

**State of New Hampshire
Electricians' Board
Concord, New Hampshire 03301
In the Matter of
Shawn A. Marvel**

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 Electricians' Board (hereinafter "Board") and Shawn Marvel (hereinafter "Respondent"), an electrician licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 319-C:6-a VI, RSA 319-C:12, 319-C:15 II(d) and the Board of Electrician's Practice and Procedural Rules the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by electricians. Pursuant to RSA 319-C:12 and Elec 207.07 the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice electrical installation in the State of New Hampshire on April 1, 2013. Respondent holds license number 13363M.
3. On August 3, 2020 Electricians' Board Chair member Peter Cicolini, requested that a formal investigation into the wiring for a solar plant located at 44 Municipal Drive in Hillsboro NH due to the report of a hazardous situation. In response to this, Chief Electrical Inspector for the State of New Hampshire, Michael Soucy conducted an investigation and obtained information from various sources pertaining to Respondent's violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules.
4. The investigation revealed and Respondent freely admits to the following facts: The Respondent failed to perform periodic inspections of work performed by journeymen and apprentice electricians he employed. The respondent also failed to recognize some National Electrical Code compliance concerns regarding the installation of PVC conduits for this solar plant. This is in violation of the provisions of

RSA 319-C and the Board of Electrician's Practice and Procedural Rules. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 319-C:12(II)(c), and Elec 405.01(a)(1), (a)(3).

5. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as an electrician in the State of New Hampshire and represents that he has taken steps to avoid any repetition of such conduct.
6. In September 2014 the Respondent was reprimanded by the Board and his license was suspended for a period of six months and required 45 hours in an electrical course of study. The suspension was deferred for a period of twelve months.
7. Respondent is willing to accept that this is his second offense for not recognizing National Electric Code violations as described in Elec 404.04. This shall be considered as a disciplinary action until October 1, 2027, as described in Elec 405.03(i).
8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12 and Elec 405.02(c)(1) and 405.03(f)
 - A. Respondent is **reprimanded**.
 - B. Respondent's master's license is **suspended** for twelve months until October 1, 2021. The Respondent shall submit his NH Masters license to the OPLC office within 7 days of the Board's approval of this agreement and the Respondent may apply to the Board for a journeymen license pursuant Elec 405.02(c)(1). The Respondent shall petition the Board on or after October 1, 2021 for reinstatement of his Master's license.
 - C. For failing to recognize the National Electrical Code violations the Respondent shall attend 8 hours of structured education by a Board approved provider on the 2017 NFPA 70 National Electrical Code, chapter 3 wiring methods. The 8 hours of structured education shall be

completed and proof of completion shall be submitted to the Board before his master's license can be reinstated as stated in B above.

D. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.



9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 319-C:12, and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Agreement as a factor in determining appropriate discipline should any further misconduct is proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board 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. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. 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.
15. 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*.

16. 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 agreement have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
18. Respondent certifies that he has read this *Settlement Agreement*. Respondent understands that 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 Building Code Review Board, pursuant to RSA 155-A:11-a. 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 misconduct described herein.
19. This 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: Sept. 22, 2020

DATE: 10/6/20


Respondent

FOR THE BOARD, AUTHORIZED REP of ELECTRICIAN'S BOARD

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