

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

BOARD OF ELECTRICIANS

**In Re: Rafael Jochen De Oliveira
Master Elec. Lic. # 15577**

**ORDER OF EMERGENCY
SUSPENSION – 08/04/23**

Docket No.: 2023-ELEC-014

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 Rafael Jochen De Oliveira (“Licensee”) had fraudulently obtained licensure as a Master Electrician in the State of New Hampshire. On 08/04/23, 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 to 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 08/03/23 “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 1-19 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 Rafael Jochen De Oliveira’ 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 Rafael Jochen De Oliveira' 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: 8/4/2023

_____/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