to be a fraudulent scheme or operation involving fraudulent verification letters purporting to be issued by the Commonwealth of Massachusetts and the State of New Hampshire in an effort to procure Master and/or Journeymen Electrician Licensure in both States.
20. The Division and officials from the Commonwealth have identified at least four licensees from NH and/or Massachusetts who have obtained licensure in both states by means of fraud along with other individuals who attempted to become licensed in both states but were unsuccessful.
21. The Commonwealth has identified an additional five (5) licensure applicants in Massachusetts who passed or alleged to have passed what appear to be fraudulent New Hampshire verification of licensure letters in an attempt to procure licensure in Massachusetts.
22. The Commonwealth of Massachusetts and the State of New Hampshire are working collaboratively to identify fraudulently issued licenses in both jurisdictions.
23. The Division is sharing information and evidence with the Commonwealth of Massachusetts and the Commonwealth is reciprocating.
24. The Respondent in this matter poses an imminent danger to the public health, safety, or welfare in as much as based on the evidence uncovered as a result of our joint investigation with the Commonwealth, the Respondent has not met the minimum requirements for licensure in New Hampshire as a Master Electrician and is eligible to work as a licensed electrician without meeting proper qualifications.

25. The Respondent holding a New Hampshire license as a Master Electrician, without meeting even the minimum requirements, is per se imminent danger to the public health, safety, or welfare.
26. RSA 319-C: 12, II(a) authorizes the Board to issue discipline if an individual is deemed to have engaged in *the practice of fraud or deceit in procuring or attempting to procure a certificate to practice under this chapter.*
27. RSA 319-C: 15, I(c) states it is a misdemeanor for a person to *Wrongfully or fraudulently procures a license under this chapter.*
28. The Division believes, based on the evidence, the Respondent wrongfully and illegally obtained licensure in the State of New Hampshire on 7/14/2023 through reciprocity from Massachusetts when he used what purported to be an official letter of licensure verification from the Commonwealth, dated 7/7/2023, when he was not actually licensed in the Commonwealth.
29. It appears, based on all facts learned thus far, the Respondent was never licensed in the Commonwealth when he applied for licensure in New Hampshire through reciprocity from the Commonwealth of Massachusetts.

WHEREFORE, Michael Porter, Esq., Investigations Bureau Chief, OPLC-Division of Enforcement, on behalf of the Division, prays:

- A. The Board make a finding the Respondent is an imminent danger to the public health, safety, or welfare **and** emergently suspend the Respondent's license to practice consistent RSA 310: 12, IV and Plc 206.07.
- B. The Board schedule an emergency hearing within 10 days consistent with RSA 310:12, IV.
- C. Grant further relief as justice requires.

In the Matter of Jose Filho
Master License No. 15578

I, attest and affirm the facts outlined in this *Verified* Petition for Emergency Suspension of Licensure pursuant to RSA 310:12, IV and Plc 206.07 are true and accurate to the best of my knowledge and belief.

Date: July 28, 2023

Respectfully Submitted,

/s/ Michael Porter

Michael Porter, Esq.

NH BAR 266285

Investigations Bureau Chief

OPLC-Division of Enforcement