

State of New Hampshire
Office of Professional Licensure and Certification
Electricians' Board
Concord, New Hampshire 03301

In the Matter of:
Marcelo Araujo #14090M
6 Barnbridge Circle
Framingham, MA 01701

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 Marcelo Araujo (hereinafter "Respondent"), 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, 319-C:12, 319-C:12-b, 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 the Respondent a license to practice electrical installations in the State of New Hampshire as a Master on August 18, 2017 through reciprocity. The Respondent currently holds master license number 14090M.
3. In response to an inspection conducted on September 24, 2020 by Chief Electrical Inspector Michael Soucy and Electrical Inspector Henry Lesage, it was alleged that the Respondent failed to supervise four individuals who were not registered with the Electricians' Board while performing electrical installations at 12 Commercial Drive, Somersworth, NH. This is in

violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules.

4. The investigation revealed and the Respondent freely admits the following facts:

Mr. Araujo violated RSA 319-C:15 (I)(d) by employing four unregistered people to make electrical installations. He allowed the people that he employed to act as apprentices without registration in violation of RSA 319-C:7 (IV). He allowed the workers to perform electrical installations without direct supervision in violation of RSA 319-C:2-a and Elec 404.05(a).

The Respondent engaged in misconduct sufficient to support disciplinary proceedings under RSA 319-C:12.

5. The Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions, as stated in Elec 405.02, against the 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. There is no current record of a similar violation on file at the Board's office as of the date of this *Settlement Agreement*.
7. The Respondent is willing to accept that this is a first offense as described in Elec 405.03(c)(1). This shall be considered as a disciplinary action until seven years after the execution of this *Settlement Agreement* as described in Elec 405.03(i).
8. For the purposes of determining disciplinary action, multiple offenses that occur on one job site or in one incident shall be considered separate offenses as described in Elec 405.03 (g).
9. The Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12, Elec 405.02, Elec 405.03(c)(1), and 405.03(j):
- A. The Respondent is **reprimanded**.
 - B. The Respondent's license is **suspended** for a period of two (2) years. The suspension will be deferred for a four (4) year period provided the Respondent does not violate the provisions

of RSA 319-C or the Board's administrative rules and the Respondent advises the Board on a monthly basis in a written report by completing the Probation Reporting Form of the location of any current or projected jobs in NH as required under Elec 405.02 (b). The reports shall include jobs (completed or projected) from the first day of the month to the first day of the following month. The report form, supplied by the Board, shall be received in the Board's office by the first day of the month, with the first report due on the first day of the month following the execution of this *Settlement Agreement* and the last report due forty-eight (48) months after the execution of this Settlement Agreement. A report shall be filed each month even if no work is performed in NH.

- C. The Respondent will enroll in and complete five (5) hours of continuing education covering the National Electrical Code Chapter 4. The continuing education shall be completed within six months of the execution of this *Settlement Agreement*. The licensee shall provide a record of completion to the Board.
 - D. The Board may consider the Respondent's compliance or non-compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
10. 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. The deferred suspensions may then be brought forward in addition to any further disciplinary action.

11. 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 the Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this *Settlement Agreement* as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
12. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
13. The 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.
14. The Board agrees that in return for the Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
15. The 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.
16. The 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*.
17. The 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 and Respondent's admissions herein shall be of no effect and inadmissible in any proceeding or matter. The 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.
18. The Respondent is not under the influence of any drugs or alcohol at the time he signs this

Settlement Agreement.

19. The Respondent certifies that he has read this *Settlement Agreement*. The 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, the Respondent fully understands the nature, qualities, and dimensions of these rights. The Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
20. 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: 8/5/21



(Signature)

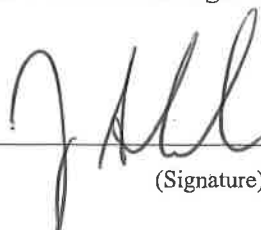
MARCELO ARAUJO

(Print)

FOR THE BOARD

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

Date: 8/11/21



(Signature)

Joseph G. Shoemaker, Director
NH Office of Professional Licensure and Certification
Authorized Representative of the NH Electricians
Board