

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

In the Matter of:

Michael Adams 15457J
230 Ballardvale Street
Wilmington, MA 00877

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 Michael Adams (hereinafter "Respondent"), a journeyman licensed by the Board, do hereby stipulate and agree to resolve certain allegations of 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, RSA 541-A, and the Electrician's Board Administrative Rules ("Elec") 105, 203, 207, and 405, the Board has jurisdiction to investigate and adjudicate allegations of 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 journeyman on September 27, 2011, through reciprocity. The Respondent currently holds journeyman license number 15457J.
3. In response to a complaint filed against the respondent on June 8, 2021, Electrical Inspector Denis Laurendeau conducted a limited visual inspection. The findings were discussed with the Respondent on June 23, 2021. Through the visual inspection, the below listed code violations were discovered. It was also discovered that the Respondent was acting as master electrician

while being licensed as a journeyman.

- A. A new 200amp panel was installed on the load side of the transfer switch with a 3 wire SEU cable. This is in violation of section 250.24(5) & 250.142(B). Sub-panels are required to have the grounded and grounding conductors isolated from each other.
 - B. A new 100amp sub-panel was also installed and fed from the new 200amp panel with a 60amp breaker. A 4-wire SER cable was used to feed the new 100amp panel, however, the grounded and grounding conductors were not separated as required in sections 250.24(5) & 250.142(B), and the panel bonding screws were not removed. The same is true for both panels.
 - C. In both panels, on the grounded terminal bar, at least 19 terminations of grounded conductors were doubled and mixed with equipment grounding conductors in violation of section 408.41.
 - D. The grounding electrode conductor from the one existing ground rod was left unattached in the transfer switch, leaving the service with no grounding electrode as required in section 250.24(A).
 - E. Securing and supporting of cables did not meet the requirements in section 334.30 & 230.51(A).
 - F. Splices were left exposed in open air instead of made up in a box as required in section 300.15.
 - G. Load calculations were not performed as required in section 215.2(A) to determine the minimum feeder size for each panel
 - H. Load calculations were not performed for sizing the automatic generator as required in section 702.4(B) and provisions were not made for load management as required in section 702.4(B)(2)(b).
4. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would present evidence of the following facts, from which the Board could find that he engaged in misconduct under RSA 319-C:12 and unprofessional conduct under Elec 405.01:
- A. Respondent violated RSA 319-C:2 (IV) by performing electrical installations without being employed and/or supervised by a master electrician.
 - B. Respondent performed the electrical installation in question without proper permitting by the local jurisdiction in violation of Elec 405.01
 - C. Respondent performed the electrical installation in question without meeting the minimum requirements of the National Electrical Code in violation of Elec 404.04.
5. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent engaged in misconduct when he violated RSA 319-C:2

(IV), Elec 405.01, and Elec 404.04.

6. Respondent acknowledges that the above-described conduct constitutes grounds for the Board to take disciplinary action against the Respondent's license to practice as an electrician in the State of New Hampshire, as stated in Elec 405.02.
7. Respondent represents that he has taken steps to avoid any repetition of such conduct in the future.
8. There is no current record of a similar violation on file at the Board's office as of the date of this *Settlement Agreement*.
9. 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).
10. 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).
11. The Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12, Elec 405.01, Elec 405.02, Elec 405.03(c)(1), and Elec 405.03(d):
 - A. The Respondent is **REPRIMANDED**.
 - B. Respondent's journeyman license is **SUSPENDED** for a total of eighteen (18) months. The Board will defer six (6) months of the suspension leaving the Respondent to have his journeyman's license suspended for twelve (12) months total. If the Respondent violates any of the terms of this *Settlement Agreement* the remaining six (6) months that was deferred will be brought forward. The period of suspension shall begin on the date this *Settlement Agreement* is issued as the Board's Order.
 - C. The Respondent may file an application for an apprentice card with the Board. The respondent will be allowed to work as an apprentice under the direct supervision of a master electrician and in compliance with RSA 319-C and the Electrician's Board Administrative Rules.

- D. For failing to recognize the National Electrical Code violations, the Respondent will enroll in and complete thirty-six (36) hours of continuing education covering the National Electrical Code Chapters 1, 2, 3, and 4 by a Board approved provider. The thirty-six hours of continuing education shall be completed and submitted to the Board before his journeyman's license can be reissued as stated in B and C above. The thirty-six (36) hours of continuing education shall be in addition to the continuing education requirements of Elec 403.
- E. 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.
- F. After the Respondent has fulfilled all terms and conditions of this *Settlement Agreement*, he may request from the Board that a journeyman's license may be reissued.
12. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute misconduct 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. 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.
13. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
14. The Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no

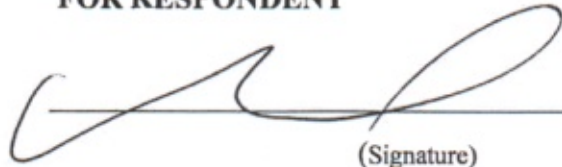
promises or representations have been made to him other than those terms and conditions expressly stated herein.

15. 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.
16. 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.
17. 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*.
18. 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.
19. The Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
20. 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.
21. 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: 10/29/2021



(Signature)

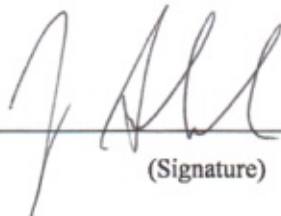
Michael Adams

(Print)

FOR THE BOARD

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

Date: 11/2/21



(Signature)

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