

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

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**BOARD OF ELECTRICIANS**

**In Re: Normand Michaud/ Arie Electric  
Lic. No.: 10119M**

Docket No.: 2023-ELEC-004

**NOTICE OF DECISION DATED 9/18/23**

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Enclosed please find a copy of the Board’s Order dated 9/18/23 relative to:

**DISCIPLINARY HEARING**

**MOTIONS/PETITIONS FOR RECONSIDERATION OR REHEARING:**

Pursuant to N.H. Code Admin. R. Plc 206.29(a) (“Rules”) and RSA 310:14, II, motions/petitions for reconsideration or rehearing shall be filed within 30 calendar days after service of a final adjudicative order. Pursuant to Rule 206.29(b), the Motion/Petition shall: 1) clearly identify points of law or fact that the movant asserts the Board and/or Presiding Officer has overlooked or misapprehended; 2) contain such argument in support of the motion as the movant desires to present; and 3) be served by the movant on all other participants in accordance with Rule 206.11. Pursuant to Rule 206.29, no answer to a motion/petition for reconsideration or rehearing shall be required, but any answer or objection filed shall be delivered to the Presiding Officer’s Office within 5 working days following receipt of service of the motion/petition for reconsideration. Pursuant to RSA 541:5, upon the filing of such motion/petition for rehearing or reconsideration, the Board or Presiding Officer shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the Board or Presiding Officer may prescribe.

**RIGHT TO APPEAL:**

Pursuant to RSA 310:14, III, appeals from a decision on a rehearing and/or motion for reconsideration shall be by appeal to the New Hampshire Supreme Court pursuant to RSA 541. Pursuant to RSA 541:6, within 30 days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the New Hampshire Supreme Court. Pursuant to RSA 310:14, III, no sanction shall be stayed by the Board during an appeal.

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Docket No.: 2023-ELEC-004

**FINAL DECISION AND ORDER – 09/14/23**

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**I. PARTICIPANTS:**

Board Members, Support Staff, and Counsel:

Matt Connors, Board Chair  
William Infantine, Board Member  
Dexter Roblee, Board Member

Christine Horne, OPLC Board Administrator  
Attorney Elizabeth Eaton, OPLC Board Counsel

Presiding Officer:

Attorney Shane D. Goulet, OPLC Hearings Examiner

Parties:

Marissa Schuetz, Esq., Hearing Counsel  
Normand Michaud, Licensee  
John F. Bisson, Esq. Counsel for the Licensee

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

On 09/28/22, New Hampshire State Electrical Inspector Joe LeSage issued a violation notice to Normand Michaud of Aries Electric (“Licensee”) in relation to one of the Licensee’s job sites. The violation notice alleged that on 09/26/22 the Licensee had on the worksite: an apprentice with a lapsed license, an unlicensed/unregistered apprentice, and five apprentices working under one journeyman

present. On 01/10/2023, the Electricians' Board ("Board") voted to initiate a disciplinary proceeding in relation to this matter. A Disciplinary Hearing was held on July 11, 2023. 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. Violation Notice, HC001
2. Response to Notice, HC003
3. Report of Investigation, HC005

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

- A. Invoice dated March 15, 2023, N.H. School of Mechanical Trades

C. Sworn testimony was received from:

1. Henry "Joe" LeSage, OPLC Electrical Inspector
2. Normand Michaud, Licensee
3. Brian Dipanfilo, Witness (Employee of Aries Electrical Service and Controls)

**IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:**

Hearing Counsel's Exhibits were fully admitted by agreement of the parties. The Presiding Officer concluded that Exhibits 1-3 are material and relevant to the proceeding. Hearing Counsel objected to the Licensee's Exhibit A. The Presiding Officer admitted Exhibit A after Licensee, by and through counsel, laid foundation which resulted in the Presiding Officer determining that Exhibit A was both relevant and material. The parties submitted a "Joint Stipulation of Facts" which was accepted for the Board's consideration. Hearing Counsel had the burden of proving its case by a preponderance of the evidence.

