

**State of New Hampshire
Mechanical Safety and Licensing Board
Concord, New Hampshire**

In the Matter of:

Ethan Rienert
(Allegation of Unlawful Practice)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public, the New Hampshire Mechanical Safety and Licensing Board ("Board"), and Ethan Rienert ("Respondent"), do hereby stipulate and agree to resolve certain allegations of unlawful conduct now pending according to the following terms and conditions:

1. Pursuant to RSA 310-A: 1-m, VIII, the Board has jurisdiction to authorize investigations into allegations of unlawful practice by persons not licensed to practice gas fitting in New Hampshire. Pursuant to RSA 541-A: 38, such allegations may be resolved by settlement and without commencing an adjudicatory hearing.
2. On April 20, 2023, a complaint was made to the Division of Enforcement at the Office of Professional Licensure and Certification alleging that Respondent had engaged in gas fitting in New Hampshire without a New Hampshire license. The complaint was forwarded to the Consumer Protection and Antitrust Bureau of the New Hampshire Attorney General's Office for investigation.

3. The investigation obtained information from various sources pertaining to Respondent's activities related to unlicensed activity in the State of New Hampshire.
4. Respondent stipulates that if an adjudicatory hearing were to take place, evidence would establish that Respondent performed unlicensed gas fitting in violation of RSA 153:37, I by the following facts:
 - A. Respondent is a master plumber licensed by the Board. In early 2023, he formed a company, ER Plumbing and Heating.
 - B. On or about March 7, 2023, Respondent installed a propane-fueled boiler for a client at 14 Circle Drive in Meredith, New Hampshire.
 - C. At the time of the installation, Respondent had completed the requirements for gas fitter licensure but had not yet been granted a gas fitter license by the Board.
 - D. Following the conduct at issue, the Board granted Respondent a gas fitter license.
5. The Board finds that Respondent committed the acts as described above and concludes that such conduct constitutes the practice of gas fitting as defined by RSA 153: 27, IV and does not fit any statutory exceptions to the licensure requirement.
6. Respondent acknowledges that this conduct constitutes grounds for the Board to impose civil penalties.
7. Respondent consents to the Board imposing the following penalty, pursuant to RSA 310-A: 1-m, VIII: Respondent shall pay a fine of five hundred dollars

(\$500.00), two hundred and fifty dollars (\$250.00) of which shall be suspended for five years on the condition that he not engage in any plumbing or gas fitting activity requiring licensure unless properly licensed. The fine shall be paid within thirty (30) days of the date that this *Settlement Agreement* is approved by the Board.

8. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall be a separate and sufficient basis for further administrative action by the Board.
9. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with a formal adjudicatory process based upon the facts described herein.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the conduct described herein. However, this conduct may be considered as evidence of a pattern of conduct in the event that similar unlawful conduct is proven against Respondent in the future.
11. This *Settlement Agreement* shall be maintained as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

14. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
15. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
16. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
17. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that under RSA 310-A: 1-m, VIII, he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the conduct described herein.
18. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 6/9/23



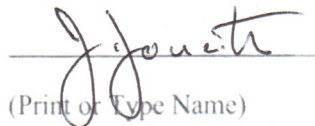
Ethan Rienert
Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 6/14/23

(Signature)



(Print or Type Name)

Authorized Representative of the
New Hampshire Mechanical Safety
and Licensing Board