## **HEARING COUNSEL'S CASE-IN-CHIEF**

### **Henry "Joe" LeSage**

Inspector LeSage was sworn in and testified as Hearing Counsel's sole witness. Inspector LeSage testified that he is the Regional Electrical Inspector for the Office of Professional Licensure and Certification. Inspector LeSage testified that the parties Joint Stipulation of Facts submitted were both true and accurate to the best of his knowledge. Inspector LeSage testified that he performed an inspection at the Licensee's job site on September 26, 2022. He stated the building was a multi-family building in the rough stages of construction. Inspector LeSage said he observed multiple workers carrying electrical tools and apparatus which led him to believe they were all electricians performing a rough installation. Inspector LeSage testified that he requested the credentials of the crew on site and learned that one individual had a lapsed license, and another individual was unlicensed. After examining the credentials of the workers onsite, Inspector LeSage determined that the crew was out of ratio. He testified that he discussed the issue with the journeyman who was onsite. Inspector LeSage discussed his findings from the inspection with the Licensee the following day. The Licensee informed Inspector LeSage that he had a journeyman call in sick and had a hard time finding workers and recognized his mistake.

Upon cross examination Inspector LeSage stated that when he arrived at the jobsite there were several individuals moving electrical equipment around with tools on their person. Inspector LeSage acknowledged that he may not have seen anyone installing materials. He stated that it was evident based upon the materials being moved, the tools on the workers, and the discussions with the workers that installations were occurring.

Upon Board questioning, Inspector Lesage stated that the Licensee's workers were carrying screwdrivers, lineman's pliers, wire-strippers, and drills which led him to believe they were performing a "rough installation". Inspector LeSage stated that the materials included wire, cable, and various boxes.

Upon re-direct, Inspector LeSage testified that he has been an electrician for over 20 years and is quite familiar with the type of work that occurs on different jobsites.

## **LICENSEE'S CASE-IN-CHIEF**

### **Brian Dipanfilo**

Was sworn and testified that he has been electrician working for the Licensee for six years. He is currently a journeyman. Mr. Dipanfilo testified that the crew was "roughing in" a unit the date the inspection occurred and that the Licensee was present on the site until about 2:30 p.m. Mr. Dipanfilo stated the crew was cleaning up when Inspector LeSage arrived at 2:45 p.m. Mr. Dipanfilo recalled speaking with Inspector LeSage about the "ratio thing". Mr. Dipanfilo testified that he called the Licensee and informed him that a state inspector came to the site. Mr. Dipanfilo testified that Jeffrey Diecuch's status as an apprentice had expired, and that Keith Bean had no licensure status. Mr. Bean was described by the witness as a "gopher" who was not performing electrical work.

Upon board questioning, Mr. Dipanfilo acknowledged that Mr. Bean was handling electrical materials.

### **Normand Michaud, Licensee**

The Licensee was sworn in and testified that he received his journeyman license as an electrician in 1990 and received his master's license in 1991 in Massachusetts. He has maintained the status of master since that time. The Licensee is the owner of Arie's Electric and has an unblemished record with

no prior discipline. The Licensee testified that he was present at the job site the date of the inspection until approximately 2:30 p.m. He left when everyone began to clean up for the day. The Licensee testified that Mr. Bean was onsite and reiterated that his duties and responsibilities as a “gopher” were restricted to cleaning and supplying electrical materials to his other workers. Mr. Bean supplied wires, boxes, ladders, drills, tools and anything else necessary for the job. The Licensee clarified that Mr. Bean was carrying electrical supplies but not performing the installations. The Licensee was unaware that Mr. Diecuch’s license had expired. He further testified that he pays for his employees to take the courses necessary for maintaining their license. The Licensee specifically paid for Mr. Diecuch’s course approximately 6 months in advanced.

Upon board questioning, the Licensee acknowledged that regardless of whether he was present on the jobsite, the crew was still out of ratio.

## **VI. THE BOARD’S FINDINGS OF FACT**

The Board adopted the parties Joint Stipulation of Facts dated July 10, 2023, which are incorporated by reference as part of its findings illustrated in paragraphs 1-6 below. The Board made additional findings under paragraphs 7, 8, and 9 scripted below.

1. The Board first granted the Licensee a license to practice electrical installations in the State of New Hampshire as a master electrician on August 14, 1996. The Licensee currently holds master electrician license number 10119M. The Licensee is the master of record for Aries Electric.
2. On September 26, 2022, Inspector Joe LeSage conducted a random unannounced inspection at 101 Forrest Edge Way in Manchester, N.H. During the Inspection, Inspector LeSage encountered one employee of Aries Electric, Jeffrey Diecuch (19157A) with a lapsed apprentice card; one

employee of Aries Electric, Keith Bean, working without registering with the Board, and (5) apprentices working under the supervision of (1) journeyman electrician outside of New Hampshire's statutory supervisory requirements, RSA 319-C:2-a.

3. On September 26, 2022, Norman Michaud was the master electrician of record for Aries Electric.
4. Six employees were working on September 26, 2022, at 101 Forrest Edge, Manchester, NH including one journeyman electrician in good standing, on apprentice with a lapsed apprentice card, one unregistered apprentice, and three apprentices.
5. Five apprentices were under the supervision of one journeyman electrician in violation of RSA 319-C:2-a.
6. That since being granted a license as a master electrician, the Licensee has never had a complaint filed against him prior to the present complaint.
7. The Board considered the oral testimony presented at the hearing and determined that even if the licensee, Mr. Michaud had been present at the jobsite along with the journeyman, the supervisory ratio would still be improper.
8. The Board further concluded that there is no provision for a "gopher" to assist on an electrical rough-in site and that every assistant must be licensed as an apprentice at a minimum.
9. There were two unlicensed individuals working onsite at the time of the violation. One, Jeffrey Diecuch, had a lapsed Apprentice Card and the other, Keith Bean, was an unlicensed employee of the Licensee.<sup>1</sup>

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<sup>1</sup> The Presiding Officer notes that paragraphs 2, 5, 7, and 8 include conclusions of law which were not considered by the Presiding Officer.

**VII. CONCLUSION AND DECISION:**

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

The Licensee has committed profession misconduct pursuant to RSA-319:12, II(c) and Rule 405.01. RSA 319-C:7, IV requires that all apprentice electricians shall register with the Board. The Board adopted the parties stipulated findings which provide that the Licensee had two unregistered apprentices working on a job site on September 26, 2022. RSA 319-C:2 provides that an apprentice electrician is “a person engaged in learning and assisting in making electrical installations...” The facts are clear that the Licensee’s employees were engaged in working on a “rough-in site”. The facts are undisputed that Mr. Bean was an unlicensed apprentice. The witness testimony and stipulated findings both support the conclusion that Mr. Bean was, at the very least, assisting the other workers who were working on a “rough-in” electrical site.

The Licensee has committed profession misconduct pursuant to RSA-319:12, II(c), Rule 405.01, and Rule 404.05(i). The Licensee is a master electrician who is statutorily tasked with directing and supervising journeyman electricians under his employ. See RSA 319-C:2, IV. The Board found that there were (5) “apprentices” working under the supervision of (1) journeyman electrician. RSA 319-C:2-a, II permits a journeyman electrician, on a work site, to supervise up to (2) apprentice electricians working under his direct supervision. The facts are undisputed that there were (5) apprentices on the worksite who were working under the supervision of (1) journeyman electrician. See paragraphs 2, and 5 of the Board’s Findings of Fact.



**VIII. THE BOARD'S SANCTIONS**

The Board issues the following sanctions pursuant to RSA 319-C:12, III and Elec 405.03.

The Licensee's License shall be subject to a one (1) year suspension of his license which shall be deferred. The suspension of the license shall be deferred if the Licensee complies with a limitation of his license for two (2) years by providing monthly reports to the Board pursuant to Elec 405.02 (b).

In issuing the sanctions set forth above the Board took into consideration that the Licensee has no prior record of professional misconduct and that the violations found were not code related.

DATED: 9/18/2023

/s/ Shane D. Goulet, Esq., \_\_\_\_\_  
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